



Agenda

PLANNING COMMISSION

Thursday, February 20, 2020 - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS:
 - MINUTES: January 23, 2020
 - FINDINGS/CONCLUSIONS: None
- E. OLD BUSINESS
- F. NEW BUSINESS

1. **Case #2019-66. 2861 Agua Fria Development Plan.** Hugh Driscoll, AIA, Agent, for Dominic Vigil, Owner, requests approval of a Development Plan to allow an additional 7,161 square feet of office and commercial uses with multi-family apartments. The property is approximately 0.84 acres, is zoned C-2/PUD (General Commercial/Planned Unit Development) and is located within the West Santa Fe River Corridor Overlay District. (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647). (POSTPONED FROM SEPTEMBER 5, 2019, OCTOBER 17, 2019 AND DECEMBER 5, 2019)
2. **Case #2019-1325. 4075 & 4085 Cerrillos Road Staybridge Development Plan.** James Siebert and Associates, Inc., Agent, representing Plaza Camino Real NM LLC, Owner, requests preliminary and final Development Plan approval to build an 81,822 square foot extended stay hotel. The property is located at 4075 and 4085 Cerrillos Road, is approximately +/-3.25 acres, and is zoned C-2 (General Commercial District). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136). (POSTPONED FROM JANUARY 23, 2020)
3. **Case #2019-1326. 4075 & 4085 Cerrillos Road Staybridge Sign Variance.** James Siebert and Associates, Inc., Agent, representing Plaza Camino Real NM, LLC, Owner, requests a Variance to SFCC Subsection 14-8.10(G)(7)(d) to exceed the maximum wall sign height of 25 feet. The property is located at 4075 and 4085 Cerrillos Road, is approximately +/-3.25 acres, and is zoned C-2 (General Commercial District). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136). (POSTPONED FROM JANUARY 23, 2020)

4. **Case #2019-1535. 211 W. San Francisco Development Plan.** Sommer Karnes and Associates LLP, Agent, for G.E. Senlic LLC, and Legacy Hospitality & Management, LLC, Owners, request approval of a development plan for a 84,276 square foot, 4-story building, which will consist of a 70-room hotel, a restaurant, shops and a 2-level underground parking garage. The property is approximately 0.99 acres, zoned BCDLEN (Business Capitol District - Lensic Block Redevelopment Subdistrict), and is within the Historic Downtown Archaeological Review District. (Dan Esquibel, daesquibel@santafenm.gov, 955-6587)

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.**

RECEIVED AT THE CITY CLERK'S OFFICE

DATE: February 3, 2020

TIME: 9:34 AM

SUMMARY INDEX
PLANNING COMMISSION MINUTES
FEBRUARY 20, 2020

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as Amended	2
D. Approval of Minutes January 23, 2020	Approved	2
Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Case #2019-66. 2861 Agua Fria Development Plan	Approved	2-4
Findings & Conclusions	Approved	4
2) Case #2019-1325 4075 & 4085 Cerrillos Road Staybridge Development Plan	Postponed to April 2, 2020	4
3) Case #2019-1326 4075 & 4085 Cerrillos Road Staybridge Sign Variance	Postponed to April 2, 2020	4
4) Case #2019-1535 211 W. San Francisco Development Plan	Recommended Approval	4-15
Findings & Conclusions	Approved	15
G. Staff Communications	Comments	15-17
H. Matters from the Commission	Comments	17-22
I. Adjournment	Adjourned at 8:45 pm	22

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION

Thursday, February 20, 2020 - 6:00pm

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

CALL TO ORDER

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

A. ROLL CALL

A quorum of the Commission was present.

Members Present

Commissioner John B. (Jack) Hiatt, Chair

Commissioner Janet Clow

Commissioner Pilar Faulkner, Secretary

Commissioner Lee Garcia

Commissioner Brian Patrick Gutierrez

Commissioner Mark Hogan (arrived at 6:02)

Commissioner Jessica Lawrence

Commissioner Dominic Sategna

Members Absent

(One Vacancy)

Others Present:

Mr. Noah Berke, Planner Manager and Staff Liaison

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

The Pledge of Allegiance was recited.

B. APPROVAL OF AGENDA

Mr. Berke said under New Business, Cases 2019-1325 and 2019-36, regarding 4075 & 4085 Cerrillos Road Staybridge Development Plan and Sign Variance are postponed until April 2, 2020.

MOTION: Commissioner Faulkner moved, seconded by Commissioner Lawrence, to approve the agenda, as amended.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: January 23, 2020

MOTION: Commissioner Faulkner moved, seconded by Commissioner Lawrence, to approve the minutes of January 23, 2020, as presented.

VOTE: The motion passed by unanimous voice vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

FINDINGS/CONCLUSIONS: None

E. OLD BUSINESS:

None.

