DEVELOPMENT REVIEW COMMITTEE (DRC)

Following are the minutes from the City of Las Cruces Development Review Committee Meeting held Wednesday, March 9, 2022, at 9:00 a.m. in Room 1158.

DRC PRESENT:  Mark Dubbin, Fire Department  
Rocio Nasir, Senior Engineer, Utilities  
Dominic Loya, MVMPO  
Hector Terrazas, Engineer, Public Works  
Mike Kinney, Project Manager, Community Development  
John Castillo, Permit Tech, Community Development

STAFF PRESENT:  Katherine Harrison-Rogers, Planner Senior, Com. Dev.  
Becky Baum, Recording Secretary, RC Creations, LLC

OTHER PRESENT:  Randy Farmer, Genesis Builders  
Barry Prahl, Genesis Builders  
J.G. Rodriguez, Genesis Builders  
Steve Calderazzo, CCG  
Mike Johnson, Souder Miller

1.  CALL TO ORDER (9:00 a.m.)

H-Rogers:  I'd like to bring this DRC to order.

2.  APPROVAL OF MINUTES – February 23, 2022

H-Rogers:  We have some minutes from February 23, 2022. Are there any edits, modifications, discussion about those? No. Seeing none. Do I have a recommendation for approval?

Nasir:  So moved.

H-Rogers:  Is there a second?

Terrazas:  Second.

H-Rogers:  Very good. All those in favor?

MOTION PASSES UNANIMOUSLY.

H-Rogers:  Any opposed. Motion passes.

3.  OLD BUSINESS - None

3.1  3497 Northrise - Storm Water Design Standard Variance
A request for approval of a variance from the design standards for underground storm water storage

Applicant is proposing to include storm water capacity created by utilizing stone aggregate located beneath underground storage chambers.

H-Rogers: All righty. We do have some old business from last week, that would be the first item on our agenda. 3497 Northrise. This is a design standard variance for stormwater drainage calculations. I'm going to go ahead and turn it over to Mike Kinney with engineering so he can discuss what the details are. Michael.

Kinney: Thank you Madam Chair. 3497 Northrise is for the stormwater design standard variances. The system that's being proposed is an underground storage/what I would call French drain type system. And last week we tabled it until Public Works and other members of the board would have an opportunity to review information and also to have the applicant provide O&M, operation and maintenance documentation which Mr. Johnson has provided.

Johnson: There was a concern is that the system wouldn't be maintained since it was privately owned. So we've written, I think it looks like most of you have that out in the world there, the City world. We looked at two different ways to enforce that, one was to put it on the plat, and the second was to provide a deed restriction, which we believe will be the easier one, would be the deed restriction. So we've provided kind of just a little draft we proposed to be filed as part of the deed. Obviously, I think this should be referenced to the O&M manual. So then I'd like permission to get out of jail and move forward.

H-Rogers: All righty. Well, let me look to other staff to see if there are any additional comments. I'm going to look at traffic to see.

Terrazas: There's no issues with traffic, I just want to get Mr. C's input on it. That's for Public Works. Yes.

Pacheco: I just wanted to ask that they add something in the, well actually the deed the front end manual for the manufacturer is added to the O&M, the sheet that was written up. And also that you add something in there that the inspections are submitted to the City of Las Cruces.

Terrazas: The semiannual ones.

Pacheco: Yes. So that we can, or some kind of language in there that you know that we want to see that it's being maintained is, I'm not sure how to do that exactly.
Johnson: You're quickly creating work for us.

H-Rogers: Steve, would you say that some sort of condition that indicates that the semiannual inspection report be provided to the City for review?

Pacheco: Yes.

H-Rogers: Or reference.

Johnson: To whom?

H-Rogers: Public Works.

Johnson: Steve Pacheco.

H-Rogers: Just Public Works.

Pacheco: Public Works and something also that if we can inspect it, we can have access to it to go and take a look at it.

Johnson: City can have, be granted access when requested.

Pacheco: Yes.

Terrazas: And Steve I have a follow up question if that's all you had. Are we okay with doing a deed restriction or do we want it to be in the plat? I mean.

Pacheco: I think the deed restriction will work. I haven't, I'd like to see it before you file it.

Johnson: Okay. No that's fine.

H-Rogers: I might recommend …

Johnson: Add these conditions in, let you file it. I mean sorry, that you. You cal file it too if you want.

Pacheco: Not file anything.

H-Rogers: So I'm understanding that you will work with Public Works to make sure that the language is suitable.

Johnson: That's fine.

H-Rogers: Prior to filing.
Johnson: That's fine. And a plat, just had to go get all the signatures and everything that we agreed to.

H-Rogers: Anything else Steve?

Pacheco: That was all I have.

H-Rogers: Okay. I'm going to look at some of the other staff just to see if there are any other comments or concerns. Fire.

Dubbin: No comments.

H-Rogers: All right. Very good. And I'm going to look to Planning. No comments. All right. And Utilities.

Nasir: No.

H-Rogers: We do have MPO here, but I imagine that they're not, no comment on drainage.

Loya: No comment.

H-Rogers: All right. With that, is there anything else you'd like to add Mr. Kinney or the applicant?

Kinney: No ma'am.

H-Rogers: Is there a motion for this variance?

Terrazas: Motion to include all the items that we discussed, and then a motion to approve with conditions that we get that provided and engineering or public works for reviews it and accept it.

H-Rogers: Very good. Is there a second?

Kinney: I'll second.

H-Rogers: All right. All those in favor.

MOTION PASSES UNANIMOUSLY.

H-Rogers: Any opposed? Motion passes unanimously..

