



# Agenda

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## PLANNING COMMISSION

Thursday, September 12, 2013 - 6:00pm  
City Council Chambers  
City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: August 1, 2013

FINDINGS/CONCLUSIONS:

- Case #2013-60. Violet Crown Cinema Development Plan.
- Case #2013-57. Villa Esperanza Development Plan.
- Case #2013-58. Aguafina Preliminary Subdivision Plat.
- Case #2013-37. Manderfield School General Plan Amendment.
- Case #2013-38. Manderfield School Rezoning to RAC.
- Case #2013-39. Manderfield School Special Use Permit and Variance.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. Case #2013-69. **Saiz Family Transfer Subdivision.** Paul Armijo, agent for Richard Saiz, requests Final Subdivision Plat approval of a Family Transfer Subdivision for 4 lots on 1.35± acres located at 2730, 2750 and 2780 Calle de Saiz. The property is zoned R-3 (Residential, 3 dwelling units per acre). (Donna Wynant, Case Manager)

- G. STAFF COMMUNICATIONS
- H. MATTERS FROM THE COMMISSION
- I. ADJOURNMENT

### NOTES:

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.

**SUMMARY INDEX**  
**PLANNING COMMISSION**  
September 12, 2013

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C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes & Findings and Conclusions		
1. Minutes of August 1, 2013	Approved as amended	2
2. Findings of Fact & Conclusions of Law		
• <u>Case #2013-60.</u> Violet Crown Cinema Development Plan.	Approved as presented	2
• <u>Case #2013-57.</u> Villa Esperanza Development Plan.	Approved as presented	3
• <u>Case #2013-58.</u> Aguafina Preliminary Subdivision Plat.	Approved as presented	3
• <u>Case #2013-37.</u> Manderfield School General Plan Amendment.	Approved as amended	3
• <u>Case #2013-38.</u> Manderfield School Rezoning to RAC.	Approved as presented	3
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1. <u>Case #2013-69</u> Saiz Family Transfer Subdivision	Recommended with conditions	4-5
G. Staff Communications	Discussion led by Mr. O'Reilly	5-15
H. Matters from the Commission	Discussion	15
I. Adjournment	Adjourned at 7:36 p.m.	15

**PLANNING COMMISSION**  
**Thursday, September 12, 2013 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

**CALL TO ORDER**

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Tom Spray on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

**A. ROLL CALL**

**Members Present**

Commissioner Tom Spray, Chair  
Commissioner Lisa Bemis  
Commissioner Michael Harris  
Commissioner Lawrence Ortiz  
Commissioner Dan Pava  
Commissioner Renee Villarreal

**Members Absent**

Commissioner Signe Lindell [excused]  
Commissioner John Padilla  
Commissioner Angela Schackel-Bordegary [excused]

**OTHERS PRESENT:**

Mr. Matthew O'Reilly, Director, Planning and Land Use Department  
Ms. Kelley Brennan, Assistant City Attorney  
Ms. Donna Wynant, Senior Planner, Current Planning Division  
Ms. Heather Lamboy, Senior Planner, Current Planning Division  
Mr. Carl Boaz, 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 Historic Planning Department.**

**B. PLEDGE OF ALLEGIANCE**

## **C. APPROVAL OF AGENDA**

**The Agenda was accepted as published without objection.**

## **D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

### **1. MINUTES: August 1, 2013**

There were no changes from the staff.

Commissioner Bemis said having read the minutes and finding no substantive changes, moved to approve the minutes as read.

Commissioner Pava didn't have a substantive changes but thought there were probably some changes since it was a very long meeting.

Chair Spray said with no second he would consider proposed changes to the minutes.

Commissioner Pava requested a change on page 13, third paragraph from the bottom where Commissioner Schackel-Bordegary was speaking, it said, "No eating in a fifty foot theater" but should say, "no eating in a 50 seat theater."

Commissioner Ortíz requested three changes to the minutes. On page 20, second paragraph, third sentence where it said, "away from that arroyo has possible" and it should say, "as possible." On page 33 in the middle of the page where he was speaking about the former streets director, and said he was "happy" but it should be "unhappy" and delete "but." On page 65, second paragraph, in the last sentence it should say "sad" instead of "said."

Commissioner Pava requested two more changes. On page 60, second paragraph, the third line should read, "At first I thought..." (not though). On page 72 under Matters from the Commission, he mentioned that they had had a long range planning steering committee. He proposed that it say, "Commissioner Pava related the long range steering committee had met the week before."