F. NEW BUSINESS

1. **Case #2019-66. 2861 Agua Fria Development Plan.** Hugh Driscoll, AIA, Agent, for Dominic Vigil, Owner, requests approval of a Development Plan to allow an additional 7,161 square feet of office and commercial uses with multi-family apartments. The property is approximately 0.84 acres, is zoned C-2/PUD (General Commercial/Planned Unit Development) and is located within the West Santa Fe River Corridor Overlay District. (Noah Berke, Case Manager, nlberke@santafenm.gov, 955-6647). (POSTPONED FROM SEPTEMBER 5, 2019, OCTOBER 17, 2019 AND DECEMBER 5, 2019)

Staff Report:

Mr. Berke said this is a development plan request for approval of an additional 7,161 ft.² of office/commercial uses with a multi-family component. The property is currently zoned in

General Commercial Planned Unit Development. The property was annexed by the City between 2009-2012 and zoning applied. A development plan is required which is why this project is before the Commission. In 2016 the current owner purchased the property and placed a portable classroom on the property. He began repairs without a permit and the structure was red tagged by Inspections. The City, at that time, observed five dwelling units with other non-residential structures on the property. The applicant has committed to removing the portable classroom. He seeks development plan approval to bring the property into compliance.

The applicant labeled approximately 7,161 ft.² as “proposed” although some of the square footage already exists, because formal approval is required. The structures were added in various time frames with no record of permits, as detailed in section 5. The applicant requests an additional 2,870 additional square feet for a 2nd story live/work area on the existing home, on the southeast corner of the property. That is labeled Unit A7 on the site development plan in the packet. The technical corrections note the proposed second story shall provide elevations at time of permit. Applicant will have to demonstrate compliance with the West Santa Fe River Corridor overlay. Section 3 of the report also shows the development of the property includes an addition of 5,353 square feet and the proposal of an additional 7,161 square feet. The “additional square footage” includes 1,447 square feet of recently added structures that still require building permits, and 5,714 ft.² of proposed new construction.

If the plan is approved the applicant will submit for building permit and all structures at that time would be evaluated for Code compliance. No further construction is requested other than what is before the Commission tonight. The applicant has demonstrated they have satisfied the parking, open space, landscaping, emergency access, water/wastewater, and zoning requirements per applicable codes. The Land Use Department recommends approval subject to conditions of approval and technical corrections as outlined in the report.

If the Planning Commission agrees, two motions will be required: 1) To approve the development plan and 2) to approve the Findings of Fact and Conclusions of Law as listed in the report.

Applicant's Presentation

Hugh Driscoll, 695 Calle Espejo, was sworn. He agreed with Mr. Berke's report and said he would answer questions or clarify any information.

Public Comment

There was none. The public hearing was closed.

Commission Discussion

Chair Hiatt said his opinion was that the best thing was that they would clean up the property and the Commission is grateful for that.

Action of the Commission

MOTION: In Case #2019-66, 2861 Agua Fria Development Plan, Commissioner Sategna moved, seconded by Commissioner Garcia to approve the development plan subject to conditions of approval and technical corrections recommended by staff.

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

MOTION: In Case #2019-66, 2861 Agua Fria Development Plan, Commissioner Sategna moved, seconded by Commissioner Lawrence to approve the Findings of Fact and Conclusions of Law as presented in Exhibit C of the packet.

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

2. **Case #2019-1325. 4075 & 4085 Cerrillos Road Staybridge Development Plan.** James Siebert and Associates, Inc., Agent, representing Plaza Camino Real NM LLC, Owner, requests preliminary and final Development Plan approval to build an 81,822 square foot extended stay hotel. The property is located at 4075 and 4085 Cerrillos Road, is approximately +/-3.25 acres, and is zoned C-2 (General Commercial District). (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136). (POSTPONED FROM JANUARY 23, 2020)

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Redevelopment Subdistrict), and is within the Historic Downtown Archaeological Review District. (Dan Esquibel, daesquibel@santafenm.gov, 955-6587)

Staff Report

Mr. Esquibel presented the staff report. Staff recommends approval of the development plan subject to conditions and technical corrections in Exhibit A of the staff report. Applicant has agreed with all conditions including technical corrections. The application has been reviewed per Ordinance 2006-4A, which added the Lensic Block to the Business Capitol District. The applicant has complied with design objectives and the Lensic Block objectives; met the development plan standards and addressed all criteria needed to process this. Some correspondence is included in the packet, but no subject matter is relevant to the Ordinance for the development plan.

Applicant's Presentation

Joseph Karnes and Jeff Seres were sworn. Mr. Karnes 125 Lincoln Street, suite 221, said he and Jeff Seres with Seres Architecture will make the presentation. He acknowledged the presence of Mike Gomez and Eric Cornelius of Santa Fe Engineering; Alexis Gerard and Jackie Clowney of Greer Enterprises; and Aleem Kassam of Legacy Hospitality and Management.

Mr. Karnes explained Santa Fe received federal funds in the late 60s through the urban renewal effort to clean up the Five Points area by the Santa Fe River. The Condemnation process left a remnant of the 1-acre site that for the last half century has been a private parking lot. In the 2,000s the property had been bisected by the Plaza San Francisco subdistrict and the Marcy subdistrict and had two sets of design standards. The City Council in 2006, approved the consolidation of the two subdistricts into a single Lensic Block redevelopment subdistrict. The Ordinance had a great detail about the building, the lot coverage, building to the property line. It required all parking underground with ingress/egress on Sandoval and permitted portals within the public rights-of-way. He worked on a four-story building that would meet the design standards and conditions approved by City Council in 2008 and similar in massing and design. City Council approved an underground parking easement. With challenges of the economic crisis on construction costs, the building was not built and the permit expired.