Johnson: Thanks to everybody.
4. NEW BUSINESS

4.1 Case 22CS0500012: Camino Hills Subdivision Master Plan
- A request for approval of a Final Site Plan known as Camino Hills Subdivision.
- The proposed subdivision encompasses 10.954 +/- acres, is zoned R-1a (Single-Family Medium Density), is located west of Spitz St. and northeast of El Camino Real
- The Master Plan proposes 52 single-family residential lots with five tracts of land for drainage. The master plan shall be required to follow all to develop Hanson Ave. and Spitz St.
- Submitted by Sierra Steve Calderazzo, representative.

H-Rogers: All righty. Second item on the agenda is new business. We have Camino Hills Subdivision Master Plan as well as the Camino Hills Subdivision Preliminary Plat. I'm going to look to staff, did you want to discuss those together or separately?

Castillo: Discuss them together.

H-Rogers: Absolutely. So I'm going to go ahead and turn that over to planning. And we have John Castillo.

Castillo: We have a request today for a master plan and a preliminary plat known as Camino Hills Subdivision. The proposed subdivision encompasses 10.954 acres. It's currently zoned R-1a, which is our single-family medium density. It's located west of Spitz Street and northeast of Camino Real. The master plan proposes 52 single-family residential lots with multiple tracts of land for drainage. The master plan and preliminary plat are going, will be required to develop Hansen Street and build out a portion of Spitz.

H-Rogers: All righty. I'm going to turn to the applicant to see if you have anything you'd like to discuss before I turn it over to staff.

Calderazzo: Nothing to discuss other than just painless, request for pain free operation, Katherine. That's it.

H-Rogers: Okay. Thank you. So I'm going to go ahead and go around the room to look to staff to see if there are any comments or concerns related to the submittal. And I'm going to start with traffic.

Terrazas: I think we had a comment before. There is no planned future connection to Camino Real, right.

Calderazzo: No. No sir.
Terrazas: That was my only concern, just having that access. And the other, well my other concern was and I don't know if it got noted in the plat, those lots abutting Spitz that you're developing, they won't have direct access to Spitz, they're going to have to use Johnny Lee.

Calderazzo: Sure. Okay.

Terrazas: That's just, we don't want to have them all individual access. But that's all I had as far as traffic.

H-Rogers: Now, do you recommend adding that as a plat note. Sometimes we do do that because there shouldn't be direct access.

Terrazas: Yes.

H-Rogers: That's (inaudible).

Terrazas: Yes, that'd be my recommendation.

H-Rogers: All right. Very good. And anything else in traffic?

Terrazas: That's all I have.

H-Rogers: Okay. I'm going to look to Fire, Mark Dubbin.

Dubbin: I think the applicant has addressed all of the concerns from the previous review. So no issues at this time.

H-Rogers: Okay. Very good. MPO.

Loya: MPO has no comment on it.

H-Rogers: All right. And I'm going to look to Mr. Kinney with Engineering.

Kinney: Thank you, Madam Chair. I have one question about the curve down here. That meets, I don't recall right off the top of my head the radius of that. If it is 50 foot or less then you will have to get a variance from (inaudible).

Calderazzo: What would the minimum be here. What was the minimum radius you would want to just eliminate having to do a variance?

Kinney: 50 or less.

Calderazzo: 50 or less here. On the inner radius or this on?
Kinney: Centerline radius.

Calderazzo: Centerline radius. That's the only sheet I didn't print was the curve data.

Kinney: Okay, that's fine. I just don't recall what that is.

Calderazzo: I'll verify it. I'll email it to you. Is that okay? I can send to you.

Kinney: That's fine.

Calderazzo: C four.

Kinney: C four is a 50 foot radius.

Calderazzo: So we're good.

Kinney: So that will require a variance.

Calderazzo: I thought you just said 50 or less.

Kinney: 50 foot or less.

Calderazzo: So that's 50 foot.

Prahl: 49'11" and 15/63.


Kinney: If I read it correctly, it I interpret it correctly, a 50 foot, one inch was not required.

Calderazzo: I got you.

H-Rogers: Anything else from engineering?

Kinney: I don't know if, as I sit here I don't receive a master drainage report for that.

Calderazzo: The master drainage report is existing from the previous design set and we had discussed a while back being able to use that original master drainage report from Donohue.

Kinney: Okay.

Calderazzo: Does that, does that …
Kinney: Has it been submitted for them to do Excella.

Calderazzo: It's not uploaded into Excella exact because you guys have, I think you all have possession of it. So I'll have to work through that. Let me figure out where it is. To be honest with you I don't I don't have the master change report that was done previous.

H-Rogers: It's possible that we don't even have that file anymore.

Calderazzo: Okay.

H-Rogers: It's past our retention.

Calderazzo: Okay.

H-Rogers: But we would have to look into that. Michael, anything else?

Kinney: No, that's it.

H-Rogers: Okay. And Planning.

Castillo: At this time Planning still does have some outstanding issues with the preliminary plat. So Easton Lane that goes east to west, we have requested that it be changed to match the Dyne Road that, or Dyne. And that we also have requested to ensure that all the lots will be buildable. I know there were some previous ones located towards Hansen that were ...

Calderazzo: This one.

Castillo: A bit smaller than …

Calderazzo: Than the 5,000. It's just one or two I think.

H-Rogers: And those would require a formal variance unless they're modified because the zoning requires it.

Calderazzo: Right but he was supposed to move that over. There's clearly a discrepancy between center line on these lots here And that'll just resolve it. I mean, we can resolve that.

H-Rogers: Okay.

Calderazzo: They all should be 5,000 minimum. Okay.
Castillo: Yes, other than there are minor comments to the cover sheets that needed to be addressed.

Calderazzo: Okay.

Castillo: Planning did notice that there was discrepancy between acreages on the title block, the dedication block, and within the notes.

Calderazzo: Acreages.

Castillo: Yes.

H-Rogers: Yes, Mr. Kenny.

Kinney: I didn't want to interrupt.

Castillo: No, you're good.

Kinney: Thank you Madam Chair. Just I was curious as to what the status is of the preliminary plat in Excella (inaudible). Has it been approved or is it still in the revisions required?