**Chair Spray said, without objection, the minutes of August 1, 2013 were approved with changes.**

### **2. FINDINGS/CONCLUSIONS:**

**Case #2013-60. Violet Crown Cinema Development Plan. Approved.**

**Chair Spray said without objection, those findings of fact and conclusions of law were approved.**

**Case #2013-57. Villa Esperanza Development Plan. Approved.**

**Chair Spray said without objection, those findings of fact and conclusions of law were approved.**

**Case #2013-58. Aguafina Preliminary Subdivision Plat. Approved.**

**Chair Spray said without objection, those findings of fact and conclusions of law were approved.**

**Case #2013-37. Manderfield School General Plan Amendment.**

Commissioner Harris had a problem with the statement in 15-b on page 3 that said "as defined by neighborhood residents in testimony at the hearing." The word "defined" was the problem. He didn't want any confusion either in this case or subsequent cases that the level of neighborhood opposition, which was not unanimous, since there were people speaking on both sides of the issue. But he wouldn't want to see that term, particularly in the Findings of Fact as being defined.

He proposed using "expressed" rather than "defined."

Ms. Brennan agreed with that change.

**Chair Spray said without other objection, the findings of fact and conclusions of law for Case #2013-37 were approved as amended.**

**Case #2013-38. Manderfield School Rezoning to RAC. Approved.**

**Chair Spray said without objection, those findings of fact and conclusions of law were approved.**

**Case #2013-39. Manderfield School Special Use Permit and Variance. Approved.**

**Chair Spray said without objection, those findings of fact and conclusions of law were approved.**

**E. OLD BUSINESS**

There was no old business to come before the Commission.

## F. NEW BUSINESS

- 1. Case #2013-69. Saiz Family Transfer Subdivision. Paul Armijo, agent for Richard Saiz, requests Final Subdivision Plat approval of a Family Transfer Subdivision for 4 lots on 1.35± acres located at 2730, 2750 and 2780 Calle de Saiz. The property is zoned R-3 (Residential, 3 dwelling units per acre). (Donna Wynant, Case Manager)**

Ms. Wynant presented the report for Case #2013-69 that involved 4 lots. Mr. Armijo was requesting that the 1.35± acres be subdivided as such and the property was zoned C-3. The density allowed for that many lots and there were already 3 dwelling units with addresses. The vacant 4<sup>th</sup> lot would have to have an address assigned and was located right at Rufina. The surrounding zoning was primarily R-3. La Luz was recently rezoned to MU for development of a mix of a medical complex, assisted living and office.

The property itself was south of Rufina and alongside Calle de Saiz (a private street) giving access to all of the lots. The 4<sup>th</sup> lot was vacant and had been used as a horse lot. Richard Saiz was transferring this as a family transfer subdivision to his three sisters.

Ms. Wynant couldn't get the video to work so she referred to the fold out in the packet [attached as Exhibit 1]. All the lots met the density and lot area requirements. A couple of lots were labeled as mobile homes and she would determine if that meant manufactured or mobile homes, depending on when they were developed.

She pointed out that plat was the private street which wouldn't be necessary when the development happened to the east. Whether they would develop La Luz in the near future was unknown but according to the traffic engineer, there were a couple of conditions to be imposed on the conditions of approval chart. One was to abandon that street there and extend driveways to a new street and the three properties to the south would also tie in to that new street.

She thought it was a simple proposal and request. The streets tied into Calle Saiz would in the future tie into Camino Maria Feliz simply to reduce the number of curb cuts there.

A condition of approval (for new construction) that would kick in was to show an easement between the well and other properties and reference that shared well agreement or connect to City water. Shared sewer service agreement would be noted on the plat indicating the lots had a shared sewer agreement and the Fire Marshal wanted either a turnaround or sprinklers for fire protection.

The traffic engineer had two conditions in the memo from the traffic engineer [attached as Exhibit 2]. The first was a note to be put on the plat to read, "At such time as the adjacent property to the east is developed, access to Rufina Street and lots 5-A, B, C and D shall be via a future road through the aforementioned adjacent property. All other means of ingress and egress to these lots to these lots shall be abandoned at that time."

Secondly a condition to make and irrevocable offer to dedicate to the City of Santa Fé a ten foot wide strip of land located adjacent to and along the entire lengths of eastern boundaries of lots 5- A, B, C and D as public ROW. Dedication of the ROW was contingent upon development of the adjacent property immediately to the east.

An ENN was held on June 19, 2013 had 3 sisters and one adjacent property owner present and no concerns were raised at that time.

