



AGENDA

REGULAR MEETING OF
THE PLANNING COMMISSION
MARCH 18, 2021 AT 6:00 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT

Attendance: In response to the State’s declaration of a Public Health Emergency, the Mayor’s Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Planning Commission meeting will be conducted using Zoom.

Viewing on YouTube: Members of the public may stream the meeting live on the City of Santa Fe’s YouTube channel at <https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA>. The YouTube live stream can be accessed at this address from most computers, mobile devices, or smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted at <https://santafe.primegov.com/public/portal> at least seventy-two (72) hours before the meeting: <https://www.santafenm.gov/events>. The direct Zoom link is: <https://us02web.zoom.us/j/83138050511?pwd=UlhueHUwd2VLUG5JM1c4RURFZ1NKdz09> and use password: 349362.

Attending Zoom by Phone: Members of the public can attend the Zoom meeting by phone by dialing:

US: 1 346 248 7799 or 1 669 900 6833 or 1 253 215 8782 or 1 312 626 6799 or 1 929 205 6099 or 1 301 715 8592

Webinar ID: 831 3805 0511

Public Comment:

- By video: A person attending the Zoom meeting by using a computer, mobile device, or smart phone may provide public comment during the meeting. Attendees should use the “Raise Hand” function to be recognized by the chair to speak at the appropriate time.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please



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contact Noah Berke (505-490-5930, nlberke@santafenm.gov) at least seventy-two (72) hours in advance of the meeting and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.

- In writing: A person may submit written public comments in at least seventy-two (72) hours in advance of the meeting via the virtual comment “button” at <https://santafe.primegov.com/public/portal>.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES:

E. APPROVAL OF FINDINGS/CONCLUSIONS

1. [Case #2020-2999. 4250 Cerrillos Road Santa Fe Place Mall Apartments Development Plan.](#)

F. OLD BUSINESS

G. NEW BUSINESS

H. STAFF COMMUNICATIONS

1.
 - Informational Presentations, Eli Isaacson, Land Use Department Director:
“Understanding Chapter 26, the City’s regulatory and financial framework for supporting affordable housing.” Alexandra Ladd, Director of Office of Affordable Housing
 - “Land Use and Housing Affordability “ Daniel Werwath, Santa Fe Housing Action Coalition
 - “Affordable Housing – A Land Use Perspective” Carlos Gemora, Current Planning Planner Senior

I. MATTERS FROM THE COMMISSION



City of Santa Fe

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- Discuss proposed creation of an Ad Hoc Planning Policy Study Group, consisting of a non-quorum of Planning Commissioners appointed by the Chair, pursuant to SFCC Section 14-2.3(G). (Chair Brian Gutierrez)
- Notice of intent to make a Motion to Rescind the Commission's March 4, 2021 decision to deny Case #2020-2999, 4250 Cerrillos Road; Santa Fe Place Mall Apartments Development Plan. (Commissioner Janet Clow)

J. ADJOURNMENT

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

**City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law**

Case #2020-2999

4250 Cerrillos Road; Santa Fe Place Mall Apartments Development Plan

Applicant's Name – Santa Fe Mall Property, LLC

Agent's Name – JenkinsGavin, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on March 4, 2021, upon the Application (Application) of JenkinsGavin, Inc., agent for Santa Fe Mall Property, LLC (Applicant).

The Applicant seeks the Commission's approval of a Development Plan to construct a 161,433 square foot residential structure for 141 dwelling units (Project). The property is approximately 3.25 acres, is zoned SC-3 (Regional Shopping Center District), and is located within the Suburban Archaeological Review District (Property).

After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

General

1. Under the Santa Fe City Code (SFCC) Section 14-3.8(B)(3)(a), a development plan is required for proposed development with a “gross floor area of thirty thousand square feet or more and is located within any zoning district of the city.”
2. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC § 14-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
3. A pre-application conference was held on October 8, 2020 in accordance with SFCC Section 14-3.1(E)(1).
4. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
5. The Applicant conducted a virtual ENN meeting on December 2, 2020. No members of the public attended.
6. Code Section 14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of the Code (Submittal Requirements).
7. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report).

8. Staff recommended that the Commission approve the Development Plan, subject to certain conditions of approval and technical corrections set forth in the Staff Report and attached exhibits.
9. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met.
10. SFCC Section 14-3.8 establishes certain procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC Section 14-3.8(D).
11. At the Hearing, the Commission received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public prior to making a decision.

Conditions of Approval

12. At the Hearing, much of the discussion focused on two of the Conditions of Approval set forth in Table 1 of the Staff Report: Condition #4 (parking) and Condition #8 (sidewalks).

Condition #4: Designated Parking

13. Condition #4, recommended by the Current Planning Division, provided that “All required parking shall be designated and marked for the residential component and shall be located adjacent to the apartment complex.”
14. The Santa Fe Place Mall previously came before the Commission in 2019 and obtained approval of a Development Plan to reduce required parking from 5 parking spaces for every 1000 square feet of development to 4 parking spaces for every 1000 square feet of development, based on a parking study (Case #2019-722).
15. The required number of parking spaces for the Project is 184 spaces.
16. The Applicant seeks to meet the parking requirement by providing 144 on-site parking spaces, including 135 new spaces in a parking structure and 9 new “surface” parking spaces, and 40 off-site parking spaces.
17. The 40 off-site spaces would not be designated or reserved for use by the apartment complex and would be shared with the commercial shopping center.
18. The Applicant sought approval of the shared parking plan pursuant to SFCC Section 14-8.6(B)(4)(d), which allows for the approval of shared parking plans under certain circumstances.
19. At the Hearing, staff opined that the proposal to provide shared parking spaces was unreasonable because the spaces would be located too far away from the residential complex. This was staff’s basis for imposing Condition #4.
20. The Commission finds that, as proposed by Applicant, the off-site parking spaces could be located an unreasonably long distance from the residential complex and that forcing renters to walk long distances at night would present a safety concern.
21. At the Hearing, staff proposed an amendment to Condition #4 that would require the Applicant to provide all required parking spaces on-site by incorporating the required parking spaces into the subject parcel through the Applicant’s proposed lot line adjustment and designating all required parking spaces for use by the apartment complex.