H-Rogers: I'm going to turn to John Castillo to answer that question.

Castillo: At the moment it's still under revisions required, as well as the master plan. At the time of submission there are two applications in Excella, one should be labeled as master plan, which is the more recent one, the 22CS0500012. And then the preliminary plat which is the …

Kinney: This one here.

Castillo: The earlier case.

H-Rogers: Any other questions Mr. Kinney?

Kinney: Just procedural as to the, when this come before the DRC, shouldn't everything in Excella through the various reviews and stuff, should that be taken care of first?

H-Rogers: In a perfect world, yes. But sometimes if the applicant requests to move forward, this board can hammer out some of those issues and details, ultimately. But yes, there is due process and ultimately if the applicant chooses to move forward, then we move them forward. That doesn't necessarily mean that this board recommends approval. But yes, sometimes this board is used to at least try to resolve some of those issues.
Kinney:  Okay.

H-Rogers:  Does that answer the question?  John, are there any other comments or concerns or modifications required?

Castillo:  At this moment I don't have any comments related to the master plan as I haven't had a moment to take a look at it.  But when I get a chance to look at those, I would probably address those with the developer.

H-Rogers:  Very good.  And Utilities.

Nasir:  As far as the plat, I have several comments that need to be addressed.  One of them is if there's going to be tract dedicated to the City or to Utilities need to be specified and they're not on the plat.  And also we would like to have a note that we haven't, most of the plans which is the subdivider is responsible for utilities stub outs.  Subdivider is responsible for utility stub outs.  And for providing any and all easement necessary to provide utility service to lots contained herein or something similar to that.  And on previous, for the master, that's it for the plat.

For the master plan I have made comments before as far as the utilities master plan, and all of that.  And as it was mentioned the preliminary plat and the master plan are being reviewed.  And on the master plan nothing on the comments that I have made before have been addressed.

H-Rogers:  All right.  Thank you.  All righty.  Yes sir.

Kinney:  Thank you Madam Chair.  I don't know if this is the proper time to offer this out.  I know that this has gone, this zone has gone through multiple reviews.

H-Rogers:  Yes sir.

Kinney:  And rather than just have it you know through electronic revisions that require emails and stuff like that, I'd recommend staff and the developer with his engineer or surveyors have a sit down meeting and just hammer out all of these issues.

Calderazzo:  I second that.

H-Rogers:  That's an excellent idea.  Very good.  All righty.  So we have a couple of options here.  I'm going to speak first and then I'll turn it over to you as the applicant.  So at this juncture based on a number of components that are still not resolved, and are actually required by code, I would consider this, at least the master plan portion incomplete.  I don't think that you want to
move forward with a recommendation on that because that goes to Planning and Zoning and they consider that pretty carefully. I would recommend that perhaps we table this so that we can have that meeting, reconvene with those resolutions and so that everybody's on the same page. But I'm going to look to you applicant and hear what you have to say.

Calderazzo: That's a great plan. I think one final you know, I mean obviously, the process got askew. You know we were out of order in submission and this kind of thing has created a lot of problems, a lot of comments and different phases of this thing. So that is the best way I think to move forward. And just one final sort of group meeting, I'll have the engineer and the surveyor there and we can move this thing forward.

H-Rogers: Very good. So I'm going to, is there anything else you'd like to add before I go to vote?

Calderazzo: No ma'am. That was painless.

H-Rogers: All righty. So I'm going to look to staff to see if there's a motion, approval, denial, or for tabling? Yes, sir.

Kinney: Madam Chair. I make the motion to table.

H-Rogers: Yes sir.

Kinney: I guess tentatively for next week's DRC.

H-Rogers: Okay.

Kinney: Contingent upon if we're able to get everything taken care of, if not we'll have to move to the following week just on how fast things go.

H-Rogers: Very good. So I'll take a second to that.

Terrazas: Second.

H-Rogers: Very good. And is there all the "ayes" on the table?

MOTION PASSES UNANIMOUSLY.

H-Rogers: Okay. Are there any "nays?" With that the project has been tabled. And I will look to the project planner to schedule a meeting with all the applicable people so that we can have everyone in the room to take a look and resolve any of these lingering issues, as well as see if we can pull any
of the old files to see if there's any old drainage reports or other
documentation that can be utilized as part of this.

Calderazzo: And I'll see if I can get ahold of that drainage report myself. All right, and if
can't, just real quick question on the drainage report specifically. So if
there's one that exists, I think there is, we can use that, right, I mean
nothing has changed on that property from the original submission of, you
know there was a design for that subdivision, there was a lot of
parallelograms and all kinds of crazy things going on. But the drainage
report should be sufficient if it's okay.

Kinney: It may need to be updated.

Calderazzo: Okay.

Kinney: And it depends on, I've seen in several of the drainage, older drainage
reports or the storm, the synthetic storm that they used to calculate was
based upon what's called a typical type 2 storm, which is not what's
required by code. So it the report may need to be updated or revised and
updated.

Calderazzo: Okay.

Kinney: And the final drainage report would need to be submitted, which can be
based upon the master drainage report, assuming there is no change
needed to be done to the master drainage report.

Calderazzo: Okay.

H-Rogers: We'll see what we have in our files. We'll take a look.

Calderazzo: Okay. Cool. Thank you very much Katherine. Thank you all.

Kinney: Get this going.

Calderazzo: All right. Appreciate it.

4.2 Case 21CS0500069: Camino Hills Subdivision Preliminary Plat
- A request for approval of a Preliminary Plat known as Camino Hills
Subdivision.
- The proposed subdivision encompasses 10.954 +/- acres, is zoned R-
1a (Single-Family Medium Density), is located west of Spitz St. and
northeast of El Camino Real.
- The Master Plan proposes 52 single-family residential lots with five
tracts of land for drainage. The master plan shall be required to follow
all to develop Hanson Ave. and Spitz St.
SEE ABOVE DISCUSSION.