Ms. Wynant said Staff supported the proposed four-lot subdivision which met the standards for use, density, building placement, height, open space and parking for the R-3 district, subject to the conditions of approval outlined in the Staff memo.

#### Public Comment

Present and sworn was Mr. Paul Armijo, 33 Beretta Corta, Santa Fé, land surveyor representing the Saiz family, noted that one of the property owners was also present. They had received a copy of the staff reports and agreed with the conditions and were available to answer any questions.

There were no other speakers from the public regarding this case and the public portion for this case was closed.

There were no questions from the Commission regarding this proposal.

**Commissioner Villarreal moved to approve Case #2013-69, Saiz Family Transfer Subdivision subject to staff conditions. Commissioner Harris seconded the motion.**

Mr. O'Reilly asked if the motion included the two traffic engineer conditions. Commissioner Villarreal affirmed that it did.

**The motion passed unanimously on a voice vote.**

#### **G. STAFF COMMUNICATIONS**

Mr. O'Reilly reminded the Commissioners who were also members of Extraterritorial Land Use Committee that there would be a meeting on Thursday, September 9<sup>th</sup> at 6:00 p.m. In the County Administration Building at 102 Grant Avenue. The members of ELUA to attend were Commissioners Lindell, Pava, Schackel-Bordegary, Ortíz and Harris. He would hand out packets to those members at the end of this meeting.

Mr. O'Reilly said he wanted to spend some time dealing with procedures in the Commission Meetings.

He asked Ms. Wynant to hand out a paper on ways the Planning Commission could make meeting go smoother and quicker [attached as Exhibit 3].

He noted that recently the Planning Commission had a very long meeting that went into the next day. He wanted to share helpful practices for the Planning Commission to make the meeting go smoother and quicker. He reiterated that he felt the current Planning Commission was one of the finest the City had ever had and certainly an example for many of the other boards and committees in the City. The list Ms. Wynant had handed out listed 18 practices to help with the meetings based on his experience on the Commission and having served as Chair.

He added that for those who never had chaired the Planning Commission, it was a lot harder than it looks, especially with a full house who all wanted to talk about a controversial case.

Lots of these practices the Planning Commission was already doing. He went through each of them practices as follows:

1. Be on time for Planning Commission meetings or let the Chair or staff know that you will be late. This is important so as not to keep the public waiting and to ensure a quorum. All commissioners should have the Chair's cell phone number.

Mr. O'Reilly said if the chair was forced to wait for a quorum and delay the start of the meeting because members had not arrived, the people in the audience got annoyed. He suggested that members give the chair a call on his cell phone if they were going to be late so the Chair doesn't have to worry about counting up to determine if a quorum could be achieved. By knowing who was coming, the Chair could make an announcement to the audience if he was going to start 5 or 10 minutes late.

2. In certain instances, it may be helpful to explain to the public how the commission hearing will be conducted. For example, if there are many people expected to testify or otherwise crowded into the chambers. This allows the public to leave and come back if they want to.

Mr. O'Reilly said when there were large audiences, many people would not have been at a Commission meeting before and didn't know what would be about to happen. They might be upset or angry or concerned and on edge so in some cases it was good for the Chair to let people know what was going to happen and the process of the meeting. It didn't need to be done every time but these practices were designed to help the Commission get done in a timely manner.

3. The chair should always recognize Commissioners before they speak.

Mr. O'Reilly said this Commission was excellent in that practice. No one was speaking out of turn but if it did happen, it made it more difficult for the Chair to manage the meeting.

4. Procedural questions should be put to the Land Use Department staff or the City Attorney by the Chair.



If a particular commissioner had a question about that, they should ask the Chair to bring that up to the staff or City Attorney. It was part of helping the Chair to run the meeting efficiently.

- 4a. Keep questions of staff to a minimum during and immediately after the presentation of the staff report, otherwise the applicant and the public are kept waiting to testify.

Mr. O'Reilly reminded the Commission that there could be people present who had been here a long time. They could be elderly folks and didn't want to be waiting long into the night. So if they needed to come up and say something, it was good to get to that sooner rather than later.

5. Always formally announce opening of "public hearing portion of the meeting" and formally announce that the "public hearing portion of the meeting is closed."

The Commission Chair is very good with this procedure. Not only was it good procedural step but it also helps because some people may not be done talking. And they may want to yell something out from the audience so it really helps the Chair keep things under control if everyone is clear that the public's time has passed.

6. Never segregate, or ask the public to segregate themselves into "those opposed to" and "those in favor of" a case. This can intimidate speakers and unintentionally inhibit public testimony.