A new idea is for all valet parking that will maximize garage spaces. Two tandem vehicle freight elevators will be located in the previous entrance of the parking garage. Mr. Karnes explained he and Mr. Seres interviewed the manager of one of the closest vehicle elevators which was in Denver, Colorado. He explained the process for valet parking that was deemed viable by the parking analysis. Even in peak hours this would not result in vehicles backing up on Sandoval Street.

He mentioned things he thought worthy of noting: the sidewalks are very narrow. The portals are within the property line and effectively widen the existing sidewalk and provides shelter. There is improved ADA access which results in a more pedestrian friendly project. The applicant has met people at the ENN meeting, talked with the Old Santa Fe Association (OSFA)

and operations staff at the Lensic Theater and with members of the community. They also incorporated a suggestion by local architect Rad Acton to open the ground floor of the tower to the public. They have done their best to create a building that suits the needs of the developer, the owner and focuses on visitors' experience.

Mr. Karnes noted a condition of the Subdistrict Ordinance was that there be no canyon effect. That was resolved and addressed by City Council by requiring step-back massing and building that into the subdistrict design standards. Similar is a concern at the previous review and the ENN on shadows on the Sandoval curve resulting in problems with snow and ice. City Council addressed that concept when they approved the Subdistrict Ordinance. In addition, existing buildings already cast shadows on the north side and is a fact of life.

Finally, with the issue of traffic, the Code contains direction about the issue and levels of service acceptable and requires a traffic impact analysis for projects like this. Mr. Romero, City Traffic Engineer, reviewed this report and determined levels at intersections all operate at acceptable levels. Also, City Council required the entrance/exit be on Sandoval Street, which is an improvement at that intersection.

He noted there are five letters of support and many of those who had written letters were present. The Code recognizes that the economic health of the City depends on the economic viability of the BCD. This project is the highest and best use of an irregular piece of the Lensic Block.

Jeff Seres, previously sworn, acknowledged Dan Esquibel's contribution to the project. His presentation included the following slide presentation:

- Does the Building Meet the Standards?
- Site plan, showing entrance/exit
- Development plan
- Shaded areas of the pedestrian components
- First level of the underground garage, two levels, elevator locations
- First floor of the building, four stories
- Proposed Building – View from San Francisco Street Section Looking North
- Design elements - to take cues from the existing buildings on the site
- Northside shows entrance to vehicular elevators with the loading area in the middle and upper elevation between the proposed hotel and light well.

Public Comment

Ms. Paez indicated the public comment should relate to factors relevant to the Commission's approval or denial of the application, the Lensic Block design standards and development plan criteria. She noted issues relating to the site of telecom towers are outside the Commission's scope.

Chair Hiatt acknowledged Mr. Firstenberg and his letter. He invited him to comment during the public comment but cautioned that the items raised in his letter are irrelevant to the issue to be considered by the Commission. The Commission is to consider the approval or denial of the development plan.

Chair Hiatt stated that comments for each speaker were limited to three minutes.

William Logue was sworn. He stated he is a board member of OSFA and his comments represent them. He was not present in the December meeting so he would not comment on that. He is a licensed engineer in several states. He indicated the main reservation for OSFA is the one lane street in the north direction. The cars coming in and out and turning out of the parking garage will have a limited sight line. They will be required to turn right, and a valet bringing a car to the front for someone would have a long drive through very limiting traffic on a dangerous pattern of streets. OSFA feels that maneuvering and awkwardness as well as the sightlines, is a problem.

Diana Thatcher, 2887 Calle de Pinos Altos, was sworn. She noted it was mentioned how concerned the applicant is with ADA compliance. It was important to point out that electromagnetic sensitivity is a disability recognized by the ADA. A certain percentage of people that stay in the hotel will be subject to strong radiation. In addition, Mr. Firstenberg is often vilified in the press, but he is not a kook; he is a scientist, and a very thoughtful, intelligent person. She defied anyone to read his book on the history of electricity and life and think that electro smog that everyone is subject to, has no effect.

Dustin Jasper, 524 ½ Alto Street, was sworn. He stated he leases a retail establishment which will share a common wall. Overall, he thought the project was favorable for a business. They have observed foot traffic and his main concern is the possible disruption of pedestrian traffic. He asked what factors were in place to accommodate foot traffic during development, and how long development and construction would take.

Arthur Firstenberg, 247 Barela Street, was sworn. He noted a cell tower in front of the proposed hotel, 50 yards away with an antenna pointed directly at the parking lot. The antennas were placed on top of the parking lot in 2019. Since then at least a dozen businesses there a year ago have moved and the offices now sit vacant. One lawyer has died and the rest, except for one moved. The one person remaining is also sick and may have to move. Three doors down is Sissell's Jewelry Shop. Ms. Sissell has had headaches and nosebleeds and has been ill since the antennas were moved and the power turned up.

