

**SUMMARY INDEX
PLANNING COMMISSION MINUTES
APRIL 21, 2022**

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	2
B. Pledge of Allegiance	Recited	2
C. Approval of Agenda	Approved	2-3
D. Appointment of Secretary		3
E. Approval of Minutes	None	
F. Findings & Conclusions	None	3
G. Old Business		3
H. Study Session		3-7
	-Role of the Planning Commission and its Subcommittees	
	-Development Code Overview	
	-Legal Issues and Commission Meeting Protocols	
	-Planning Initiatives and Priorities for 2022	
I. New Business	None	8
J. Staff Communications	Comments	8
K. Matters from the Commission	None	8
L. Adjournment	7:30 p.m.	8

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, April 21, 2022 - 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 6:10 p.m. at a virtual meeting.

A. ROLL CALL

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

Members Present

Chair Brian Patrick Gutierrez
Vice Chair Janet Clow
Commissioner Zulema Hinojos-Fall
Commissioner Jessica Lawrence
Commissioner Peter Smith
Commissioner Jeremy Jay Toya

Members Absent (Excused)

Commissioner Pilar Faulkner
Commissioner Dan Pava
Commissioner Dominic Sategna

Others Present:

Mr. Jason Kluck, Interim Land Use Director
Mr. Daniel Esquibel, Senior Planner
Ms. Patricia Feghali, 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 Toya led the pledge.

C. APPROVAL OF AGENDA

MOTION: Commissioner Lawrence moved, seconded by Commissioner Hinojos-Fall to approve the agenda, as presented.

VOTE: The motion passed by unanimous roll call vote with Vice Chair Clow and Commissioners Hinojos-Fall, Lawrence, Smith and Toya voting in favor and none voting against.

D. APPOINTMENT OF SECRETARY

Chair Gutierrez thanked the Commissioners who expressed interest in serving as secretary. He appointed Commissioner Lawrence as Secretary of the Commission.

E. APPROVAL OF MINUTES

None

F. APPROVAL OF FINDINGS/CONCLUSIONS

None

G. OLD BUSINESS

H. STUDY SESSION

1. The Role of the Planning Commission and its Subcommittees (Dan Esquibel, Planner Senior)
2. Development Code Overview (Dan Esquibel, Planner Senior)

Mr. Esquibel shared a PowerPoint presentation which is attached hereto as Exhibit "1". The presentation covered the following items:

1. Role of the Planning Commission
2. Planning Commission Subcommittee
3. Planning Commission Authority
4. Conditions of Approval
5. Development Plan Types

Secretary Lawrence asked if the slides presented could be sent to the Commission and Mr. Esquibel agreed to send.

Director Kluck requested Commissioners also receive a link to the City Code.

3. Legal Issues and Commission Meeting Protocols (Patricia Feghali, Assistant City Attorney)

Attorney Feghali shared a PowerPoint presentation, attached as Exhibit "2". The presentation included the following items:

- Open Meetings Act (OMA)
- Ex Parte Communication
- Authority of the Commission
- Robert's Rules
- Inspection of Public Records Act (IPRA)

Commissioner Hinojos-Fall asked regarding her comment on there being no independent investigations through site visits if she is allowed to drive to South Meadows to see a project.

Attorney Feghali said she is not allowed to do that. Staff should provide enough information, site plans, etc. to get an idea. They could contact staff if they need something else and staff can provide that information to everyone.

Commissioner Hinojos-Fall asked an example of legislative matters.

Attorney Feghali said it would just be changes to Chapter 14. She explained recently a Councilor wanted to allow more daycare facilities in more zones without requiring a Special Use Permit. Another will be coming regarding junk vehicles and the criteria for determining they are nuisance and can be cited. The Commission will give recommendations to the Governing Body.

4. Planning Initiatives and Priorities for 2022 (Land Use Department Director Jason Kluck)

Director Kluck reviewed the Planning Initiative 2022 priorities.