The City doesn't want people in the audience feeling out of place or to feel there is conflict by grouping them into for and against.

Chair Spray said at the last meeting a member of the public asked that the chair ask for a show of hands in favor and he just ignored that and moved on which he thought would be appropriate. He asked for Mr. O'Reilly's thoughts.

Mr. O'Reilly agreed it was very appropriate to ignore that. It was the Chair's meeting to run, not theirs. The Chair didn't need to take suggestions from the public on how to run the meeting. He thought it was very good that the Chair did ignore that request. "If you can imagine a room full of people where 20 people are against something and a couple of people are for it, if you identify who all those people are, the people who are for it may feel cowed into not even testifying and their testimony is as important for you to hear as the people against it. So we don't want to put people in that situation where they feel intimidated or can't testify."

Ms. Brennan thought it was important for people to understand that if they have something to say that they can testify, rather than to expect other people to raise their hands. For the reasons Mr. O'Reilly stated, they can speak and express their opinions. That is what a public hearing is for. It is not about how many people feel this way or that way. She felt it was a very appropriate response to the request.

Chair Spray said it was not a plebiscite but a forum for people to talk through.

7. Treat all members of the public with respect and courtesy, even if they are difficult. Remember that most people are not used to speaking in public and may be nervous. so make them feel welcome. Set reasonable time limits for testimony and stick to them. This requires tact and practice. Thank each member of the public for their comments.

Mr. O'Reilly felt this was also something this Commission did very well. It is often difficult to ask someone to stop talking. It takes some practice to do that respectfully and tactfully. He said Chair Spray always practiced that.

8. Never get into an argument with a member of the public that is testifying. Commissioners should never directly engage members of the audience unless the member of the public is at the podium. Commissioner should ask Chair to have that public member come to the podium. Commissioners should allow the Chair to control any outbursts or comments from audience members.

Mr. O'Reilly said, "Whenever a commissioner or board member experiences a public member who is very angry and takes that personally and starts getting involved in a back and forth - we never, ever want to do that. And part of the way we can avoid that is to never directly engaging with a member of the public. So as an example, if someone came up and testified about bad traffic in their neighborhood - if a commissioner wanted to ask them more about that, they should ask the Chair to have that person come to the podium so the commissioner could ask them that question, as opposed to a commissioner from their seat talking above ten or twenty people into the back row and have it carrying on that conversation with that member of the public. The commissioner should ask the Chair to come to the podium. And, first of all, that helps everyone hear what's going on because the podium is miked. But secondly, it helps the Chair keep things under control. And when a Commissioner is talking above the whole audience, the audience can tend to think, well they can talk to that commissioner now too. And really the public hearing has already been closed."

Chair Spray appreciated that excellent point. He asked if that should apply to staff members also. For instance, if a Commissioner wanted to hear from the traffic engineer who was sitting at the back of the room, if they would tell the Chair they wanted to hear from that staff member.

Mr. O'Reilly said usually, if the staff member was at back of the room, they would already be on their feet and moving to the podium. It makes it more formal to have the Chair bring them to the podium.

Commissioner Bemis asked him how they would ask someone who was well over their time to end their testimony.

Mr. O'Reilly said that was difficult to do it with tact and not make them angry. Chair Spray did a great job of that last time. He said, "I'm going to *pause* you because there are 35 people behind you who want to talk so I'm going to ask you to wrap up." There was no absolute best way to do that. The chair could use the gavel if needed.

He mentioned a Council meeting where the Mayor could not end the testimony being given and had to adjourn the meeting and all the Council members left the room. So there was no one left for her to talk to.

Commissioner Bemis suggested the Chair could warn ahead of time that a rap of the gavel would end that testimony.

Ms. Brennan said they could use a timer also.

Chair Spray asked if a timer was part of the package that was rolled in.

Ms. Brennan said Council used one and it could be heard.

Mr. O'Reilly added that it was a personal preference. If the Commission wanted to do that, they could use a timer. He said when he was the Planning Commission Chair he tried to do everything to avoid inhibiting what people wanted to say. If they saw a timer being set, it might be intimidating. "You could have the Vice Chair keep track and tell you when it was 2 minutes.

Chair Spray he would prefer that to a timer which he thought seemed a little contrived and using a Commissioner to help keep time might be better.

Mr. O'Reilly said it was up to the Commission how to do that - whatever we could do to help public feel comfortable. He didn't know if a timer would be effective that way or not.

9. The Chair should inform the Land Use Director if a controversial case is anticipated that may require security in the meeting chambers. The Director will arrange for police presence.

