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PLANNING COMMISSION MINUTES
JULY 1, 2021**

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MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, July 1, 2021 - 6:00 pm
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Gutierrez on the above date at approximately 6:00 p.m. at a virtual meeting.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting.

Members Present

Commissioner Brian Patrick Gutierrez, Chair
Commissioner Mark Hogan, Vice Chair
Commissioner Janet Clow, Secretary
Commissioner Lee Garcia
Commissioner Carly Piccarello
Commissioner Dominic Sategna

Members Absent

Commissioner Pilar Faulkner (excused)
Commissioner Jessica Lawrence (excused)
One Vacancy

Others Present:

Mr. Jason Kluck, Interim Land Use Director
Mr. Noah Berke, Planning Manager
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

Commissioner Hogan led the pledge of allegiance.

C. APPROVAL OF AGENDA

Mr. Berke stated that Commissioner Chavez has resigned from the Commission, therefore the Commission has one vacancy.

MOTION: Commissioner Hogan moved, seconded by Commissioner Garcia to approve the agenda, as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Hogan, Piccarello and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES

1. June 3, 2021

MOTION: Commissioner Hogan moved, seconded by Commissioner Sategna to approve the minutes of June 3, 2021 as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Hogan, Piccarello and Sategna voting in favor and none voting against.

E. APPROVAL OF FINDINGS/CONCLUSIONS

None

F. OLD BUSINESS

None

G. NEW BUSINESS

1. **Case #2021-3651. PODS Storage Facility Development Plan.** James W. Siebert & Associates, Inc., Agent, for CCSF/599, LLC, Owner, requests Development Plan approval for a PODS storage facility on approximately 4.47 acres. The proposal consists of 52,800 square feet of building area to be constructed in two phases: Phase I will consist of a 40,000 square foot building and Phase 2 will consist of 12,800 square feet of building area or outdoor storage space on the north side of the building. The property is zoned I-1 (Light Industrial) and is located at 4900 Hart Road. (Donna Wynant, Case Manager)

STAFF REPORT

James W. Siebert & Associates, Inc., Agent, for CCSF/599, LLC, Owner, requests Development Plan approval for a PODS storage facility on approximately 4.47 acres. The proposal consists of 52,800 square feet of building area to be constructed in two phases: Phase I will consist of a 40,000 square foot building and Phase 2 will consist of 12,800 square feet of building area of outdoor storage space on the north side of the building. The property is zoned I-1 (Light Industrial) and is located at 4900 Hart Road. (Donna Wynant, AICP, Case Manager)

The Applicant is also requesting a Lot Line Adjustment, which is reviewed administratively (Case #2021-3652) between Lot 4 (4800 Hart Road) and Lot 5 (4900 Hart Road) in the Hart Business Park. Lot 4 will be increasing in size by 0.23 acres (10,019 sq. ft.) and Lot 5 will be decreasing in size by 0.23 acres (10,019 sq. ft.). The lot line adjustment will reconfigure the lots for the future design of the PODS facility.

The Applicant requests approval of 52,800 square feet of building area to be constructed in two phases: Phase I will consist of a 40,000 square foot building and Phase 2 will consist of 12,800 square feet of building area or outdoor storage space on the north side of the building. The property is zoned I-1 (Light Industrial) and is located at 4900 Hart Road. Part of the application includes a lot line adjustment to reconfigure the north lot line of Lot 5-A to better accommodate the proposed layout. Therefore, the approval of this Project is contingent on the administrative approval of the lot line adjustment.

As a storage facility with possible outdoor storage, the POD business is a permitted use in the I-1 district. Any outdoor storage however must be screened per Subsection 14-8.5(C)(3) with a solid wall or fence at least six (6) feet in height, around the entire yard with no object stacked or stored higher than the minimum height of the enclosing wall or fence.

Lot 5, including the adjustment that will occur to Lot 5, is vacant of any structures. Drop inlets have been constructed on Hart Drive and a culvert carries storm water to the south into a drainage swale and storm water pond. There are fire hydrants at the south end of the lot located between the curb and sidewalk at the west side of Hart Road and on the east side of Hart Road, south of the cul-de-sac. There is a 5-foot sidewalk along the length of lot 5 on the west side of Hart Road.