He informed the Commission there will be a transition from Zoom meetings to live meetings after May 10, 2022. The first live meeting will be May 19, 2022. Any commissioners who do not have an iPad can contact him to receive one. The emergency ordinance is being modified to support hybrid meetings, if needed.

Commissioner Smith asked if having iPads is to keep the Planning Commission information independent from other computers. He wondered if he could continue to receive the information on his PC.

Attorney Feghali said he was welcome to do that if he has no problem connecting to the wireless at City Hall on his personal computer. The iPads were for convenience.

Commissioner Clow said that her iPad is old. She asked if the iPad will automatically connect to the Wi-Fi at the City.

Director Kluck said he wanted to be clear that IT has iPads available for anyone needing one. They are being updated and their sign in information will be as well.

Attorney Feghali suggested downloading the information prior to coming to the meeting at City Hall. They are not sure how well the connection will work yet.

Chair Gutierrez informed the Commissioners about the previous option to have a paper packet. He asked if that was still an option.

Mr. Esquibel said they could make a hard copy but prefer the digital version because it takes less resources.

Director Kluck added the City Clerk produces the paper packets and she would have to confirm they will still produce them on request.

Commissioner Smith asked after downloading material at home, if there would be additional material given to Commissioners during the meeting.

Attorney Feghali said there should not be. Everything needed for the meeting will be available days before the meeting.

Commissioner Lawrence said she downloads everything over the weekend and reviews it. She thought it helpful if staff could notify Commissioners if changes, updates, corrections etc. need to be added to the packet prior to the meeting.

Director Kluck continued his presentation and summarized the meeting with the Housing Coalition. He explained the Mayor wants to focus on General Housing and "*what will it take*" to provide a spectrum of housing options to meet the current and future needs of the community. There will be various solutions to the Chapter 14 updates, and he wanted the Planning Commission subcommittee to be one of the working groups.

He shared four slides with the Commission, which are attached hereto as Exhibit "3" – Residential Development Pipeline Pre-Applications and Approved April 18, 2022; Exhibit "4" – Residential Development Pipeline Permitted Units Under Construction April 18, 2022; Exhibit "5" – Permitted Dwelling Units by Type 1990 -2024 (within City Limits) (2022-2024 Projected); and Exhibit "6" – Residential Development Pipeline Units Built Since Fall 2017 April 18, 2022. He said there have been 760 *units completed* since 2017 with 93 affordable (3% vacancy rate) and there are 2829 units with 239 affordable *projects* under *Construction*. Currently about 2000 units are still in planning such as Tierra Contenta Phase III among others, including hotels that will convert to multi family.

Commissioner Smith asked if the Commission could receive copies of the slides.

Commissioner Hinojos-Fall asked Director Kluck to indicate the location of the South Meadows project.

Director Kluck continued the presentation showing Dwelling Types. He showed a Chart (#6) with Permitted Dwelling Units by Type 1990-2024. In 2020 there were 304 single-family units and 513 multifamily units permitted; in 2021 - 240 single-family and 500 multifamily; 2022 to date has 221 single-family units.

Commissioner Hinojos-Fall referenced the Mayor's goal to find balance between development without destroying the character of the City. She asked what is being done to ensure that balance. She thought not destroying the character of the city has not had as much weight in deliberations as the development. She asked if there is a plan to merge the two.

Director Kluck said everyone dedicated to Santa Fe understands and acknowledges that is needed and the City needs to grow and will change just over time. They obviously want to preserve the character, and that means different things to different people. He said once Land Use is fully staffed they want to address that and include engagement of the community and stakeholders. They will collaborate on how to have a sense of place, preserve character, and make Santa Fe livable and sustainable.

He reviewed Chapter 14 / General Plan Updates.

The RFP process has been completed and a candidate selected who will hopefully start by mid-July. The update will be in three phases. Phase 1 has two components, first to identify and resolve inconsistencies and conflicts in policy. Secondly look at missing or needed improvements/modifications to Code. Phase 2 will be strategy recommendations to support and achieve the planning development and priorities for the City. Director Kluck said he believes the General Plan update should be underway by Phase II of the Code update. Phase 3 will be to codify the changes made into Chapter 14. The new Code will be easy to insert into the General Plan.