Mr. O'Reilly recalled the Northwest Quadrant issue brought so many people that they had to move to the Convention Center to have that meeting. And they had security available. Staff would probably anticipate that need before the Commission did.

10. After the public testimony is concluded, in addition to asking questions of staff or the applicant, the Commissioners may ask questions of a member of the public that testified. If so, the Commissioner should pose these questions through the Chair to avoid the perception that the public hearing has been re-opened. For example: "Mr. Chair, I'd like to ask Mr. Jones a question about his testimony." in these cases, the Chair should ask that the member of the public come to the podium.
11. Commissioners may find it helpful to write down questions while reviewing the case packet prior to the meeting. It is always acceptable for a commissioner to contact staff prior to the meeting if they have a question. This has the effect of shortening the meeting.
12. While asking questions or otherwise discussing a case, Commissioners should avoid statements such as, "This project doesn't feel right so I am voting against this" or "I don't like this project." Instead, Commissioners should strive to provide clear reasons for their position on a proposed project. For

example, "I don't believe that the traffic issues have been adequately addressed" or "I don't believe that the project meets the criteria for rezoning because \_\_\_\_\_."

Mr. O'Reilly said this was very important for the Planning Commission to be making decisions based on the Code. This was not directed toward any Commissioner. He reminded them that there was nothing in the Code that said the Commission shall deny a case if it doesn't feel right. Usually there were clear criteria set out to use. His examples were not taken from any previous Planning Commission action. This was particularly important if the Commission decided against the staff recommendation. If the Commission voted to support the staff recommendation, the justification was already in the staff memo. But if the decision was not supporting the staff recommendation, it would need justification because that was not in the staff memo.

Ms. Brennan agreed absolutely. If you are uncomfortable with a project, you need to express directly the reason why. It was needed for the Findings and Conclusions. She described having to draft findings and conclusions on a case against the City a couple of years ago. She said she didn't make them up. The staff recommendations were always based on the Code. It was easy when the Commission concurred with the staff report because you could just say "for the reasons set forth in the staff report." Whenever she went to the Governing Body on appeal, they asked her where that was in the minutes. She read from Albuquerque Commons case a sentence in the decision. She emphasized that the Commission needed to know what facts were important and how that led to their decision.

Chair Spray asked if those reasons should be stated in a motion.

Ms. Brennan said it could be but was not necessary. Very often a Commissioner stated why they were not voting for a case. She cautioned about being too general and some gave examples.

Chair Spray asked if it was helpful to state those specific citations from the Code.

Mr. O'Reilly said that segues into #13

13. Strive to be courteous to the Chair and to your fellow Commissioners by keeping your comments brief and to the point. Commissioners should be clear and concise when making a motion and avoid making long and complicated motions "off the cuff." Writing down a motion beforehand is helpful in this regard.

Ms. Brennan wanted Planning Commission members not to have anxiety about the why when denying a proposal. The motion should be expressed in plain language and she would understand what was being said.

Commissioner Bemis appreciated #12 because she had been guilty of saying that. This was really helpful.

14. After a motion and second are made the Chair should restate the motion and ask for discussion. If there is no discussion, the vote should be taken immediately. If there is significant discussion to the

point that commissioners may have forgotten the motion, then the Chair should restate the motion again before calling for a vote.

Mr. O'Reilly said that was done well by the Chair right now. Restating the motion was important before asking for discussion so discussion could be to the motion itself. Sometimes he had asked a commissioner to restate their motion because he couldn't understand it.

Ms. Brennan said that at the end of the Manderfield case she didn't express herself well because the motion was complicated.

Mr. O'Reilly clarified that when a motion fails, the motion that next should follow would be to deny.

Chair Spray understood that if the motion to approve failed, then a motion to deny was the flip side and without that the Commission had not made a decision.

Mr. O'Reilly agreed. He pointed out that it often happened when the meeting goes too long.

15. When calling for the vote, the Chair should say, "All those in favor say 'Aye';" and after hearing the response, say, "All those opposed say 'No'." Then the Chair should announce the outcome, i.e., "The motion has passed." Calling the roll should be used very sparingly, usually on in instances when the Chair feels there will be a tie and he will be required to vote.

Chair Spray said sometimes he didn't know how things were going to go.

Mr. O'Reilly added that on January 1<sup>st</sup> the City would grow by 13,000 more people and go over 80,000 here. Commissioners should not vote "present". So vote either "yes" or "no" or "abstain." The Planning Commission was a very special body and different from the rest. "Usually your vote was final so you have a lot of power in making these decisions. If you can't vote 'yes' or 'no', you should move to postpone."