4.3 Permit # 22Cb0501270 - Bobren Center Phase 2 - 1323 E. Lohman (corner of Solano & Lohman)
- A request for approval for a right-turn only exit, driveway (onto Solano), which will be located less than 250 feet from Lohman (as required by Sec. 32-404.2.g).
- Issues for consideration in Phase 2.
  - Acceleration lane warrant
  - Provide queuing analysis at proposed access points, Solano/Lohman. Espanola/Lohman.
  - Provide traffic weaving analysis.
  - Provide TIA to address site access as well as internal circulation for current and phase 2 (future development).

H-Rogers: All righty. So one last item on the agenda. And that is the Bobren Center Phase 2, request for a right turn only exit driveway onto Solano. And I'm going to go ahead, and I'm not really quite sure if it was you Hector, or so I will go ahead and turn to Mr. Kinney to go ahead and give a description of the project.

Kinney: Thank you, Madam Chair. This is for the Bobren Center Phase 2 for the permit number 22CB0501270. It's a request for approval for a right turn only exit driveway onto Solano. That driveway will be located less than 250 feet from Lohman Avenue, as required by code which requires 250 feet. It's going to be more like 70 to 80 feet. And along with that, the applicant is also asking for consideration relief from some of the other requirements that were put on Phase 2 as a result of traffic's approval for Phase 1. Phase 1, some of the conditions that they, that traffic required was, one was to have a ITE trip generation rates, which were submitted on the final plan on I think sheet 1.0. As to whether or not those items are accurate or not, I'm not going to address that right now.

And the other issue is that we're an acceleration warrant, providing a queuing analysis for close access points of traffic alleviating analysis and TIA. Traffic Impact Analysis to address the site access as well as internal circulation and the applicant is seeking relief from those as well. In some of my discussions with Traffic last week, there was a consensus among the group as to what traffic section would like to see. I don't know if it's the time to bring that up or not.

Terrazas: Sure.
Kinney: The traffic section was agreeable to have the right turn exit only driveway to be approved with that on the condition that a one foot wide curb, concrete curb would be installed between the boundary lines at Solano and Lohman down to the northern boundary line along Solano.

Terrazas: Madam Chair. Let me expand on that. So I know the request is to get a variance from what code is. The reason we have that is because we don't want to increase safety issues out there. We have, I'm pretty sure everyone knows we have an issue with Si Señor and how that backs up. I'm glad that you're proposing just an exit only because that's going to not cause the same thing issue that we have at Si Señor. We can kind of mitigate that. And this is something that we discussed would be to mitigate. The traffic concern would be because of the steep exit only, if we don't have any kind of mitigation measures here, people will start using that as an entrance. Of course we can't control what people do, so that's the best measure. So that's something that we're proposing.

Farmer: I don't know that you could enter that, but it's your opinion. If you go look at that and see if you can enter in that. It'd be really hard; you'd go over all the curb. Because you've got these curbs running just like this one, this one's built just like that.

Terrazas: I understand that. I understand that.

H-Rogers: Can you state your name for the record?

Farmer: Yes. Randy farmer.

Terrazas: Mr. Farmer. I'm just talking about traffic going south on Solano, it'd be a straight shot. So, like Mr. Kinney mentioned, if mitigation measure in this case would be concrete header curb be put here to alleviate that. Then Traffic will be amicable to approve that. Without that, we would need a reasoning, technical reasoning on why the 250 feet can't be met. And I understand you're landlocked with that.

Like Mr. Mike said, I did review the trip generation. There's a couple of comments here. The square footage is wrong because it's only for Phase 2, it should be for Phase 1 and 2. And then of course, we got to use the latest one. And then if you use the latest one actually reduces your trips. Because it's 8/20 it was like 40,000 feet or bigger. And if you use the latest one, it's for a smaller strip mall. So that actually helped. So I kind of looked at it already, it doesn't create such an issue. If it was like a fast food restaurant, we wouldn't be talking just mitigation, there would be a whole different thing. But looking at that, traffic's okay with waiting all the other ones as long as we put the mitigation measure here, and we
probably just steepen this a little bit more, that way we don't have people trying to, even northbound trying to do that.

Dubbin: I have a question for traffic actually. Can we put the header curb, if the client agrees, can we start it further back so that we can still have that left turn? Because it's going to make it very difficult to.

Terrazas: Yes. So for that we'll work with the engineer of record. If this is something that they can move forward with, and we'll probably have them build it roll over, 25 feet from this. So Fire won't have issue.

Dubbin: I wouldn't want an official record that said it had to be built like right there.

Terrazas: Right. Right. So yes, but for this something where we can accommodate mountable rollover curb.

Dubbin: Okay. Thanks.

Kinney: So if I understand correctly, paraphrasing what Traffic section would be comfortable with was building the header curb there along Solano. Then the other items as far as just other, having to update the trip generation on the plan, the other issues that they're asking relief from.

Terrazas: Yes. So just …

Kinney: Traffic …

Terrazas: To just clear it up.

Kinney: Not insist upon those.

Terrazas: Right. Well, I would just want the updated trip generation for the latest edition with 8:22 on the plans as you have it now, just updated. And then of course the mitigation measures, all the other stuff, the full TIA access would be waived.

H-Rogers: I'm going to go; I know that we've got a couple of staff members that may have some interest in this. I'm going to go ahead and open it up to staff for discussion. Fire, did you have any other concerns or questions about this as long as the rollover curb is addressed and you don't have issues with the trucks turning at that location?

Dubbin: No, no, no other concerns.