Director Kluck explained the City does not have vast expanses of land to regulate now and largely this is about infill. He thought the emphasis should be on a dynamic growth policy highlighting opportunities to develop the existing community resources, access to those and a sense of place. This will include all of the City's resources; land, water, people, culture, economic potential, etc. and the stakeholders and community. He said the General Plan is an amazing document and does need to be updated. It does not capture clear, obtainable goals and initiatives. They want to identify those in the new General Plan, which are tied to a concrete implementation plan. They will include perspective outcomes of what they want to achieve. Finance has approved a budget for neighborhood-based planning and downtown planning. Those will easily fold into the General Plan as well as the MPO, utilities, etc. and other land-use based factors.

Commissioner Smith said subcommittees were mentioned and talked about Commissioners being involved. He asked where a member of the Commission can be solicited or share their interest. He said he did not have any idea if he will be asked, or if he could be involved in a particular activity.

Director Kluck said the Planning Commission Policy Subcommittee consists of four Commissioners. The City wants to work with them as a stakeholder. Updates will be provided from the Policy Committee at Planning Commission meetings, where the full Commission can discuss and give their perspective.

Director Kluck suggested individual commissioners contact staff with any information they would like to add.

Vice Chair Clow asked the amount of time envisioned for the process. She thought it will take a while with the number of stakeholder meetings and input from different groups.

Director Kluck said he understood the General Plan in 1999 took seven years. The current General Plan is a good document. They can preserve much of the foundation. He said he projects it will take three, possibly five years. Many of the previous initiatives stalled out, but they completed everything they wanted. In that sense, the General Plan is still relevant and will continue to be for another decade, although the data points are out of date. He thought the changes would not take that long if based on the wisdom in the existing General Plan. There should be a balance of input from stakeholders and a focus to move it forward.

Vice Chair Clow asked if the update would be in phases, or not be approved until its completion.

Director Kluck said that is an open question. He thought phases were reasonable, but the challenge is the different facets of connections.

Vice Chair Clow confirmed that all amendments to Chapter 14 would come to the Planning Commission before a recommendation to the Governing Body. That will be time-consuming.

Commissioner Hinojos-Fall asked to clarify that a Policy Subcommittee is currently in place.

Commissioner Lawrence responded explaining there is a subcommittee. There are four commissioners (Vice Chair Clow, Commissioners Lawrence, Faulkner and Sategna) are on the subcommittee. She suggested having Commissioner Faulkner who heads up the effort, speak about the Policy Committee in a future meeting.

Director Kluck talked about the subcommittee's work on the cannabis policy. He said the subcommittee was actually his last item in his presentation. They have discussed potential improvement of the process for Early Neighborhood Notification (ENN) and work on areas for cannabis consumption within the City. Possibly work on an ordinance for outdoor dining which has become popular since the pandemic. Some things will be incorporated into Code. They also want to streamline the application process for development plans.

I. NEW BUSINESS

None

J. STAFF COMMUNICATIONS

Mr. Esquibel said he is working on checklists to make applications uniform in the way staff receives them. He also said the Commissioners will have a clearer picture with easier navigation of the packet and will receive the same materials as staff. This will be a way of automating the application process without compromising the quality of the view.

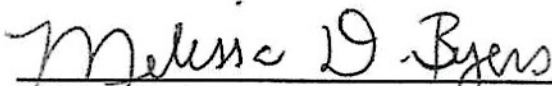
K. MATTERS FROM THE COMMISSION

None

L. ADJOURNMENT


Chair Gutierrez adjourned the meeting at approximately 7:30 p.m.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:


Brian Gutierrez, Chair

PLANNING COMMISSION

March 21, 2022, Training



- ▶ The Role of the Planning Commission
- ▶ Planning Commission Subcommittee
- ▶ Planning Commission Authority
- ▶ Conditions of Approval
- ▶ Development Plan Types

PRESENTATION OVERVIEW

- ▶ Chapter 14 establishes the Planning Commission by ordinance.
- ▶ The governing body hereby delegates its authority for planning within the planning jurisdiction of the city as set forth in Section 3-19-1 NMSA. Except for those powers retained by the governing body in the Santa Fe City Code.
- ▶ The Planning Commission is the principal city land use administrative board and has the powers and duties set forth in Table 14-2.1-1, to be carried out in accordance with the terms of Chapter 14.