He explained that Councilors, because they were elected, might choose to vote for political reasons "present."

Ms. Brennan said by the Council rules they actually could say "pass" in a roll call vote but they would still have to vote at the end of the roll call.

Chair Spray asked if the roll call had to be done in a certain order.

Mr. O'Reilly said that shouldn't really matter. He explained why a councilor might pass the first time around.

Commissioner Villarreal understood they also had the option to abstain but asked why anyone would abstain.

Mr. O'Reilly didn't know why they would do that. "If you have a conflict, you would recuse yourself and leave the room. If something came up in discussion you could recuse yourself and leave the room."

Ms. Brennan added that abstentions were counted with the prevailing vote.

16. At very large hearings, it may be helpful to call a short recess to allow a crowd to leave the commission chambers before moving on to the next case.

Mr. O'Reilly said that was obvious but a recess could be called for any number of reasons.

17. It is not necessary to move or vote to adjourn. At the conclusion of all business on the agenda, the Chair should simply announce, "There being no more business before the commission, we are adjourned."

Commissioner Harris said it seemed there was a little difference when Chair Spray came to Finding of Fact.

Chair Spray thought it did make sense to do that (no objection process) and move things along. If there was objection, things would be discussed and voted on.

Mr. O'Reilly added that members could vote against the minutes.

Chair Spray agreed and they could also be postponed to the next meeting.

Mr. O'Reilly said he wanted everyone to voice a vote on actual cases but for these others (agenda and minutes), it was a valid way of approving them.

Commissioner Pava said when the Commission approves Findings of Fact in the way it was done tonight, he disagreed with those findings. He voted against the motion at the previous meeting. Tonight the Commission only voted on the reasons.

Ms. Brennan explained that the Findings were expressing the facts that were relevant to the ultimate motion taken.

Chair Spray thought Commissioner Harris' word change was pretty germane. The findings need to reflect what actually happened and he thought that was quite legitimate. If the vote was 4-3, he thought that was important too.

Ms. Brennan said the minutes reflected what happened but the Findings were based on the motion itself. The rationale for the decision was set out in the Findings. They were not to describe everything that happened in the meeting but to set out the facts in the decision.

Chair Spray said at Council he thought they were *de novo*. Ms. Brennan agreed.

Chair Spray asked then why they needed to have findings or minutes in the case (for the appeal).

Mr. O'Reilly said it was required by statute. Secondly, the Commissioners were special people to make decisions for the Council and statutorily were to make recommendations to Council. The Council reads these minutes and the findings. It helps them in hearing the appeal. So there was tremendous value there. The staff report that goes to Council also says how the Planning Commission voted.

Ms. Brennan agreed and said Council was very influenced by Planning Commission's decisions and often vote to support the Commission's decisions and findings. Those findings carry weight that must be addressed. The councilors typically look at them and might say they don't agree with a finding or the motion or the staff report. So it sets the stage for the project and the criteria on which the Commission decided.

Chair Spray said *de novo* to me implied that nothing done before on that case was considered and they needed to testify all over again.

Ms. Brennan agreed but said Councilors were very influenced by Commission's actions.

Commissioner Villarreal asked, "When we make changes to the minutes, how does that work in appeals?"

Mr. O'Reilly said the minutes were not physically changed but put into the next minutes. That was a pet peeve to him when he was the Chair. It might make a Commissioner look dumb but the Clerk's office doesn't do that. Hearing it *de novo* doesn't mean it was not part of the record. Council does see the record as it has come up from the Commission. The questions the Commission asked were there to help them make their decision.

Commissioner Harris asked Mr. O'Reilly, since it was his pet peeve, if the findings could be changed.

Mr. O'Reilly agreed and said those do get changed.

Ms. Brennan agreed. The findings have legal effect. That was the ultimate record.

Chair Spray asked regarding the length of meetings and long cases like Manderfield, if the agenda could be reduced to accommodate that. The Commission knew that would take a lot of time. Perhaps they could take advantage of that by shortening the agenda.

Mr. O'Reilly agreed. Last month's Manderfield case was long but the meeting could have taken less time. With lots of cases on the agenda, the Planning Commission must be efficient in questions, etc. and staff could reschedule some if there were too many on an agenda. He considered Manderfield as a pretty small project actually. The Las Soleras case had 400 acres and was done in one night. The City would not burden this Planning Commission with an agenda they couldn't conclude in an evening. Staff tried not to impose on Commissioners and tried to keep the load workable.