STAFF RECOMMENDATION

The Land Use Department recommended **APPROVAL** with the conditions of approval as outlined in the report . Ms. Wynant noted Condition #4 requires a solid wall of at least 6 feet in height with access through solid gates. The wall erected should be around the entire yard and no object stacked/stored higher than the minimum height of the enclosing wall or fence. Secondly, Condition #5, the approval of the plan is contingent upon the adjustment of the lot line and could be reviewed and approved administratively.

Two motions will be required in this case:

- Approve or deny the development plan for Case No. 2021-3651 subject to the required general findings, and subject to the conditions of approval and technical corrections recommended by staff in Section II and Exhibit A of this staff report.
- Approve or deny the Findings of Fact and Conclusions of Law for Case No. 2021-3651 as shown in Exhibit C of the staff report.

APPLICANT'S PRESENTATION

Jim Siebert, 952 Mercer Street, Santa Fe was sworn.

Gary Krupnick, Mike Gomez and Richard Kent were also sworn, in the event they were called upon to testify.

Mr. Siebert described the location and surrounding area of the project. He said no offsite infrastructure is needed. The decision to put the PODS development within the lot was twofold; they are easier to maintain on-site, and they can irrigate the landscape by putting it around the PODS. The access point is positioned to avoid trucks having to go in and out on a curved road. The secondary access is a base course road that goes to Aviation Drive. Two connections in different places provide for a looped water line in case one is disrupted.

He noted the Architectural Review Committee for the park was concerned about the color which may present darker than it is. Samples of the panels have been ordered and if the Review committee does not like the color it will probably be lighter.

Mr. Siebert concluded his presentation. He introduced Gary Krupnick, the owner and developer of the PODS, Richard Kent, the architect and Mike Gomez the engineer.

Mr. Krupnick, 687 Old Willows Path, NY, indicated there are two types of PODS marketed. Domestic PODS come in three sizes and have a roll up door. The product is 8 feet high and 8 feet wide and can be as long as 16 feet. PODS are delivered, loaded

by the customer and then scheduled by the customer for pickup. The unit is put into an acclimatized secure building such as this facility. PODS are stacked mostly 4 units high with no racks or shelving and are about 10-12 inches apart. The building has a high density sprinkler system that puts out 125 gallons per minute per each head.

Mr. Krupnick explained POD users who want to retrieve something from their unit must schedule access online for a specific day and time. Users are restricted from entering the building and the POD is placed outside the building. There are additional fees for the removal and replacement of the POD.

He explained he does not own the company. He designed the buildings and leases them long-term to the Ontario Pension Fund in Canada. The PODS Company was acquired by the fund about five years ago. They are one of the strongest financial operations in the world.

Mr. Krupnick stood for questions.

PUBLIC HEARING

Chair Gutierrez closed the public hearing seeing no one present to testify.

COMMISSION DISCUSSION

Commissioner Hogan asked about the screening of the exterior of the property.

Mr. Siebert explained where the PODS are stored there will be a 6-foot cedar fence with solid gates on both sides. The site is sunken, and actual visibility of the PODS is only about 6 feet high.

Commissioner Hogan asked if the cedar fence would be treated because of possible deterioration over the years and visibility from 599.

Mr. Siebert explained this is at the opposite end of the park and the building is not visible at that point. He asked Mr. Krupnick to address the fence treatment.

Mr. Krupnick indicated the fence is usually set on steel poles and deterioration should not occur. They maintain the properties at the highest level and have not had problems. He offered to look into an environmentally friendly treatment for the fence if the Commission wanted.

Commissioner Garcia asked if the lot line adjustment will be mostly on the ingress and egress from the main road.

Mr. Siebert said that was correct. They have found that the lot lines are always wrong in business parks and have to be adjusted.

Commissioner Garcia asked if the emergency drive would have a locked gate.