THE ROLE OF THE PLANNING COMMISSION

- ▶ *Shall make recommendations to the planning commission regarding long-range policy recommendations as set forth in Subsection 14-2.3(C)(6).*
 - ▶ *May provide to administrative and governmental officials of the city recommendations for public improvements and the financing of such improvements. Public officials shall, upon request, furnish to the planning commission within a reasonable time such available information as it may require for its work; and*
 - ▶ *May make reports and recommendations relating to the development of the city to public officials and agencies; public utilities ; civic, educational, professional and other organizations; and citizens with regard to:*
 - ▶ *growth management, land use, transportation, development review procedures, urban design and capital improvements ; and*
 - ▶ *neighborhood and community planning and other community issues as they relate to long-term planning.*

PLANNING COMMISSION LONG-RANGE PLANNING SUBCOMMITTEE

- ▶ Review and decision-making authority over :
 - ▶ Development Plans, Subdivision Plats and Telecommunication Facilities not in the Historic District or can otherwise be approved administratively.
 - ▶ Amendments and Modifications of Approved Plans (time extensions, plats, restrictions and other matters previously approved by the Planning Commission.).
 - ▶ Variances and Special Use Permits as Part of Subdivision or Development Plan .
 - ▶ Variance or waivers to the Escarpment Overlay District, Terrain Management, Santa Fe Homes Program, Infrastructure Design criteria, waivers for Development in Special Flood Hazard Areas, waivers to design criteria for retail over 30,000 square feet and Telecommunication waivers.
 - ▶ Appeals (final actions of the Land Use Director applying to Development Plans , Lot Splits, terrain management, escarpment overlay district or final actions of the floodplain administrator).
 - ▶ Recommendations to Governing Body (Ordinances, Resolutions, annexations, general plan amendments, rezonings, most amendments to Chapter 14)

PLANNING COMMISSION'S AUTHORITY

- ▶ Chapter 14 is a large collection of ordinances codified into one unified Chapter and integrated within the City Code.
- ▶ Staff condition of approval often address minor deficiencies or deviations required for compliance to infrastructure and or design criteria in the application that can be address at later stages of the application, construction or inspection process.
- ▶ Planning Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan (Development Plans and Special Use Permits).

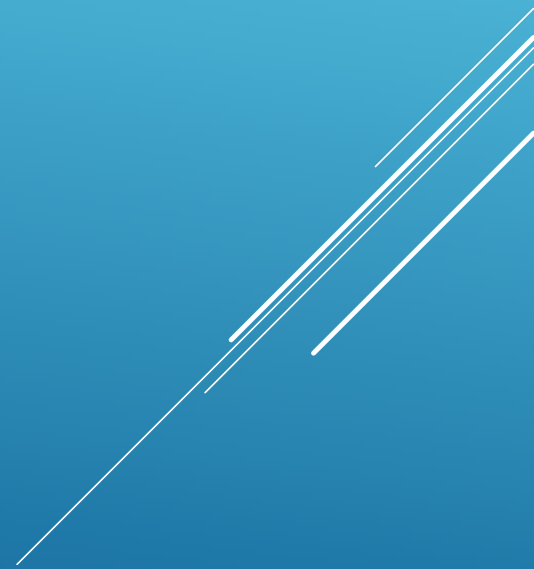
CONDITIONS OF APPROVAL

▶ Development Plans

- ▶ Subdivision Development Plans (R-7 thru R-10, R-12, R-21 & R-29)
 - ▶ subdivision design standards such as Setbacks, height etc.
- ▶ Nonresidential projects (10K gross square feet within 200 feet of a Residential District or 30,000K gross square feet anywhere in the City, flea markets, outdoor commercial recreational uses in any zone greater than 15,000k)
- ▶ Development Plans may be broken into preliminary and final review for a decision.
- ▶ Preliminary Development Plans are required with Planned Unit Development Plan,
- ▶ Preliminary Development Plans may be included with Master Plans
- ▶ Development can be both preliminary and final if the Applicant meets that level of review
- ▶ Plans include:
 - ▶ existing and new structures , grading , landscaping , lighting, pedestrian and vehicular circulation, parking and loading facilities types, extent and intensity of land uses that are proposed, infrastructure and design criteria etc.