H-Rogers: And I'm going to look to long range planning who is here as well.
Miller: Yes, I did kind of have a broad question about the site plan. I'm not sure if this has been discussed previously. Kind of speaking from the Comprehensive Plan, obviously, you know we support increased infill development. But this particular location is the potential location for a neighborhood center and the intersection of two mixed use corridors. The recommendations of the Comprehensive Plan do discuss activating that pedestrian access to development along these corridors. I know there's a lot of questions about queuing here, so I am curious if any discussion has taken place about this arrangement of parking in the front right directly off of the sidewalk, as opposed to pushing the parking in the rear, pushing this exit further back. I know there could be some issue with proximity to that alley, but that could assist with those queuing questions. It'd be interesting with that group and then you all have to …

Terrazas: Madam Chair.

Miller: Any thoughts on that?

Terrazas: And Mark. I think we have discussed this on the Phase 1, on the first portion that's already built out. And that was something that I think the applicant looked at and they didn't want to go for that. As far as engineering and traffic, we would have been fine for them to have access, shared access for that alley, because that alley's going to always have to have access for all the utilities that are in there. But I don't think that I'll leave it up to the applicant, I don't want to (inaudible).

H-Rogers: So as I understand we don't have any regulations in place at this point in time to request that or ask them of that and they designed the site and a portion of its already constructed. And unfortunately moving that building to a different location would interrupt a lot of things that have already, infrastructure that's already been put in place.

Miller: Existing utilities. Okay. I was just curious.

H-Rogers: But I would agree with your assessment, and we as staff actually had that discussion early on.

Miller: 

H-Rogers: A good solution to it, push those buildings to the front.

Miller: Got you. Yes, I don't put anything further at this point.

H-Rogers: Okay. MPO any concern concerns?
Loya: We do not have any concerns as long, because that is a very short section, as long as there's like no crossing traffic. So mitigation measures, we would support it.

H-Rogers: Very good. Planning.

Castillo: At this moment, I don't have any questions for, No questions or outstanding comments.

H-Rogers: And Utilities.

Nasir: We have no issues. We definitely will support what staff recommends.

H-Rogers: And Engineering, I'm going to go back to you. Were there any other lingering issues?

Kinney: No, ma'am other than initially my thought process was to possibly ask the applicant to install the vertical delineators, plastic work, like they have similar to, on Solano running north/south there in front of Si Señor or in other places in town. My understanding from speaking with the Traffic engineer and with Hector is that those devices are considered temporary. There's process in the works with Public Works through the CIP process to install a header curb on Solano in front of Si Señor and also in other places in town. So that's the reason for the request for the header curb, because that's a permanent (inaudible).

H-Rogers: Okay. Any other comments from staff? Are there any comments from the applicant?

Farmer: Yes. Okay. It's really not this. It's every single one. Every single job we've done. We've come, we come in here and talk to staff and they say yes, we want to infill, we want infill, we want infill. And I come every time and I say okay, here's what we're thinking over here. We did the Taqueria Chavez and we ended up having to buy the lot next door. We ended up taking the neighbor's drainage. We ended up doing everything you know that you guys asked for that we could do to get it and it worked out great.

Every lot that we have not a single lot has 250 feet to put that entrance in. You know the entrance is not, all the lots that are designed in the infill don't have that from the corners. Not a single one. Good instance is we did the Pioneer Bank. And we had some issues all the way, even all the way till the final on the exit that'd been there for 20 years. And we moved it and then in moving it then we didn't meet the thing and so we had to go back and you know we moved it because that's what was asked of us and we moved it, and then we ended up at the end having to put up a no turn right, no left turn out of that entrance and we did that.
But I mean, it's every single one of these. And the reason is because they have the rules and the rules don't meet any of this that we've got here. And so it's not like we're expecting them to just say the rules not there, the rule is there. But we have worked tirelessly to make these as safe as we can.

And we noticed when we were doing this in Phase 1, the traffic coming in and out of this works really well. The problem is the people that want to go north end up coming out this way. And you can look at all your traffic statics and everything, this is where all the accidents are, right, here’s where the accidents are. So we thought, okay let's just go ahead and block that off, we'll just not make that exit, we can do that. We can not make that exit. That will be fine with us. You know this may cost us so much that that's our only option is to just go ahead and block the exit off and just have the back end right there and that would be fine. But that's forcing the people out from this right here to go north. And that may be what you'd like. I'll do it. This right here, if you've come out to this intersection at any point in time, this up here, these people are coming down and they're coming off that thing and a lot of them are going to turn on Solano. So they're coming in, and there's, and you can't see because of how this is, the way it is back that way. So that is not, so we can just cut that off. If that's the so desire. We've already removed four entrances in the Phase 1 like they wanted and we're removing another one here, which then we have really no access off of Lohman except this one which we have. There's a decel lane here all the way up past the gas station. And it's marked off here so you don't really have any cars coming up here. This is (inaudible) prior to us even going in there. So this is a very safe exit.

We looked at this as being a very safe exit because this has a stoplight and this has a stoplight. And anytime you want to pull out of there, it's no issue. We didn't ever consider anybody pulling into that thing, but to cut that street and put that curb in there it's going to cost us more than most of the project so we would probably just chop that off. But that will force everybody out that entrance.

Pralh: Which might be better.

Farmer: Yes, which might, which is going to make that worse. We are very aware of what happened here. Because we don't want that to happen anywhere. And that's what we've, if you'll look at every project we have done, we have tried to mitigate and make it as safe as we can, but we also try to build out these projects. And see these alleys, it says that you can't use those as paved ways. And so you know, and right now if you'll look on that they've got all the dumpsters and everything for this and this. And the
reason we chose that in the first place is this is going to make this
business dangerous and this business dangerous if we tried to use that as
a dual access right there. And so we looked at all the ways we could do
this and we thought the best thing was to, you know we had no problem
blocking out the things on Lohman because nobody wants out there on
Lohman and basically that's what you're asking for even up on Northrise
and everything is no access coming out, just on the side streets. And so I
think that's a good idea.