Mr. Siebert said he understood it would be a crash gate, in case of emergency and the need to get out of the lot.

Commissioner Garcia noted the building is fairly large. He asked Mr. Siebert to elaborate about fire safety.

Mr. Siebert said this is the most advanced fire protection system he has seen. He asked Mr. Krupnick to elaborate.

Mr. Krupnick explained this is an ESFR suppression system and exceeds the NFPA requirements and built to the highest standards you can get. The sprinkler water containers are separated vertically 10-12 inches to create a water wall when a sprinkler head goes off in any area. The national code requires on the perimeter that every 100 feet have an exit door at every exit door have a standpipe. Firefighters can progress into the building, hook up to the pipe and can put a wall of water in front of them.

Commissioner Garcia asked when the industrial area will be connected.

Mr. Berke said the Pavilions Industrial Park includes some improvement of Jaguar Drive, but it is not yet developed. The City has discussed building that improvement all the way to the airport, but he is not sure of the timing. It is a priority for Public Works, but the engineer who initiated that is no longer with the City.

MOTION: In Case #2021-3651, PODS Storage Facility Development Plan, Commissioner Sategna moved to approve subject to the required general findings and the conditions of approval and technical corrections recommended by staff in section 2, Exhibit A, of the staff report; and to approve the Findings of Fact and Conclusions of Law as shown in Exhibit C, of the staff report. The motion was seconded by Commissioner Hogan.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Hogan, Piccarello and Sategna voting in favor and none voting against.

2. **Case #2020-2639. 1160 Camino De Cruz Blanca Telecommunications Facility.** Gravity Pad Partners, LLC, Agent, for AT&T/FirstNet NML0255, Applicant, requests approval of a new telecommunication facility with a waiver to height, pursuant to Subsection 14-6.2(E) "Telecommunication Facilities". The property is approximately 19.04 acres, zoned R-1PUD (Residential – one dwelling unit per acre, Planned Unit Development), and

is within the Historic Design Review Overlay. (Dan Esquibel, Case Manager)

STAFF REPORT

Gravity Pad Partners, LLC, Agent, for AT&T/FirstNet NML0255, Applicant, requests approval of a new telecommunication facility with a waiver to height, pursuant to Section 14-6.2(E) "Telecommunication Facilities". The property is approximately 19.04 acres, zoned R-1PUD (Residential – one dwelling unit per acre, Planned Unit Development), and is within the Historic Design Review Overlay.

Gravity Pad Partners, LLC, Agent for AT&T and FirstNet, is requesting to construct a new "Telecommunications Facilities" (base station) located at 1160 Camino De Cruz Blanca, off the east end of the St. John's College parking area. The base station design before the Planning Commission is the second design iteration. The first design was presented and denied by the Historic District Review Board (HDRB) on August 11, 2020. The first design was a 75' high mono-pole tower and related equipment. The Applicant has now filed a second application with a new design that consists of a 65' high monopole design tower, open antennas and related ground equipment. The tower will be set back approximately 72 feet from the north property line. As set forth in Subsection 14-12.1, telecommunications facilities are defined as follows:

TELECOMMUNICATIONS FACILITIES The plant, equipment and property, including but not limited to, fiber optic lines, cables, wires, conduits, ducts, pedestals, towers, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunication services.

Review by the Planning Commission is required because the base station is in an R-1 District (Residential-1 dwelling unit per acre), and included in the request is a waiver to allow the antennas and tower to exceed the 35-foot height limit for nonresidential use structures in an R-1 District. The Applicant is requesting a waiver pursuant to Subsection 14-6.2(E)(8) "Waivers," to allow both the antenna heights and tower height a maximum height of 65 feet. The waiver will address both the proposed antenna height and any "co-location" on the tower exceeding the 35' height limit allowed by the district.

Subsection 14-6.2(E)(5)(k) requires towers to be set back from property lines by a distance that is at least equal to the height of the tower. The proposed distance to all surrounding property lines exceeds the height of the tower with the closest property line approximately 72 feet, which is the north property line adjacent to Camino De Cruz Blanca.