DEVELOPMENT PLAN TYPES

END OF PRESENTATION



PLANNING COMMISSION

Study Session

April 21, 2022

Main topics:

- Open Meetings Act (OMA)
- Ex Parte Communication
- Authority of the Commission
- Robert's Rules
- Inspection of Public Records Act (IPRA)

Open Meetings Act

- Any quorum must be advertised beforehand and the public must be invited
- All action items must be noticed at least 72 hours ahead of time
- “Rolling quorum”
- Emails or texts that are circulated with a copy to all members becomes a rolling quorum or virtual quorum and is prohibited

Ex Parte (one-sided) Communications

- When the Planning Commission acts as a decision-maker on matters affecting people's property interests, Board members must be (and appear to be) impartial.
- Any conflicts of interest, or apparent conflicts of interest, must be disclosed prior to the hearing, and interested members must recuse themselves.
- The Commission's decisions must be based upon evidence and testimony presented at the public hearing. This is to assure that all members are basing their decision on the same information.

Ex Parte (one-sided) Communications

- Ex parte communications are communications occurring outside the context of the public hearing.
- They include:
 1. Written or verbal communications;
 2. Independent investigations; and
 3. Site visits.
- Send any emails you receive from parties or constituents about a Land Use case to staff. Do not read or reply.

General Communications

- In legislative matters, members can speak to the public.
- With adjudications (when a citizen asks for a certain privilege or approval for a project) members cannot talk to the public, the applicant, or the neighborhood.
 - No outside research or site visits. All information must be on the record.
 - No attending neighborhood notification meetings unless you will recuse yourself from voting in the case.

General Ethics – Conflict of Interest

- You cannot participate in items that would
 - Benefit you or your business,
 - Benefit a family member or their business,
 - Benefit a civic or religious group that you are involved in.
- A case involving your neighborhood:
 - You can vote if it benefits a lot of people (this is an exception to conflict of interest)
 - If it impacts only you and would impact your property values you should recuse yourself.
- If you recuse yourself, leave the room and wait for the item to be done.

Authority of the Committee – SFCC 14-2.3

- Final Decisions: Approve/Deny
 - Development Plans and Subdivision Plats
 - Amendments and Modifications of Approved Plans
 - Variances and Special Use Permits as Part of Subdivision or Development Plan Review
- Recommend approve or deny to Governing Body:
 - General Plan Amendments
 - Rezoning
 - Proposed Amendments to Chapter 14

Authority of the Committee

- What must be considered:
 - All applicable criteria, e.g., exception criteria, design standards, etc.
 - The general plan or other applicable plans, if relevant, should be taken into account.
 - Any deviations from the criteria should be specifically addressed in Findings
- Things that are not relevant:
 - Who the applicant is, e.g. a released felon or a well-known local charitable donor.
 - Who opposes the application, who supports it, and how many of each testify.
 - Information not on the record at the hearing.
- Items should be postponed if:
 - New information requires further deliberations.
 - There is insufficient time to hear all testimony.
 - Additional research is required.

Robert's Rules – City Rules

- The Planning Commission follows Robert's Rules, and also the City Rules and Procedures amended in Resolution 2009-20.
- A quorum is a majority of members (5 for this committee).
- The Chair votes only in case of a tie or when their vote is required to have the necessary number of members (quorum) voting on the issue.