Chair Spray felt they had been fortunate and had a tremendous luxury to be able to ruminate on this tonight.

Commissioner Villarreal asked if it was appropriate for the Chair to clarify to a commissioner who was going off on a tangent to ask them to not ask questions on things the Commission was not voting on or if a fellow commissioner could have a chance to address that.

Mr. O'Reilly - referred to #13. Keeping comments brief and to the point. Showing discipline in questions and comments was important. The Chair could interrupt a long monologue to give a reminder. It was part of the Chair's duty and of the Planning Commission to be directive about what they were doing - not rushing but also not asking superfluous questions or "speechify."

Commissioner Harris thought they didn't do a lot of that. As much time was taken for public comment as Commission discussion. This handout was helpful and any new commissioners should get that too. He urged distribution of it to those who were absent.

Ms. Brennan mentioned ex parte. Communicating by email with every Commissioner was not lawful. "You need to remind people that things sent to them must be forwarded to staff for distribution."

Commissioner Pava said he received letters during the summer. He asked if Commissioners should tell Ms. Brennan about receiving it or something like that.

Mr. O'Reilly said if a letter came addressed to Matt O'Reilly, Planning Commissioner, he didn't even open it but gave it to the staff.

Chair Spray said regarding large controversial cases that he was very reluctant to try to throttle back Commissioners in any way for what they had to say. He wanted to keep to the time limits, but a little focus on what they were going after makes it much better. The Commission should take advantage of staff to get questions answered. And their quality of decisions would be higher.

Commissioner Bemis thought they all received that letter so if they received it, maybe they should not even open it and just bring it here.

Mr. O'Reilly said the Commissioners could get a call after the decision to thank them.

Chair Spray wondered if that letter was done after the meeting.

Mr. O'Reilly said after the decision was already made, a commissioner could feel free to open it but he didn't want to hear what anyone had to say about a case either before or after. Or if a letter was in a packet, it was okay. It just clouds the issue to pay attention to those.



He cautioned that "if someone has a conversation with you, you should disclose that. Eventually, people would stop doing it. I would tell them what they were saying needed to be stated at the meeting because it was so important and then end the conversation. Giving them time would eat up even more of your time."

Ms. Brennan encouraged Commissioners to tell them this was as ex parte with them and they would have to recuse themselves as a result and would not get to vote on it.

Mr. O'Reilly agreed. Some people don't understand that. You have to be kind with them.

Ms. Brennan suggested they should invite that person to make their statement at the meeting.

Commissioner Bemis thought- any new commissioner would benefit from this list.

Mr. O'Reilly said he would make sure the absent commissioners would get this.


Chair Spray echoed what Mr. O'Reilly said that the Planning Commission functions very well and he was proud of the decision-making quality here.

#### H. MATTERS FROM THE COMMISSION

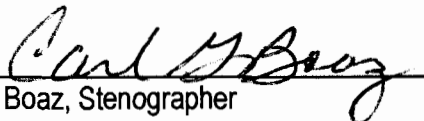
There were no matters from the Commission.

#### I. ADJOURNMENT

The meeting was adjourned at 7:36 p.m.

Approved by:  
  
\_\_\_\_\_  
Tom Spray, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz, Stenographer



# City of Santa Fe, New Mexico

# memo

**DATE:** August 27, 2013  
**TO:** Donna Wynant, Planning and Land Use Department  
**VIA:** John Romero, Traffic Engineering Division Director  
**FROM:** Sandra Kassens, Traffic Engineering Division  
**SUBJECT:** Saiz Family Transfer Subdivision. Case # 2013-69  
*"Amended Staff Report"*

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**ISSUE:**

Paul Armijo, agent for Richard Saiz, requests Final Subdivision approval of a Family Transfer Subdivision for 4 lots on 1.35± acres located at 2730, 2750 and 2780 Calle de Saiz. The property is zoned R-3 (Residential, 3 dwelling units per acre).

**RECOMMENDED ACTION:**

Review comments are based on submittals received on July 31, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The applicant shall add the following note to the plat concerning access easements: "At such time as the adjacent property to the east is developed, access to Rufina Street from Lots 5-A, 5-B, 5-C, and 5-D shall be via a future road through the aforementioned adjacent property. All other means of ingress and egress to these Lots shall be abandoned at that time."
2. The applicant shall make an irrevocable offer to dedicate to the City of Santa Fe, a ten (10) foot wide strip of land located adjacent to and along the entire lengths of the eastern boundaries of Lots 5-A, 5-B, 5-C and 5-D as Public Right-of-Way (R-O-W). Dedication of the aforementioned R-O-W is contingent upon development of the adjacent property immediately to the east.