This public hearing addresses compliance with Subsection 14-6.2(E)(5) "General Requirements" and Subsection 14-6.2(E)(8) "Waivers".

The Planning Commission does not have authority to consider radio frequency (RF) emissions as part of its review of this case. Federal law provides that no state or local government may regulate the placement, construction, or modification of telecommunications facilities based on the environmental effects of RF emissions. In this context, federal courts in New Mexico have concluded that "environmental effects" include health effects. The Commission's review and decision to approve or deny must not be based upon the environmental or health impacts of RF emissions but rather upon the criteria provided in this report. The Applicants have complied with all process requirements of Chapter 14.

STAFF RECOMMENDATION

The Land Use Department recommended APPROVAL, subject to the recommended conditions of approval, included in Section II of the staff report.

Three motions will be required in this case:

- APPROVE or DENY the Telecommunication Facility under Subsection 14-6.2(E) subject to conditions of approval recommended by staff.
- APPROVE or DENY the waiver to height pursuant to Subsection 14-6.2(E)(8) subject to conditions of approval recommended by staff.
- APPROVE or DENY the Findings of Fact and Conclusions of Law listed in Exhibit A.

Mr. Esquibel provided an overview of telecommunications and how typically a city/county is covered by acquiring grids with frequencies they reuse. Frequencies are separated far enough from each other to avoid problems with a tower. Towers that reach capacity are broken into more towers. When all bandwidth and channels have been taken up the capacity has been reached. Ensuring that equipment supports users in the area, typically forces breaking the towers into smaller sectors.

Mr. Esquibel provided a brief description of 4G and 5G frequency. He said the intent of the Code is to try to hide the ugliness and industrial look many of the towers have. The Methodist Church off Cordova was cited as an example of hidden telecommunications that you wouldn't know was there.

APPLICANT'S PRESENTATION

Sean Milks, 205 Tierra de Corrales, Corrales, New Mexico, was sworn in. He is a local resident and one of the principal owners of Gravity Pad. They have built sites across New Mexico for about 16 years. He has been in the industry for over 24 years, doing quite a few sites in Santa Fe, one the St. John's Methodist Church. That site talks to the site proposed. He has been working on the St. John's College area since 2009 and gone through hundreds of renditions to resolve the need for coverage. He wants to build something that accommodates all of the FCC wireless carriers and the emergency responders, but it has been difficult. He has been working with the neighborhoods and

has held 2-3 ENNs (Early Neighborhood Notifications). Ultimately, no matter where the equipment is placed, someone will object.

He is also working with carriers and the State Historic Preservation Office (SHPO). The site is lower by 15 feet and barely peaks over the tree line and they chose the monopole instead of the larger monopine, specifically because the pole is significantly smaller and the least obtrusive. The ground equipment will be covered with a 6-foot coyote fence that matches the existing fence.

Mr. Milks said they have exhausted every scenario possible, and the proposed area is the best possible solution. It will provide coverage for the college, the surrounding neighborhoods and roads.

Mr. Milks stood for questions.

PUBLIC HEARING

Richard Groenendyke, 1128 W. Ridge Rd., Santa Fe was sworn. He lives a mile from the site of the cell tower and believes the proposal should be granted. First, the Dale Ball Trail is behind him, and telephone reception is dismal. They have no service, or dropped calls and in terms of public safety, service is a real need for the hikers. In emergencies first responders need to get to them quickly and that isn't possible without cell coverage. Secondly, St. John's College has over 400 kids, 50 or so faculty, plus visitors. The college is one of the City's best community assets and the phone reception is terrible. It is imperative students be able to contact others in emergencies. The college has a real need and has worked at finding a solution since 2009 and this is the best proposal.

He disclosed he is on the Board of St. John's College. There have been comments that the College is interested in profit and a ground lease and payments to the College. He said he has been authorized to tell them that if the cell tower is approved, every dollar received will be dedicated to student scholarships in the Santa Fe area. The college is not in this for the money; they want to increase the experience for the students and the brand of the College. This is a matter of public safety.