Inspection of Public Records Act (IPRA)

- Public is entitled to greatest possible information about government affairs
- Public has right to inspect
 - Interpret IPRA in light of this public policy
 - Exceptions are narrowly construed
- Providing records is responsibility of all public officers and employees
- Requests would come through the City

Exhibit 3 -- Planning Commission -- 4/21/22
Residential Development Pipeline
Pre-Applications and Approved
April 18, 2022

Note: Not all "Pending Land Use Board" projects include affordable unit data.

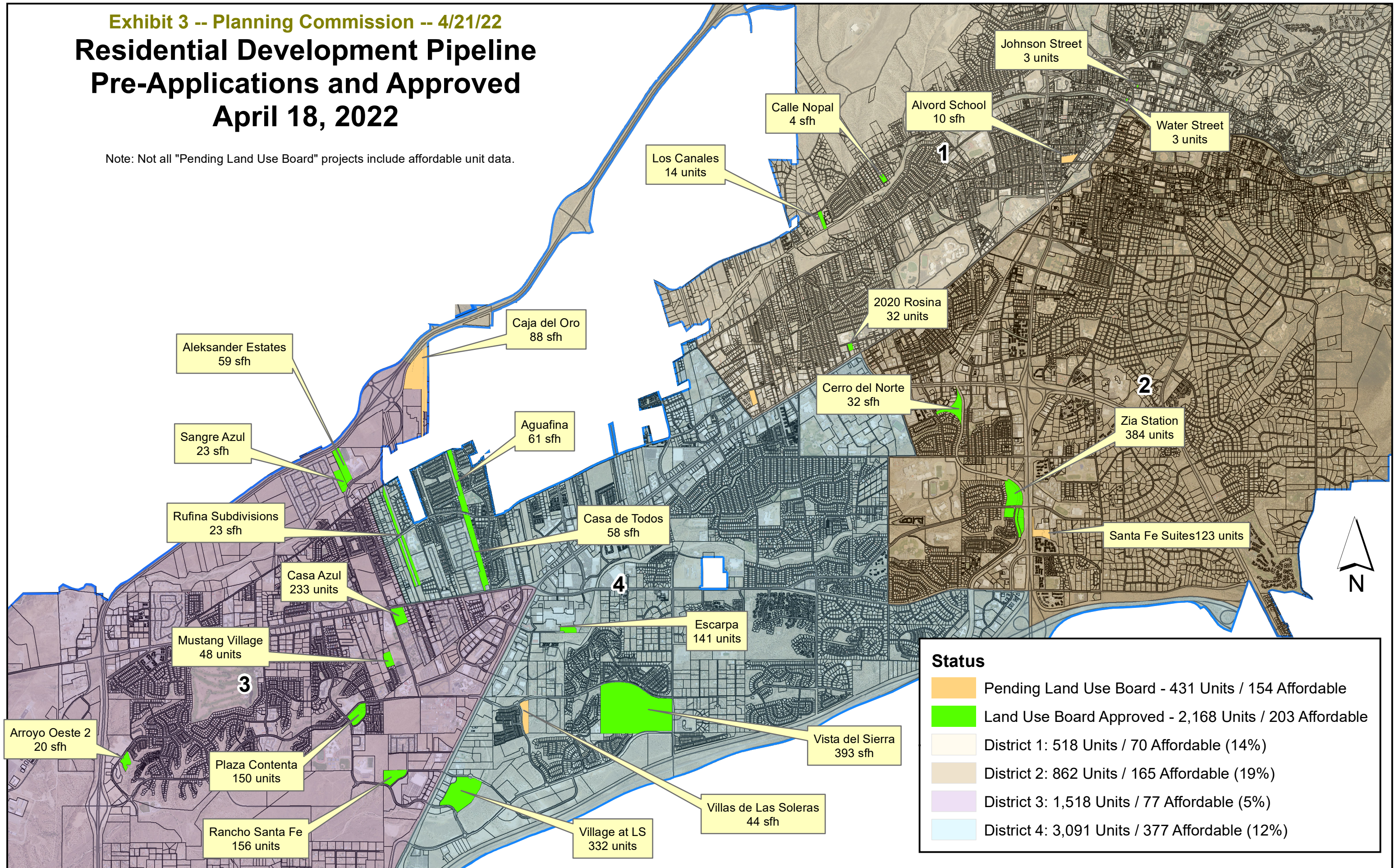


Exhibit 4-- Planning Commission -- 4/21/22

Residential Development Pipeline Permitted Units Under Construction April 18, 2022