But I don't see how we can continue to do these, especially with the
ingineers because they're going to all give up on us. Because what they
do is they draw it and it's denied, and we know it's going to be. You know
we know pretty much it's going to be denied because there's nothing to
meet. And we need some kind of form of way to come to the City and say
what will meet and then if you ask for 20 studies about how to do it, it
becomes cost prohibitive and the engineer doesn't know, you know when
he redraws and redraws and redraws you know he estimates the job in the
beginning and doesn't get paid. And so it doesn't make it any easier on
him. It doesn't make it any easier on us, except for what will happen is we
can have other people build the infill and I think we as a team have been
really careful at building every one of those infills and trying to make them
as safe as we can, but they're never going to meet the code. They're
never going to. We started on Solano, we built a strip center on Solano
and the first thing they wanted us to do was replace the water lines in the
street. And I'm going like we don't even, you know utilities came back and
asked us if we'd replace the water, and I go no. And so we said we'll just
give up on the project.

But I mean everything, there's demands made upon us to fix problems that
were already there. And I don't know how we can fix those problems. So
I have lots of other examples, but it's every single one we come into to try
to do the infill. So we need a step to make that happen. Do we go to the
DRC first? Because even if we ask for a variance, the problem is the
variance, it doesn't pass the code. So they've got to deny it. I mean, they
vote, you know I'm looking at it and I'm saying, okay I mean, I'm not
blaming them for denying it, I'm just saying, what do we do? How do we
make this so it really works and is still safe? And to me this was the safest
way to do it. But I mean that concrete thing is going to make it cost
prohibitive for our owner. And so what we'll probably do is just block out
that exit. And then we'll also kill this exit because if we put them out, if we
don't kill that exit it's going to be a nightmare. Right now people still turn in
that. There's no way they can touch this one. This one if you try, I don't
know that I could get in there backwards the way we did it. You maybe
ought to try it because I don't think you can. And I just think the steep as
we're making those that would be very dangerous to pull in there. Maybe
somebody’d try it, but we could also put no entrance sign out there. And so it’s up to you guys.

H-Rogers: No, I appreciate your comments. And yes these infill sites can be really tricky. And ultimately I think the City just wants to see that sometimes we’ve got these really bad situations and to make them better, and I think you're trying to do that. And so we appreciate that. And moving forward as we rewrite the codes; we've been considering how to at least make some of these infill sites a little bit easier to develop while still improving that situation. But we'll see what happens. And I encourage you to take part in assisting us during that review when those drafts get out for review, and make commentary. Because it's really important since you're one of the primary people that does *(inaudible)* these.

Farmer: The problem with those drafts remember is we need to actually, we can't go through and just spin our wheels because everybody, our time is all we have. We're just billing for time. We may build, but we're billing for time. And so I know we've had a couple of people come to us and ask for other things to get rebuilt over here. I said don't touch them, because that's going to require, it's going to demand a decel lane, and you don't, first of all you don't own the property next to you, so how do you go about putting in a decel lane over there when they go to rebuild over there? And how do you, you know because that's what it calls for. And that's what you want. And they only have access off of Amador. And there's some down the way, and they only have access off of Amador, and so how do you put a decel lane? I mean you know so what we need to do is bring to the property and say, okay what are you guys going to require on this property? And we need to be able to have somebody say, okay this is what we're going to require, and knowing, so that we can then go forward and not do something or do something. Because you're going to end up with some properties that can't be rebuilt.

H-Rogers: So I know that Michael had a comment and then Mark.

Kinney: I had a couple of comments left. Thank you Madam Chair. I believe Mr. Farmer you mentioned something about cutting the asphalt to install the curb. My understanding in speaking with traffic, is it possible to dowel into, the dowel rebar into the … is that correct?

Terrazas: Yes, I mean it's been done that the asphalt's not cut in, it's *(inaudible)* concrete, anchored in.

Farmer: It's only a foot wide.

Terrazas: It is a foot, well typically we would just prefer back to back curb.
Kinney: Back to back curb. Yes.

Terrazas: So at the top of it, you would see, and Jaime knows what I'm talking about, one and a half foot wide curve, one and a half the other one. So it's three foot wide with the top being six inch, the non-mountable part.

Farmer: Isn't that going to narrow those lanes?


Kinney: But it is possible. I understand, my understanding …

Terrazas: But it is possible …

Kinney: To dowel in rebar into the pavement without having … in other words it's possible do it without (inaudible).

Farmer: You could imagine the traffic analysis we're going to have to turn into to get that blocked off so we can do that.

Terrazas: You mean the traffic control.

Farmer: Yes.

Kinney: Doesn't need to be …

Terrazas: More likely it's just a typical traffic control. I mean …

Farmer: Yes except you have those people coming up on Lohman turning, you know people coming down Amador turning.

Terrazas: Right.

Farmer: So it's that little section of Solano is probably the busiest piece.

Terrazas: It's going to be a mess trying to deal with traffic. As far as the traffic control, I mean I can't speak for that, but it's going back to …

Kinney: It would require a traffic control plan and probably you might have restricted times as to do the construction work. Would definitely (inaudible) during peak hours. But I just wanted to point out that it's my understanding it's possible to (inaudible) without having to (inaudible) you know three, what is it, four feet or more and that overestimate. It's possible to be able to do that.
The other comment is that the existing driveway that is to the west of the exit only driveway on East Lohman, that will, regardless of the decision today from the DRC, that driveway will have to be closed.

Prah: This one.

Kinney: Yes, the existing one.

Farmer: Well, we have that.

Kinney: It will have to be closed. That would be a condition of approval.

Farmer: So if we just take that exit out, we're good.

Kinney: The right turn, the right out.

Farmer: That's what you want.

Kinney: No.

Farmer: Well, I mean, that's my, I know what I got a preliminary cost on that. And the traffic control is not cheap. And that concrete is not cheap to put out there. And they're worried about how they dowel in there because if they dowel in there, they've doweled it before in the concrete, you get a couple of trucks that ...