Condition #8: Sidewalk on South Side of Building

22. Condition #8, imposed by the Metropolitan Planning Organization (MPO), would require the Applicant to “Construct east/west sidewalks along the north and south sides of the building to make a continuous sidewalk loop.”
23. The Applicant proposed to construct new sidewalk around the east, north, and west sides of the new apartment building, but not to construct a sidewalk along the south side of the building.
24. At the hearing, MPO staff explained that constructing the sidewalk along the south side of the building, between the building and the Ring Road, would provide a more direct route for pedestrians, which would decrease walking time and distance, and increase safety by preventing people from walking down the road.
25. MPO staff explained that there is a large density of new residential construction in this area, including the Project and the previously approved Turquesa Apartments, located to adjacent to the South side of the Project site. Additionally, a new transit center will be going in directly across from Cerrillos Road.
26. MPO staff noted that future residents and visitors will have many potential destinations surrounding the Project site, including restaurants, the mall, and the Arroyo Chamiso Trail.
27. MPO staff explained that multiple planning documents support the proposed condition to require additional sidewalk along the south side of the building, including the Santa Fe Metropolitan Pedestrian Master Plan, the Transportation chapter of the City of Santa Fe General Plan, the Sustainable Santa Fe 25-Year Plan, and long-range planning exercise conducted by City staff to re-envision how Santa Fe’s malls serve the community.
28. MPO staff recommended that it is critical for the Commission to address pedestrian connectivity as part of this project.
29. At the Hearing, the Applicant was not in agreement with the proposed staff condition to add a sidewalk along the south side of the building.
30. The Applicant testified that there is no room on the south side of the building for a sidewalk because there are only about three feet between the building and the existing Ring Road, which will be landscaped.
31. The Applicant testified that the sidewalk on the south side of the building may not be feasible due to the location of existing right-of-way and utility (gas, electric, and water) easements. As a result, there is nowhere to relocate or “slide” the proposed building footprint, and the footprint of the building is set.
32. MPO staff suggested that the Ring Road could be reduced in width to accommodate a sidewalk on the south side of the building, which would increase pedestrian safety and also provide traffic calming.
33. Staff stated that the Ring Road is a private road and that the street design standards in Chapter 14 do not require a particular width for the Ring Road.
34. The Fire Marshall stated that the Ring Road would need to be a minimum of 26’ wide and between 15-30 feet away from the building to comply with applicable provisions of the International Fire Code.
35. The Applicant testified that the Ring Road could be narrowed in width but that modifications to the Ring Road would require approval by the anchor tenants pursuant to the Operating Agreement for the shopping center.

36. The Applicant testified that the Project was already encroaching into some of the utility easements on the north side of the building and that some of the existing utilities would likely need to be shifted to accommodate the Project.
37. The Applicant testified that anything could be engineered given adequate resources but that the Project faced significant restraints concerning existing site conditions and economic viability.

Development Plan Criteria

38. SFCC Section 14-3.8(D)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before a development plan may be approved.
39. Pursuant to SFCC Section 14-3.8(D)(1)(a), the Commission finds that it is empowered to approve the development plan under SFCC Sections 14-2.3(C)(1) and 14-3.8(B)(4).
40. Pursuant to SFCC Section 14-3.8(D)(1)(b), the Commission finds that approving the development plan for the Project, without fulfillment of all conditions and technical corrections recommended by City staff, would adversely affect the public interest.
41. Pursuant to SFCC Section 14-3.8(D)(1)(c), the Commission finds that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project. The size and scale of the existing buildings are compatible with surrounding properties. The proposed buildings provide a transitional buffer to the Nava Ade Subdivision to the East and Southeast while providing a synergetic compatibility for the Santa Fe Place Mall to the north and business park to the south. The mix of architecture in the area along with proposed building architecture is a range of territorial/contemporary vernacular with similar attributes found throughout the area.
42. Under SFCC Section 14-3.8(D)(2), the Commission is authorized to specify conditions of approval for a development plan that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
43. The Commission finds that the conditions and technical corrections set out in the Staff Report and exhibits are well founded, and compliance with all conditions is necessary to accomplish the proper development of the area and to implement the policies of the general plan.
44. At the Hearing, the Applicant did not want the Commission to postpone the case for further study regarding ability to comply with staff's recommended conditions and stated a preference for a final decision.

CONCLUSIONS OF LAW

Under the circumstances, and given the evidence and testimony submitted during the public hearing, the Commission CONCLUDES as follows:

1. The Commission has the authority under Chapter 14 of the SFCC to review and approve the Applicant's proposed Development Plan subject to conditions.
2. The Applicant has complied with the Submittal Requirements.

3. The Applicant did not commit to complying with the all of the proposed conditions of approval that were recommended by Current Planning Division and MPO staff.
4. The development plan should be denied because the conditions recommended by staff are necessary to accomplish the proper development of the area and to implement the policies of the general plan, and approving the development plan without fulfillment of all conditions recommended by staff would adversely affect the public interest.

WHEREFORE, IT IS ORDERED ON THE 18th DAY OF MARCH 2021 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

The Development Plan for the Project is denied.

Brian Gutierrez
Chairperson

Date

FILED:

Kristine Bustos-Mihelcic
City Clerk

Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

Date