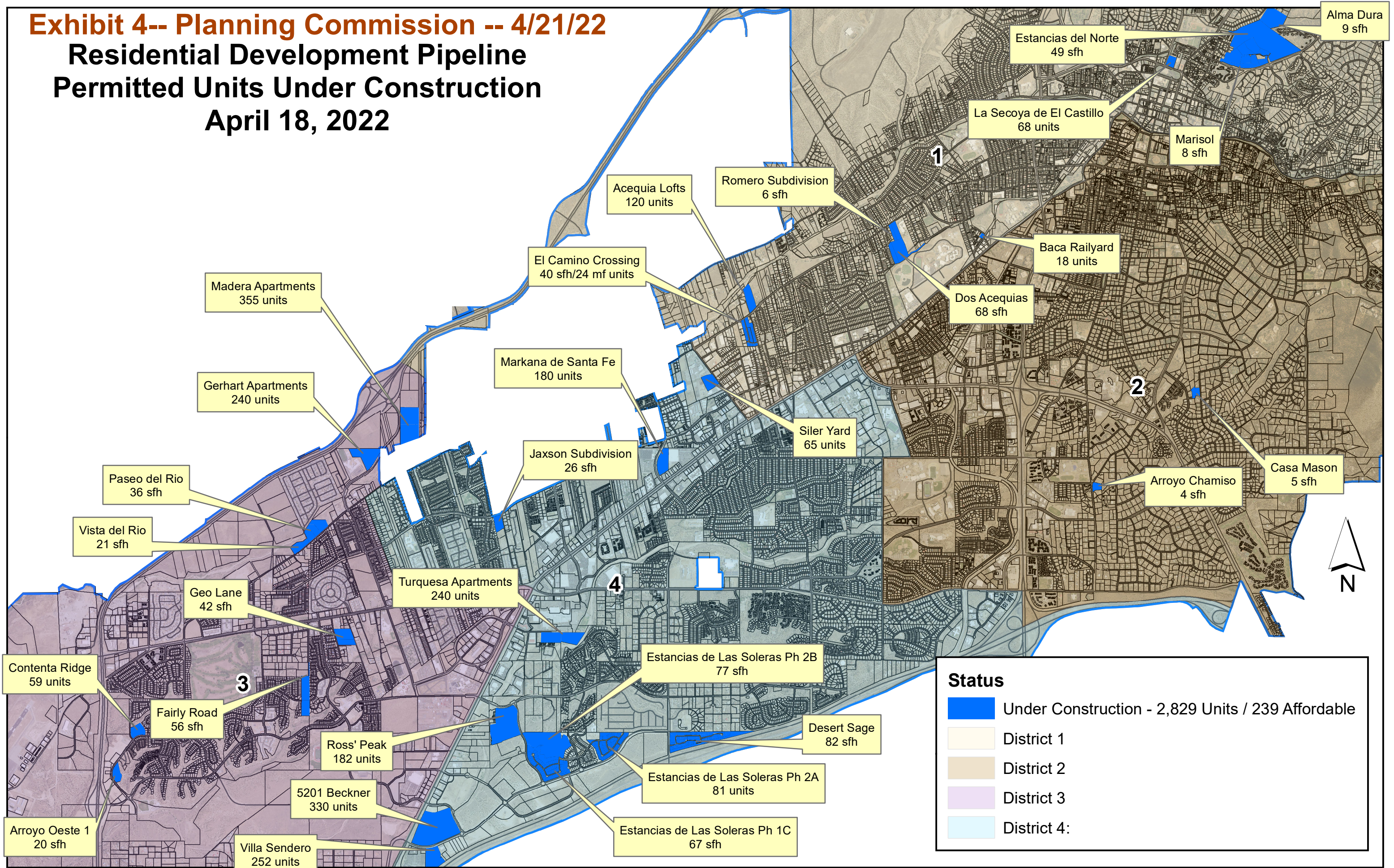


Exhibit 5 -- Planning Commission -- 4/21/22

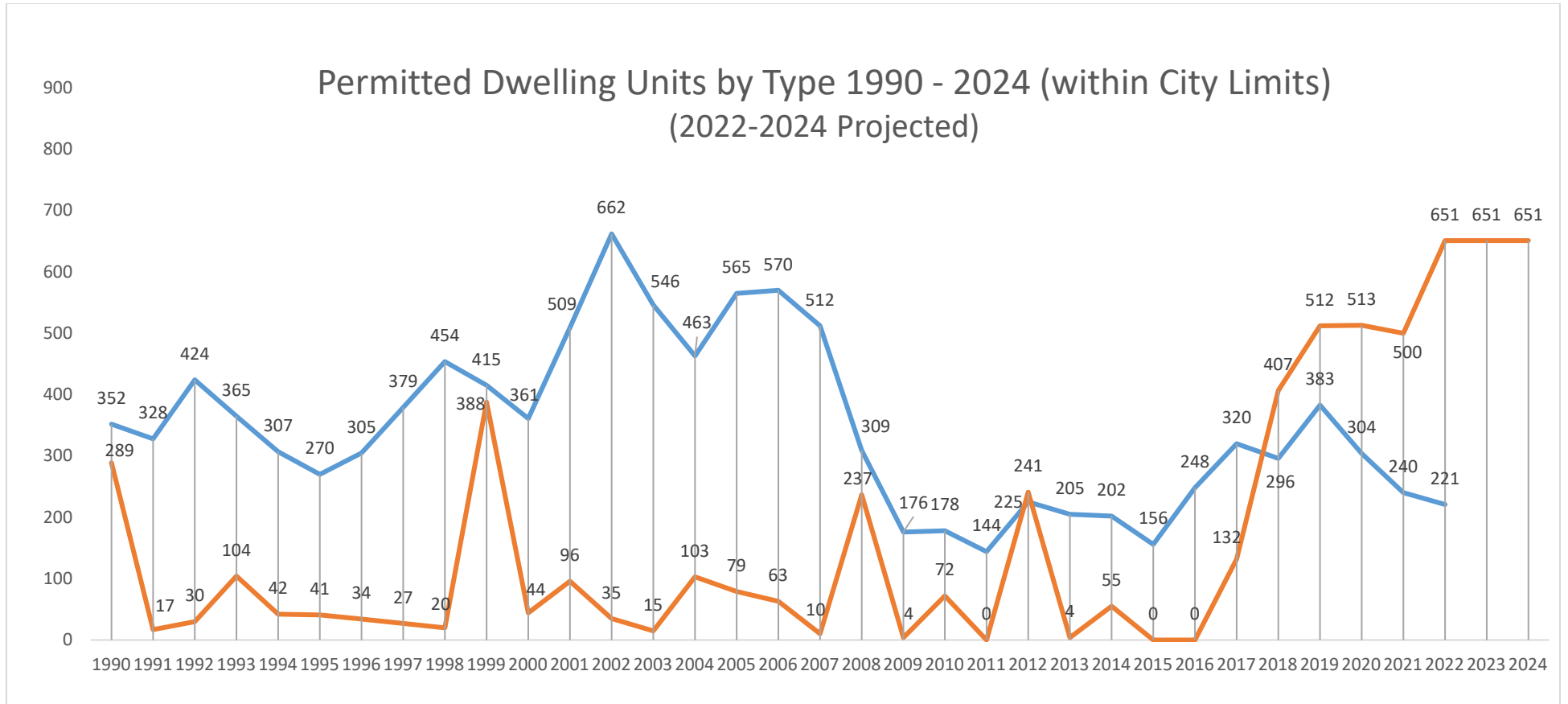


Exhibit 6-- Planning Commission -- 4/21/22
Residential Development Pipeline
Units Built Since Fall 2017
April 18, 2022