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

# City of Santa Fe, New Mexico

# memo

**DATE:** August 2, 2013  
**TO:** Donna Wynant, Case Manager  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2013-69 Saiz Family Transfer Lot Split

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**The subject properties are accessible to the City sanitary sewer system:**

**The following shall be conditions for approval of the plat:**

1. A reviewed by signature line for the Wastewater Division shall be added to the plat.
2. Based upon current information it appears the properties are connected to the City sewer system via a single private sewer service line that serves the existing residences/lots. A shared sewer service agreement will need to be executed for the properties, reviewed by the Wastewater Division and recorded with the Santa Fe County Clerk's office. This agreement as a recorded document shall be noted on the plat indicating the lots have a shared sewer service.

EXHIBIT *B4*

### Helpful Practices for Planning Commissioners

1. Be on time for Planning Commission meetings or let the Chair or staff know that you will be late. This is important so as not to keep the public waiting and to ensure a quorum. All commissioners should have the Chair's cell phone number
2. In certain instances, it may be helpful to explain to the public how the commission hearing will be conducted. For example, if there are many people expected to testify or otherwise crowded into the chambers. This allows the public to leave and come back if they want to.
3. The Chair should recognize Commissioners before they speak.
4. Procedural questions should be put to the Land Use Department staff or the City Attorney by the Chair.
4. Keep questions of staff to a minimum during and immediately after the presentation of the staff report, otherwise the applicant and public are kept waiting to testify.
5. ALWAYS formally announce opening of "public hearing portion of the meeting" and formally announce that the "public hearing portion of the meeting is closed".
6. NEVER segregate, or ask the public to segregate themselves, into "those opposed to" and "those in favor of" a case. This can intimidate speakers and unintentionally inhibit public testimony.
7. Treat ALL members of the public with respect and courtesy, even if they are difficult. Remember that most people are not used speaking in public and may be nervous, so make them feel welcome. Set reasonable time limits for testimony and stick to them. This requires tact and practice. Thank each member of the public for their comments.
8. NEVER get into an argument with a member of the public that is testifying. Commissioners should NEVER directly engage members of the audience unless the member of the public is at the podium. Commissioners should allow the Chair to control any outbursts or comments from audience members.
9. The Chair should inform the Land Use Director if a controversial case is anticipated that may require security in the meeting chambers. The Director will arrange for police presence.

10. After the public testimony is concluded, in addition to asking questions of staff or the applicant, the Commissioners may ask questions of a member of the public that testified. If so, a Commissioner should pose these questions through the Chair to avoid the perception that the public hearing has been re-opened. For example:

Commissioner: *"Mr. Chair I'd like to ask Mr. Jones a question about his testimony."* In these cases, the Chair should ask that the member of the public come to the podium.

11. Commissioners may find it helpful to write down their questions while reviewing the case packet prior to the meeting. It is always acceptable for a Commissioner to contact staff prior to the meeting they if have a question; this has the effect of shortening meetings.

12. While asking questions or otherwise discussing a case, Commissioners should avoid statements such as: *"This project doesn't feel right so I am voting against this"* or *"I don't like this project."* Instead, Commissioners should strive to provide clear reasons for their position on a proposed project, for example: *"I don't believe that the traffic issues have been adequately addressed"* or *"I don't believe that the project meets the criteria for rezoning because \_\_\_\_\_."*

13. Strive to be courteous to the Chair and to your fellow Commissioners by keeping your comments brief and to the point. Commissioners should be clear and concise when making a motion and avoid making long and complicated motions "off the cuff". Writing down a motion beforehand is helpful in this regard.

14. After a motion and second are made the Chair should restate the motion and ask for discussion. If there is no discussion, the vote should be taken immediately. If there is significant discussion to the point that commissioners may have forgotten the motion, then the Chair should restate the motion again before calling for a vote.

15. When calling for the vote the Chair should say: *"All those in favor say 'Aye'"*; and after hearing the response say: *"All those opposed say 'No'"*. Then the Chair should announce the outcome, i.e.: *"The motion has passed"*. Calling the roll should be used very sparingly, usually only in instances when the Chair feels there will be a tie and he will be required to vote.

16. At very large hearings it may be helpful to call a short recess to allow a crowd to leave the commission chambers before moving on to the next case.

17. It is not necessary to move or vote to adjourn. At the conclusion of all business on the agenda the Chair should simply announce: *"There being no more business before the commission; we are adjourned."*