Mr. Groenendyke said aesthetics are important to the neighbors. He is one of them, but the number of people who will benefit from the public safety and the benefits of the cell tower, outweighs the aesthetics. No one is in favor of a 65-foot tower. He urged the Commission to use their best judgment and to realize there are people like himself and the College, who are very much in favor of the cell tower.

Christine Guevara, 26 Camino de Verdad, Executive Director of Health and Safety of St. John's College, said the safety concern is the primary reason St. John's College is interested in the cell tower and goes well beyond the student body. The College constantly hears concerns from prospective families. A parent's number one concern is

the safety of the campus. It is unsettling when parents learn their students will unlikely be able to call home from the campus. That makes them struggle to commit to the community. Also, the College welcomes community members to enjoy their bookstore, coffee shop and hiking trails and the community is reliant on cell coverage.

Daniel Campbell, 1160 Camino de Cruz Blanca, was sworn in. He is the Director of Public Safety with St. John's College. With over 20 years as a first responder, he is well aware of the need for good communication. The College needs cell coverage, first because the students cannot rely on land coverage. The phone service is outdated, and students have to use their cell phones. Calls received by the college switchboard are forwarded to the operator's cell phones when away from their desks. He is concerned about human threats - workplace violence to active shooters; natural threats of animals and natural disasters, and about emergency notifications. The campus system allows students to alert them of an emergency via their cell phone with the press of a couple of buttons. That is useless without proper cell coverage. He also knows, as a first responder of their reliance on cell towers. Someone on the trail with an emergency may have to use their phone to assist responders finding that location more quickly. In addition to the need of St. John's College, they are surrounded by other schools and other members of the community will benefit. He said he can appreciate not wanting to look at the cell tower, but when considering human life, there is no comparison. The cell tower is needed for the safety of students and community.

Cesar Cervantes, 6 Esquina Road in Santa Fe said he is the Director of Student Life and oversees an on call system for their senior live-in residents. They are the primary responders to a student in crises or with concerns. He regularly communicates with them and experiences dropped calls, making it difficult to assist. He recalled a number of times in an emergency or mental health issue being unable to connect, costing them precious time. He implored the Commission to grant the request.

Simran Thapa, 1160 Camino de Cruz Blanca, was sworn. She is a student at St. John's. She shared the uneasiness she feels as a woman when she walks back to her dorm late without cell reception on the open campus. In addition, she is participating in interviews that are conducted over the telephone because of the pandemic. There have been calls that were dropped and calls she wasn't able to return or call back and she has missed out on opportunities. There are many others with the same experiences. As an international student it is important to be able to contact her family, as well as meet obligations to maintain her status as an international student. That often involves receiving and making calls to and from the government. She has missed calls from her lawyer when going through a status change because of poor service.

Alexandre Cate was sworn. He is also a student and senior resident at the college. He reemphasized the importance of the student's ability to contact his family. It is a constant struggle the last few years with dropped calls. You can be in the same space and call back when a call is dropped, and the call is dropped again. The constant fluctuation of service is a big concern to all of the students.

Madeleine Carey, a property owner at 1674 Camino de Cruz Blanca was sworn. She said she is neutral but does oppose the monopine. She is happy for anyone whose lives would be improved by this, but it would not improve the coverage at her house.

Ms. Carey said she and her neighbors are in the same position as the students. She said her concern is procedural, with the high impact components that would be authorized around trails. The city road adjacent to this has no marked lines and the neighborhood association owns the private road and the trail. That is one of the two routes used by hikers. There is a spiderweb of trails to where this site is located, among others and the neighborhood has made clear there are a lot of design concerns. The City will negotiate a lot of things that the neighborhood would like input on -such as the road markings, bus route, etc. Also, she isn't sure how to support in public comment, increasing connectivity. She bought her home and works from home without connectivity. And it is not clear there will ever be a proposal that improves service for her.