Mr. Firstenberg indicated he was given a note from Ms. Sissell from her doctor Erica Elliott to read. He read: *"Symptoms of high EMF exposure of Sissell at her downtown store off the Plaza in downtown Santa Fe, New Mexico - persistent headaches, brain fog, ringing in the ears, abnormal heart rate, arrhythmia, frequent nosebleeds, fatigue, difficulty staying organized."* Mr. Firstenberg said Ms. Sissell may be forced to move out and lose her jewelry shop.

In addition, he was sent an email by Attorney Barbara Kazen a few days ago. She gave

him permission to read from it: *"One of the tenants in my suite left because of the cell phone towers and I have had terrible reactions to the towers. When I read your email, I noticed that some people had complained of nosebleeds and dizziness. That certainly might explain the massive nosebleeds I suffered the day after the towers were activated, and I have had dizzy spells. I did not realize the towers might be the cause of those reactions. I hate to leave my beautiful office space, but if we are not successful in getting the City to remove the towers, I may not have another choice"*.

Mr. Firstenberg said the single most universal effect of radiation poisoning is insomnia. The office tenants and shop owners do not sleep on that street, but the hotel guests will sleep there, or try to. The guests will have headaches, dizziness, nausea, nosebleeds, and insomnia. The Lensic Hotel will remain vacant and will fail. The Lensic Hotel will get a bad name and the Lensic Theater will get a bad name by association. The City of Santa Fe will get a bad reputation among tourists. The proposed hotel should not be granted a development permit with a cell tower across the street aimed at its rooms from point blank range.

Virginia Miller, 125 Calle Don Jose, was sworn. She said she didn't know much about the science but knew that wireless technology creates irritability in her. She has to live with that daily. It didn't make sense to her to approve any new construction or building in the area until they take care of the antenna problem. There are many people that experience these issues. This is not a good place for new businesses and new buildings, or for a hotel. She advised the Commission not to move forward until they take care of the health problem and what she thought is a serious problem with the antennas. The high-powered antennas radiate the area and effects some more than the others. She asked that the Commission please consider that.

The public hearing was closed.

Commission Discussion

Chair Hiatt asked Mr. Esquibel to give his synopsis on chapter 14 and telecommunications.

Mr. Esquibel said the issues relevant to Chapter 14 are for the FCC. The City does not have the authority to regulate, deny or approve them. The argument should be taken up with the FCC. The Planning Commission has the ability to address the aesthetic issues of telecommunication as well as setback and Code requirements.

Chair Hiatt asked Ms. Paez if the City Attorney's office had a different opinion.

Ms. Paez agreed with Mr. Esquibel. She added under Federal regulations the City is not allowed to consider the environmental impacts of telecommunication facilities. That includes the health impact.

Mr. Karnes wanted to clarify what he thought was a misconception of a speaker on where guests would pick up their vehicles. There is room in between the elevators and the sidewalk on the north side for an interior waiting area. The guests will wait for their vehicle and will enter with

their vehicle at that location and then turn right onto Sandoval. The valet will not need to meander around the streets. This is only a drop off point on Sandoval. Regarding the site line to the left, the site issues have been studied and addressed and from the parking garage is a right turn only. The report was also reviewed and addressed by Mr. Romero.

They anticipate 18-24 months for the development phase. If they can start this winter, the disruption will only be one high season next year. There is a construction management plan and the northbound lane of Sandoval will be closed, leaving north and south lanes on Sandoval as it is currently.

Chair Hiatt asked Mr. Seres to talk about his site display.

Mr. Seres pointed to the site and parking lot and the various buildings surrounding the site. He said the model speaks to the context of where this site is located, and the site has been vacant since 1968. There has been a challenge of what could be done in the space, mostly having to do with parking. That has been addressed.

Commissioner Clow asked Mr. Berke to explain how the Commission interacts with regard to the Historic Design Review Board (HDRB) on the issue of an exception.

Mr. Berke explained the HDRB is a design review board and in this case will also hear a request for special exception to exceed the average height. The zoning district permits up to 49 ft. and the applicant has complied. If the HDRB doesn't grant the special exception, the applicant would probably return to the Planning Commission with a new design.

The Planning Commission approves the development, zoning and approval of compliance with design guidelines for the district and the Ordinance. The HDRB will review the architecture and height. The Planning Commission will make a recommendation to the Governing Body.

Commissioner Hogan asked if parking only serves the hotel guests.

Mr. Karnes explained the City requirement is that the parking for the proposed use of the hotel be accommodated in the garage and the 46 spaces of the existing parking lot also be accommodated. There are leased spaces within the commercial building and the Lensic that will be accommodated. Another 116 spaces in the garage will be available as part of the management function to serve tenants and guests of the block. In regard to the vehicle elevators, they learned in Denver there are sometimes overweight/oversized vehicles. The elevator is amply sized, but they have secured spaces offsite in the archdiocese parking lot to serve those vehicles.

Commissioner Hogan said he had the pleasure of working with the patriarch of the Greer family to develop the lot. He realizes the 46 spaces was not the highest, best use for the area and is happy to see the proposal. The streetscape along Sandoval will be vastly improved with the addition of the County building and with completion of work at the El Dorado and this project, the streetscape will be a great improvement. He thought this a good response to the canyon effect

often talked about, particularly with the setbacks on the upper floors. He appreciated the architectural detail.