Prah: Wipe it out.

Farmer: It'll wipe it right out. And who's responsible.

Prah: Parking bumper.

Farmer: It's a parking bumper, really.

Terrazas: So yes, so right now we're discussing options. You discussed that maybe closing it up. If you guys do close it off and you just end up with the two entrances that are there now being used. I'm sorry, the two driveways, one exit only, and the other one that's a double, I would just require that we just update the trip generation anyway. I kind of looked at it already. There's very few trips going out. That's why we're okay, like I mentioned earlier. If it was a fast food restaurant, that'd be a whole different thing. We would still want all the stuff that we requested in the first place. During the first phase, the reason we requested it was because it was a shell building, we really didn't know what was going on here. That's why I went, sometimes you come to us and you tell us well it's a shell building, well.
Farmer: We don't know what's going to go up there.

Terrazas: I understand that. You guys don't know. We don't know.

Farmer: Sure.

Terrazas: Mark's trying to figure out how much to charge you guys for your firer impact fee. It's a moving goalpost. But yes that's why it was requested. But we're looking at the trip generation, it's not that much. That's why we're willing to, if you guys are still wanting to do that, then that mitigation measure would help with that. And now only that as is.

Rodriguez: I do have one question. Jaime Rodriguez, the engineer of record. Hector for the curb, we're not putting in a two way driveway, right. So we're not promoting any entrance so there's, we're not promoting any entrance from either direction. Why is it that the exit only signage, we're steepening the curb angle, the driveway angle with the curbs to promote the right turn exit only. I guess I'm trying to understand where the logic is coming from that there's an assumption being made that someone's going to just, because this isn't a get to the driveway location and make a left turn, this is making a huge assumption that the driver is going to basically take oncoming traffic on and try to cross two lanes of traffic to get into a signed exit only driveway. So I guess my question to you is where is the reasoning behind saying we need a curb to deter someone from doing this when it's not a driveway that's promoting an entrance, it's clearly going to be signed as an exit only and designed and built as an exit only.

Terrazas: Right.

Rodriguez: So that's my big question is where is it, where's, how do we substantiate requesting a stand up curb at this location?

Terrazas: So as far as that the reason.

Dubbin: I'll take that. I mean just I look at the, I hate the curbs. I mean, I'll just tell you. You know they make it very difficult for us.

Rodriguez: Sure.

Dubbin: But I look at the exact exit coming from the tower onto Main. You know that one's side, it doesn't have the nice angle like that, but people are always making a left turn across a four lane road there where it's clearly marked. In front of station one, across the street here. When they installed the CVS, we have a curb that extends all the way to the station one entrance. And people are always turning left, you know within 200
feet of a major intersection and they go around the curb coming into oncoming traffic.

Farmer: And it's a single lane entrance.

Dubbin: Well there's a curb.

Farmer: No, but is there a single lane entrance that they're pulling into that's curbed.

Dubbin: It's double because it encourages a right because...

Pacheco: It's open.

Dubbin: It's coming

Farmer: And it's open. This is a single lane.

Dubbin: I'm just telling you.

Farmer: It's a single lane curbed.

Dubbin: We get a lot of danger lovers that just love to go into oncoming traffic.

Farmer: Well you can't determine; they could go over the curb.

Dubbin: Some of them do. To answer your question, people just do it. And no matter how much you try to discourage it's difficult.

Terrazas: Another example with that, we just put some delineators on Idaho between the gas station and that. A lot of people you know when our contractor was putting them up, they're going maybe 150 feet opposite to just go into that gas station to put it. Of course, it's not meant for, it's not designed like this, but now if you think about it, the reason that that medium would help out to discourage people is because if you're going here this way, it's going to be very easily, even with the signs, to just make a left. It's very inviting for southbound traffic. So that need is really to restrict people southbound Solano going in there instead of going all the way around going the other way. And accessing off of Espanola. So that's, I don't know if that answers your question.

Rodriguez: I mean it answered my question in the sense that it's, your guy's experience and opinion, that's where this is coming from obviously is that's what I'm trying to get at. Because the Brake Masters has a, I mean they have a driveway right there off of Solano. They're constantly traffic in and out of that driveway.
Terrazas: Correct.

Rodriguez: So I mean that's just where the questions coming from, is what is this really based on? And I just want to make it clear that if it's something very specific that we can address, a code item or some section of it, then we can speak to that. But I just wanted to make it clear than what we're talking about here is your guy's opinion, granted experience based on other situations, but that’s where this is coming from.

Terrazas: Right.

Rodriguez: And it is a very distinct design compared to some of the other locations that we're discussing, because they are entrances as well. So I just wanted to make sure that we're clear on, that we're trying to draw comparisons here, but it's not necessarily the same.

H-Rogers: Yes Fire.

Dubbin: My comment I was going to make earlier was actually to respond to Mr. Farmer's very excellent question about what to do in these projects. And I think probably the best use of your time is what you suggested, to come to DRC early on and get some direction on these. Because they, a lot of them are frankly a case by case sort of a deal because they don't meet the code. So how do we meet the intent. And this is the body to get that direction. So I would encourage you to visit, to get on the agenda for DRC in the future. That's all

Farmer: Yes, I just don't think we're, I still don't understand why that isn't getting granted. Because if you watch all the trucks that deliver to this, they cut right up this alley right here. And so what you're going to do is probably get people coming out here and going this way to miss that.

Prahl: There was a business there, in and out right there at one time, too.

Farmer: Yes.

Prahl: When they took that, when they demoed that building, the two building.

Farmer: Yes, the business we had their went both ways.

Prahl: So this is even better than it was.

Farmer: I mean we tried to make it as safe as we could. That exit, I just don't see, I mean for a safe exit, it's a safe exit because of the two stoplights. Because I mean there's lots of time there when there's no traffic going out.
And I don't know how you can tell people, no matter how many signs or barriers or whatever, no matter how far we go down there, if they're really going to try to do that they'll go, they'll start further down. So I just, and that's you know, I'm sure our owner won't write the check.