Nicole Noah Roen, 1621 Camino de Cruz Blanca, was sworn. She said many neighbors, including her, have voiced at other meetings they are not in favor of this structure. She found it interesting that the presentation did not display a picture of the proposed structure. It was also interesting that St. John's will benefit quite a bit with this for their students and staff, yet they do not want to have the structure on their campus. She thought the safety of their students and the wireless is the college's responsibility to provide. On another point, this is not a matter of coverage going from none to a significant amount. The tower coverage is currently 88% and will be increased by 9%.

Louise Yakey, 2371 Camino Carlos Rey was sworn. She has a number of different roles at St. John's, and a daughter who will attend St. John's College next month. Before Covid she was at the college and had been embarrassed by the number of parents at the college trying to make phone calls. They were upset and walking around campus trying to get a signal. Also, she hikes at the College a lot and often has no cell coverage. She recalled being unable to get service when hiking and trying to alert her husband about a rattlesnake. He was coming down the trail behind her with their dog. She said she runs a nonprofit and hires St. John's students to mentor. Frequently she is unable to communicate with them about their schedules, or to reach people for scheduling or contact guest speakers. She said this is not how we want people to think about St. John's or about Santa Fe. She would like to think if her daughter needs to reach campus security, or contact someone, that was possible. She said this inexcusable.

Malcom Jamar Morgan, 1160 Camino de Cruz Blanca, was sworn. He is a college resident and wanted to state the concern is more than just safety. They have student health issues and staff struggles to contact the student. He reported as a new father of a foster child with some mental health issues, he experienced not being able to contact him. He said it was embarrassing to initiate a search with CYFD for a missing foster child when the reality was his child was not receiving his call. Senior residents also do rounds around the campus. They experience numerous times calls that are dropped with first

responders. He sees this as a major safety concern when time may be crucial. As they work with students and open campus to the community there will be greater concern. He hoped the situation could be remedied.

George Wilson, a property owner at 1615 Camino de Cruz Blanca was sworn. He said he is neutral and the need for safety is critical. His concern is this does not actually improve safety or increase coverage. Also no one has said if the tower is built, whether someone on the trail could actually place a call. His best reception is on his roof, so he understands the need. He said also mentioned was the 4G and 5G technology. St. John's can easily look at 5G nodes that provide safety within the campus. He thought it interesting that St. John's has many possible locations, but it's not clear if the campus has the best location for the community, or just for the campus. He thought if the College wants to solve the problem correctly and have coverage throughout the neighborhood and trails system, they should find the optimal location. The height of the tower has been reduced, which apparently would give them better coverage since talking about safety. They have talked about safety but are not solving the right problem.

He asked that the Commission look at resolving this correctly. They have been at this for many years. They could come up with a solution if the College is willing to partner with the community and solve this the right way. One that provides safety and moves the City forward.

Ruben Romero was unable to communicate due to technical difficulties.

Jamie Polk, 736 Calle Los Miradoras, was sworn in. He agreed they haven't looked at the optimal location. He thought there must be a better way in a campus building that could be hidden like St. John's Church, than to jam this into his neighborhood. He wanted Mr. Milks to explain why it cannot be on campus. He said he wondered how the Historic Districts Review Board turning this project down squares with this hearing going forward.

Rennie Finley, 1215 La Rambla, was sworn. She reinforced what Mr. Wilson and Mr. Polk said and also would question how this fit in with the HDRB. The safety of hikers and the convenience of St. John's is important and the whole problem should be addressed as a community.

Chair Gutierrez closed the public hearing. He indicated if Ruben Romero were able to connect at some point, he would reopen the public comment for him.

COMMISSION DISCUSSION

Chair Gutierrez asked if there was a photograph of the proposed tower.

Mr. Esquibel displayed an image from Exhibit G, 10.

Commissioner Garcia asked Mr. Milks how the best placement for the tower was determined and why this was chosen as the best.

Mr. Milks explained they used software that directed them on the triangulation of sites this tower would talk to, and the optimum site for communication with the other cell towers, with 99% coverage of the college campus, surrounding area and neighborhoods. He explained the increase is significant, it is not 9%, and yes, the trails will have coverage. The tower is designed to accommodate Verizon, T-Mobile, Dish Network and of course AT&T. This is 100% the best location with the neighborhood and the College. They looked at 9-12 locations and at other buildings, the water tower, the high school and the campus dorms.