Commissioner Lawrence asked about the impact of construction on pedestrians on San Francisco.

Mr. Karnes indicated the sidewalk along San Francisco Street will be closed during construction. Pedestrian access will be on the south side of the street.

Commissioner Sategna asked to speak with Mike Gomez, traffic engineer. He was concerned when looking at the evidence about the parking at the hotel during peak hours. The example provided was for the Denver Hampton Inn, with 302 rooms. The spaces are 110, the proposal is 116. He noticed in Denver there is an off-street pull-up driveway on a one-way street with a separate entrance and exit turnouts. Up to 15 vehicles can sit idle at one time to service the peak drop off/pick up times.

He asked Mr. Gomez to explain how the current design will avoid backups for 70 cars showing up to check in when there are only 4 spaces during peak drop-off/pickup.

Mike Gomez with Santa Fe Engineering at 1599 South St. Francis Drive was sworn. He explained trip generation from the hotel is estimated by using the ITE (Institute of Transportation Engineers) trip generation studies. These are national studies used particularly for hotel land use.

More than one peak time is analyzed for a hotel. The first peak hour for the street is usually between 7-8 a.m. and peak time for a hotel is 10 am -12 pm. People will not impact the drop-off zone. In the afternoon hotel peak is 3-5 p.m. and peak hour for the street is 5-6 p.m. The study uses queuing theory and with the amount of traffic coming to the hotel, it can easily handle the traffic with 3 valet pickup/drop off areas. Trained valet staff will take over driving the car to the garage to park. Staff will also be available to immediately serve any cars coming behind those. The key is the valet operation is a professionally trained staff. The concept is to minimize the transaction time of dropping off a vehicle; some with luggage and some not in peak hours on the street. They have assumed all traffic will come by automobile, but that is not always the case. There is also public transit such as Uber, the Rail Runner, and buses, so estimates are conservative.

Commissioner Sategna said he understood the elevators are only in one area and two cars can be in the elevator with two cars behind them. There is a total of four spaces at one time where an individual could park on the street. He was concerned about potential back up not during peak times, but because there are 70 hotel rooms. He asked how they could service 70 cars, whether everyone is leaving during 10 to noon or checking in from 3-5 p.m. On average, with four cars at a time it will take 4-6 minutes to unload. The math doesn't add up for him. He wanted to hear from Mr. Romero to hear if they had looked at the issues of backup for those trying to get in and out of the garage.

Mr. Gomez explained all 70 rooms would not be vacated daily with new customers coming in. Check in/out will be staggered and the actual amount entering the facility is about 16 cars in the peak morning hours, not 70 cars. Also, people who stay do not usually stay the night and leave the next morning. There are a variety of options for people to travel. He noted the graphic that shows three drop-off points that would handle the 16 cars in morning peak hours. They deliberately enlarged that area, so the 3 valet service operations are independent and there'd be three service stations; like a drive-up bank.

Commissioner Sategna confirmed the actual elevator space is not a point of drop off.

Mr. Gomez further explained that customers would not be allowed down into the parking garage because it is a security issue. A person cannot access their car once delivered unless through a valet to go down to retrieve something.

Commissioner Sategna stated they are dealing with 3 spaces to drop off or pick up their cars.

Mr. Gomez said in the back when they bring cars up, there are 4 spaces to get the car.

Commissioner Sategna confirmed technically 7 cars could move through at one time. He asked if Mr. Gomez believed that was sufficient to service a hotel with 70 rooms.

Mr. Gomez replied it is, based upon the analysis and methodology during peak times.

Commissioner Sategna said his concern was looking at the example provided for the hotel in Denver with 15 service spaces and 110 underground parking spaces.

Mr. Gomez explained Denver is also 350-unit hotel. Another difference is that Denver is an automobile city and Santa Fe is not geared to automobile use downtown. They have many opportunities for walking, bicycle rentals, buses, among other factors and this is conservative.

Mr. Berke suggested the applicant talk about the shared parking agreement. The BCD is designed for parking standards to be more lax than other areas in the City. An example is most retail uses would require one parking space per 200 ft.². The BCD requires one per 350 ft.² and encourages multi-modal transportation. He suggested Mr. Karnes explain the archdiocese parking agreement they will enter into.

Chair Hiatt asked if Commissioner Sategna was satisfied.

Commissioner Sategna said he understood the agreement only includes oversized vehicles. He asked if it would also include overflow.

Mr. Karnes said the agreement is not limited. The spaces are being leased and can be used for any purpose. Also, Mr. Gomez's report includes a 2010 chart showing there are about 906

spaces in the downtown parking structures. Since then, the municipal garage was constructed, beneath the Convention Center; the State Capital parking garage was constructed and there is a new County Administrative Building with public spaces that added 1,118 spaces to downtown parking. There has been a significant public investment in parking structures in 10 years that is important to consider.