H-Rogers: So I do have a question for traffic. I'm just curious. Is it possible that if a TIA was done for this, it could state that barrier, the concrete barrier isn't required in between the two lanes?

Terrazas: That could be part of it. I would kind of contest that assumption because going back to why we need this, going back to code. This is arterial like you mentioned, it is very heavy intersection. If we were doing this from scratch, we would have median access control all along Solano. Probably going to feed in every direction.

Farmer: If it wasn't infill.

Terrazas: If it was brand new. So I understand your concern that we're trying to fix stuff that's already there. That's why we're kind of meeting you halfway, if you really need that access. If you don't, if you're saying that it's going to be cut out, that mitigation measure ...

Farmer: Well it isn't we don't need it, it's that you're making it so that it's cost prohibitive.

Prahl: That's more dangerous.

Farmer: That's more dangerous. I just, when you go up there, try it. See how you do.

Terrazas: So you back Chair to that. If the TIA says this is a safer movement than over the there because it's going to cause accidents and that median is not approved then yes that could be a recommendation the TIA. As far as the City accepting it, I don't know if that'd be something I would agree with.

Kinney: I didn't catch that.

Terrazas: I don't think I would agree if a report said that no access control the intersection is safer than one that does have access control.

Farmer: So we'll just submit it back with that gone.

Terrazas: Okay.
H-Rogers: So are there any sort of lingering comments. This is, I'm not really quite sure how one would formulate a motion on this. I think it's maybe a menu of options, perhaps.

Farmer: If we take that access out, my question is, can we go forward?

H-Rogers: I'm going to traffic and engineering on this one.

Terrazas: My only concern was that. So for traffic, as long as we update this and that driveway is removed. And that the old legacy driveway south exit only is removed.

Farmer: It's already in the plats to take out.

Terrazas: Is removed, that's all my concerns. That's all that would satisfy us. I don't know if Mr. Kinney has anything else. And then as far as everything else, I don't know, I mean I can't speak for Utilities or Fire, all the building.

Farmer: I'm all done except for you just have to check the corrections. And I just need Stan to check the corrections. We've made the correction and they're already pre-submitted. So I just have, he still has time. I mean I just needed.

Castillo: I'll get there.

Farmer: But I just need him and Ben in there, the Corrections have all been made on everything else. So all we need is them to sign off and then we're done. If we actually didn't put anything in on yours, you just, you denied us to go to DRC. So if he's okay with that, we'll just submit that gone. And we're done.

H-Rogers: So what I would recommend that if a motion is made that it's based on this site plan. And so that if a new site plan is submitted eliminating that driveway, then that motion essentially goes away. So the motion needs to be based on this design and this specific request, even if you're choosing to modify it later.

Farmer: Yes, well we're just going to submit it right back immediately.

H-Rogers: Sure.

Farmer: Showing that's gone.

H-Rogers: So I would …

Nasir: So we're denying the variance basically.
H-Rogers: Or you're getting the variance with that access control, and then the updated, correct. You'd be approving the variance with access control and with an updated trip generation.

Terrazas: Yes.

H-Rogers: Yes. Okay. So if I could get a motion on this site plan. And of course if the site plan is modified, then it's a moot point. So that you understand if you come back in and eliminate that, then it's eliminated and your request is ...

Terrazas: Chair. I'll try and take a crack at it. I make a motion that if this layout dated, I think the latest layout is 2-7 22 C 1.0, if the if the exit only onto Solano is to remain, they do mitigation measure including, permanent stand up curb along the frontage side. And that they update the IT trip generation.

H-Rogers: Is there a second on that?

Dubbin: Second.

H-Rogers: All those in favor?

MOTION PASSES UNANIMOUSLY.

H-Rogers: Any opposed? All right, with that motion passes with the conditions. And as I'd stated before, if this gets revised and that access gets eliminated, then we move forward. All right, are there any other comments from the board?

Nasir: I do have one.

H-Rogers: Sure.

Nasir: Madam Chair. I just have a question for the board onto why are we bringing Public Works variances on to DRC?

H-Rogers: That's a really good question.

Kinney: I didn't hear the question.

H-Rogers: I will repeat it for you. The question is why are we bringing Public Works variances to DRC? And essentially there were some internal discussions that this would be a good and formal way to review and/or make a motion on the site variances. Because sometimes they tend to get stuck and
there’s a disagreement amongst departments about how they should be handled. And this way it formalizes that. Does that help?

Nasir: Yes.

H-Rogers: All righty.

Farmer: Thank you, everyone.

H-Rogers: Thank you gentlemen.

Farmer: And thank you, Mark that’s a good recommendation. Because we can spend two weeks kind of just going in circles and circles and goes to Hector and upstairs and down here again. A good solution for everybody.

Dubbin: It doesn’t have to be on the agenda as an action item, it can just be an item for discussion.

H-Rogers: Absolutely.

Terrazas: And if you guys want to just be with me, if traffic is your main thing, just set up a meeting with me.

Farmer: But the problem is how can you approve it because it’s, you know, and then if you go and say we want 20 studies, we’re done because no owner’s going to go in there and start writing a check for all that.

Terrazas: As long as you tell me what you guys are, as close as you can to what it’s going to be. I mean, a fast food place versus a dentist office.

5. ADJOURNMENT (10:00 a.m.)

H-Rogers: Let’s go ahead and adjourn this and then you can control discussion. I’d like to go ahead and get a motion for adjournment.

Kinney: (raised his hand).

H-Rogers: And Rocio would you like to second, Mike raised his hand first.

Nasir: Second.

H-Rogers: Al right. All those in favor?

MOTION PASSES UNANIMOUSLY.

H-Rogers: That’s unanimous. All right. We are adjourned. Thank you
Chairperson