Commissioner Garcia confirmed the height of the monopole is 65 feet. He asked if correct that HDRB denied approval.

Chair Gutierrez asked Attorney Paez to answer.

Attorney Paez explained an initial application was presented to the HDRB last summer but was denied. The first case had more than one location. This amended second application has a single location; the height has been lowered, and the proposed design was changed. This will go back to the HBoard in their first meeting in July. They will review slightly different factors and the height waiver through the lens of the Historic District.

Also, happening simultaneously is the process required by the National Historic Preservation Act. That was not initiated in the first application and now has been initiated. SHPO is looking at this and a MOU (Memo of Understanding) will be needed. The historic review was triggered because the State found adverse effects on the campus, which is a nationally registered historic property.

Chair Gutierrez asked how much increase there would be in coverage. They have heard from 88% to 98%.

Mr. Milks explained until the site is built everything is an estimate, but coverage and capacity will be significantly increased.

Attorney Paez indicated a caller who wished to speak.

Chair Gutierrez apologized and explained that the public comment portion of the meeting had been closed.

MOTION: In Case #2020-2639, 1160 Camino De Cruz Blanca, Commissioner Sategna moved to approve the Telecommunications Facility under subsection 14-6.2(E) subject to conditions of approval recommended by staff; and to approve the waiver to height, pursuant to subsection 14-

6.2(E)8, subject to conditions of approval recommended by staff; and to approve the Findings of Fact and Conclusions of Law listed in Exhibit A. The motion was seconded by Commissioner Garcia.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow (with comment), Garcia, Hogan, Piccarello and Sategna voting in favor and none voting against.

Commissioner Clow explained her vote was based on the fact that this is going to HDRB and SHPO.

H. STAFF COMMUNICATIONS

Attorney Paez introduced Jason Kluck. She said he has been working as the Assistant Land Use Director and will be the Interim Land Use Director.

Director Kluck said he was happy to support the Commission.

Attorney Paez reported discussions are ongoing about returning to City Hall and employees are slowly transitioning back into the office. A date will be set to open the front doors to City Hall with a host directing traffic through the facilities. The Governing Body has started operating in a hybrid model with Councilors at City Hall but staff and the public attending remotely. The Commission will remain virtual for July but likely they will meet in August either in person or a hybrid version. The Governor's emergency order ends in July and she believes the City will implement another limited emergency order to get them through the next meeting.

Chair Gutierrez asked for clarification that once they start meeting in person, they can no longer do both, in person and virtually.

Attorney Paez explained for Commissioners to attend virtually, a declared emergency order is needed. The ordinance amendment could be flexible and as State law, if impractical for someone to attend in person, that person could attend virtually. The City rule for virtual attendance is linked to a declaration of an ongoing emergency. Without that emergency Commissioners cannot attend remotely under the Open Meetings Act.

I. MATTERS FROM THE COMMISSION

- Policy Subcommittee Update.

Commissioner Clow thought the priority is the marijuana ordinance and they will address that next week with the help of Attorney Paez.

Attorney Paez added that City management and leadership discussing policy on how to handle cannabis and the ordinance amendments. She sees the subcommittee as the experts on the scope of the City's regulatory authority to zone cannabis, and the types of decisions they can make. The subcommittee can make recommendations where to include the amendments in Chapter 14. The Planning Commission's knowledge of the Land Use Code makes them well suited to recommending amendments to accommodate the City's policy choices, in terms of zoning.

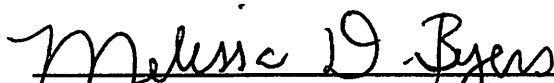
Commissioner Hogan said he appreciated the explanation. He wondered why the Commission would weigh in on the recreational marijuana issue. From that perspective it makes sense.

Attorney Paez said almost all amendments to the zoning code are required to come before the Planning Commission.

L. ADJOURNMENT

Chair Gutierrez adjourned the meeting at 8:02 pm.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:



Brian Gutierrez, Chair