Commissioner Sategna said the question is not if there is sufficient parking for the building, but about the flow of traffic to put cars into the space. And what might occur, with only 3 spaces. It is convenient to argue there is Uber and it is a walking district, but people rent cars to come to Santa Fe from the Albuquerque Airport. They will either use public parking or hotel parking. He was concerned 7 spaces to handle the peak times will create backup that overflows into the public parking garage. That could potentially disrupt the area.

Commissioner Garcia assumed employee parking would also be off-site and only vendors and guests would use the garage. He noted the study of the El Dorado Hotel and their parking que, which was small but seemed to work well for such a large hotel. However, they did not need to go outside to the street. The off-site parking for larger vehicles had also been a concern but has been addressed.

Mr. Karnes pointed out the City Code sets parking standards and takes into account guests and employees. They factored in 116 spaces onsite and they can accommodate employees in the parking garage. Most hotels downtown do have their employees park off-site and likely could be a component of the parking situation.

Commissioner Gutierrez referred to the Lensic District slide. He said it was mentioned off-street parking is mandated underground with ingress/egress along Palace Avenue. He asked where that was written.

Mr. Esquibel explained it is a requirement of the Ordinance adopted as a condition within the district as a mandate. This applicant, as well as applicants in the past are required to do that, unless they apply for a variance.

Commissioner Gutierrez asked if their recommendation to the Governing Body would come back to the Planning Commission.

Mr. Esquibel explained once the recommendation went to the Governing Body it would not come back.

Commissioner Gutierrez said he had the same concerns with the queuing and parking. He would like a request for variance to use the San Francisco Street as an entrance or exit. He noted he read that the elevators in Denver are separate and thought elevators were not advantageous being in the same location. The 5-6-minute wait is for one level and this would be two levels. He also wondered if the parking garage would be heated.

Mr. Seres explained that there will be minimal heat in the garage. He noted an issue with the Denver elevators was the freezing of the fluids because they failed to include heaters. The applicant plans to put in gas-fired unit heaters in the garage and heat minimally like a warehouse.

Commissioner Gutierrez noted the stairs are all on the same side. He wondered in the case of an emergency why there were none in other locations.

Mr. Seres said there is a stairway on the north end, across from the elevators. They meet Code in terms of separation of the stairways and the occupancy for garage capacity. The separation provided is more than the minimum required.

Commissioner Gutierrez asked about the contingency if a vehicle was stuck without power and not able to be driven out of the elevator.

Mr. Karnes explained the vehicle would remain until it could be elevated and pushed into the garage for a tow truck. It would be in a safe area until it could be moved.

Commissioner Gutierrez thought it made more sense to use elevators in different areas but understand about the Ordinance.

Mr. Karnes replied he was not sure that would change the equation and City Council had mandated the entrance/exit.

Commissioner Gutierrez asked about the archdiocese agreement.

Mr. Karnes explained it is a five-year lease with option to renew.

Chair Hiatt voiced concerned about the ice question. He said he understands the shadow effect. He asked Mr. Romero if the City planned underground heating at the corner.

Mr. Romero said they have no plans and that would be expensive and as Mr. Karnes noted, downtown north facing shadows are throughout downtown. He explained the City does the arterials first and then uses a deicer that is more efficient than the standard in the north shadow areas. They don't use it in brick areas like San Francisco Street because it deteriorates the brick.

Chair Hiatt asked if Mr. Romero wanted to add anything on studies or anything else.

Mr. Romero indicated the City looked at the question initially about the site distance coming out of the garage. In 2005/2007 they measured actual travel speeds of vehicles and compared them to site distances per federal guidelines. It met the guidelines for site distances and is sufficient based on the travel speed.

Commissioner Sategna asked Mr. Romero if they had considered the studies by the client's engineer about getting cars in and out. He asked if it was sufficient, or if the City only looked at

the number of spaces required for approval of the application.

Mr. Romero said Land Use does look at the parking count, which is different than the efficiency of moving in and out. In this case, the efficiency of getting people out of the garage is not an issue for the City, although getting in could be a concern. The El Dorado is a good example. He has never noticed any parking problems and they do not have a valet. People have to stop in at the portal to check in before they can enter the garage. Another example is the Inn of the Anasazi. People have to get their room before they park and again, he has never seen any problems at the portals.

Commissioner Sategna said at the El Dorado you don't necessarily see cars parking in the front driveway, they drive under the parking garage. There can be 5 to 7 cars remaining idle in line if there is back up for people trying to get in and out. He thought there were no examples provided in terms of other hotels, because they have other parking lots more off point, or places that cars can remain idle.

He asked to confirm whether the City does its own study of the elevators and if they are sufficient, or could create backups, or do they only look at counts.

Mr. Romero explained the City does not do their own study for any development. The developer does that and the City reviews and that was done in this case. He asked if Commissioner Sategna's reference was the cars at the El Dorado waiting to get in or out.

Commissioner Sategna clarified he was just saying there is more ground for cars to remain idle versus three drop off points for cars. The El Dorado has space in front where 3-4 cars could remain idle and space underground in the parking garage cars could remain in line to park. There could also be from the back of the El Dorado cars trying to get onto the street as they are exiting. There is more space for cars to remain idle. This building for a 70-room hotel, but has only has three drop off points with a potential four in the back that is only handled by a valet.

Commissioner Sategna said for the record he wanted Mr. Romero to express his concern before this was put to a vote.

Mr. Romero thought the pinch point is at check in. He said whether you check in personally or through a valet the pinch point is you need to check in and then get the car to the garage. The El Dorado even with all the space for cars, doesn't improve efficiency, it probably takes more time for someone having to check in at the front door and come back to their car. This hotel will have a valet who immediately processes the car while the person goes to check in. From that standpoint this could be more efficient, especially with a well-run valet service.

Commissioner Sategna confirmed the El Dorado has 24-hour valet service. No one has to go inside and check in and then come back.

Mr. Romero confirmed the El Dorado has both of those options, an efficient valet and non-valet. This proposed hotel has only an efficient valet operation.

Action of the Commission

MOTION: In Case #2019-1535, 211 W. San Francisco Development Plan, Commissioner Hogan moved, seconded by Commissioner Clow, to recommend to the Governing Body approval of the development plan subject to staff conditions of approval and technical corrections.

VOTE: The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan and Lawrence voting in favor and Commissioner Sategna voting against.

MOTION: In Case #2019-1535, 211 W. San Francisco Development Plan, Commissioner Hogan moved to approve, seconded by Commissioner Lawrence, the Findings of Fact and Conclusions of Law as shown in Exhibit B of the staff report

VOTE: The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan and Lawrence voting in favor and Commissioner Sategna voting against.

Mr. Burke asked to clarify on the second motion the intent was to approve the motion, not recommend the motion.

Chair Hiatt agreed it was a motion to approve.

G. STAFF COMMUNICATIONS

Mr. Isaacson said the Land Use Department sent a draft of Phase 1 of the Land Development Code update RFP to the Procurement office. They hope to have a contractor before the end of the fiscal year.

Mr. Berke polled the Commissioners in anticipation of the iPads, on who preferred a paper copy of agendas and packets and who did not want to go to digital. They currently use an online platform to create agendas and upload packets to the website. They would like to give each Commissioner an iPad by June. Commissioners would receive an online link before the meeting that allows them to mark up their copy and link that to the iPad.

Chair Hiatt asked if he was expected to print the packet from home.

Mr. Berke explained staff would provide a paper copy if someone wanted.

Commissioners Clow and Chair Hiatt asked to receive paper copies.

Commissioner Sategna indicated he had requested large architectural drawings be on paper, but the 8.5 x 11 could be incorporated digitally. He asked if it was possible to split that to conserve paper.

Mr. Isaacson said the easiest for staff would be to provide the entire packet digitally and in addition, the hard copies of any architectural drawings.

Commissioner Sategna said either way if staff was willing to make it work.

Chair Hiatt said he could not read anything on the screen, and it was not useful.

Commissioner Faulkner asked if they could receive the PowerPoint presentations before the meetings.

Mr. Berke explained they did not always know what form the applicant would be presenting in but could start asking for a copy in advance to distribute.

Commissioner Sategna asked with iPads, could staff ask applicants to be prepared to email the presentation for distribution to Commissioners.

Mr. Berke said they could. They have already started telling applicants they want a digital presentation of materials and will continue to emphasize that.

Commissioner Faulkner asked if that could be a requirement.

Ms. Paez said they could adopt a Code amendment, but they do not currently have a requirement. Staff has the same problem with appeal procedures and the challenge of being handed hundreds of pages they have never seen. That cannot be considered in making the decision, but applicants are permitted to include that as part of the record. She thought it behooved applicants to provide documents so the Commission could consider them.

Mr. Berke added that everything in presentation tonight was in the packet.

Commissioner Gutierrez asked about getting packets earlier with the revolution of the iPads. The more time he has to read it, the more informed and happier he would be.

Mr. Berke replied from the time a report is generated and finished the Commission sees it within the week. Getting it to them earlier would be difficult.

Mr. Isaacson offered to look into that, but said Mr. Burke was correct. If they could get it to the Commissioners sooner, it might only be a day or two. Their schedules are very tight, and it goes through a multistage review process. He signs off on reports within 24 hours of the

Commission receiving them.

Commissioner Gutierrez said he does look for the packet online. He just thought there could be some time shaved off that.

H. MATTERS FROM THE COMMISSION

Commissioner Faulkner voiced her growing concerns about the Airport Road Corridor. She noted a productive conversation with staff and John Romero but wanted to request the record reflect their conversation. The Commission would like traffic counts on a similar development when a subdivision/development is going in and Mr. Romero has agreed.

Mr. Romero clarified Commissioner Faulkner was asking for existing counts in the surrounding area or of a similar development that would help establish projected counts for a potential development.

Commissioner Faulkner said the second one.

Mr. Romero clarified she wanted that count for every development case seen by the Commission. He said that would add quite a lot to the traffic process. He noted on the last case on Airport Road he instructed the developer to come up with their own trip rate, in light of the concerns of the Commission. He asked if the numbers turn out to be lower should they use that information.

Commissioner Faulkner explained she was looking for facts and if the count is lower that is great for the developer. It would be up to the Commissioners whether they want that for every development and what they want out of their districts.

Chair Hiatt pointed out she was asking a department to take on additional work to help the Commission prepare. Possibly they could try that on an experimental basis to give Mr. Romero an idea of how much time it would take. He asked if Mr. Romero or the developer could do that.

Commissioner Faulkner said the Airport Road debate is not going to go away unless they have facts to hold in the face of perception. She wanted this just for the Airport Road corridor, but if they have to do it for everything, she will pursue that. They cannot continue to look at cases piecemeal. They talked about judging a case just on the amount of traffic, but they know of others that are coming. She said they also discussed a major study Mr. Romero will do that will have a 20-year projection.

Mr. Romero replied there is, but there are two different things: 1) How existing traffic is counted, which they already do and 2) how they project future traffic from a potential development. He thought whether a 40-unit subdivision on Airport Road or a 40-unit on Old Pecos Trail, the

question is how many cars the subdivision creates. If concern is, they are not estimating correctly, then this should be done for all of them. He could have the developer do that.

Mr. Romero clarified whether this would be only housing or would include commercial. A commercial, like a strip mall would be more difficult.

Commissioner Faulkner said her concern is housing. Currently they are in a “build, build, build” mode and inevitably the traffic will get worse. She said they discussed the perception and how things actually are, and she needs more direct comparison.

Chair Hiatt indicated there is a 233-apartment development on the agenda for the next meeting.

Commissioner Hogan asked if the General Plan takes into account uses and project traffic volumes to estimate requirements like traffic, sewer, and water.

Mr. Romero said he did not know if that was done by the General Plan per say, but the MPO maintains a Master Transportation Plan. Part of that is to maintain a traffic model for the City, a macro model. The assumptions it uses for traffic generation is the same used for this. They are used on a national level through the Institute of Transportation Engineers. There are 250 subdivisions for housing the City has developed trip rates for and uses the same model.

Commissioner Hogan said they assume build-out per zoning and that is used to model that.

Mr. Romero agreed if a certain number of acres of General Plan they estimate the number of cars and plug the data into the software.

Mr. Isaacson added that MPO maintains a traffic model based off of land uses that projects future land uses. He thought in regard to Commissioner Faulkner’s request and what Mr. Romero could provide, it would also be helpful to bring in Eric Aune, the MPO director who could provide information on how traffic is projected and how that would be impacted by future land uses. He offered to schedule Mr. Aune to do a presentation.

Chair Hiatt thought that a great idea and suggested he be at the beginning of the agenda.

He apologized for excusing Mr. Romero early at the last meeting. He wasn’t sure they need the entire vision of the City, just Airport Road and Aqua Fria. That will be where they get the biggest amount of push back. He was concerned because he doesn’t know what it will look like when it is built out.

Mr. Isaacson said he does understand traffic modeling, but it is hard to look at any one particular corridor in a vacuum. The entire system impacts what happens in various areas of the City. It takes a more holistic analysis of traffic patterns to understand what is happening in a specific area of the City. He thought Mr. Aune could provide good insight into that and what is

anticipated in future land use patterns and growth, and how that impacts the transportation networks.

Chair Hiatt asked when the Commission should draw the line, at what point they say this will not work and the MPO has not done their job. Or when do they say to the City, or those involved, there is too much traffic on a particular road.

Mr. Isaacson agreed that was the question. The MPO looks beyond trip generation of a specific proposal and how to understand that in the context of everything else that may be proposed in the corridor. MPO can provide good insights of the number of projections for vehicles on the road, EVTs, trip generation and other items.

Commissioner Faulkner asked if they could submit their questions in advance.

Mr. Isaacson thought that was a great idea and said staff would be happy to facilitate.

Mr. Romero appreciated their concern about adding traffic and wanting better transportation planning. It is more than just building a road, it is land-use planning, and many of the decisions have already been made. Agua Fria is a good example. It was subdivided and the roads were laid out well before their time. An example of good planning is Las Soleras and they can blame him if it fails in 40 years. They had the ability to manage the road network and space intersections. Because of the way land has been subdivided into small projects, if they are looking for MPO to develop solutions for all their transportation problems, it will be difficult. There is not much they can do to Aqua Fria and they are doing what they can.

There is the bridge crossing and eventually will be an interchange at 599 at Via Veteranos. He pushed for the South Meadows interchange because it was a better way to utilize the relief route. Cerrillos Road was improved with auxiliary lanes and access control to keep people on that instead of Aqua Fria and Siringo. They are also looking at South Meadows and Agua Fria as a pinch point to provide a better relief for people to get out of Airport Road. The interchange at Jaguar and 599 was also a huge accomplishment that would have been unlikely if not for the developer. He said he is open for suggestions on how to relieve traffic.

Mr. Romero thought a good way to improve traffic is through land use decisions and better distribution of land use throughout the City is better for traffic. It is more complicated than asking MPO to develop a model.

Commissioner Faulkner said she knew how difficult his job is and this is not about him and what he is not doing. She has to decide what developments make sense to recommend to City Council and needs more information to make good planning land use decisions.

Mr. Berke wanted to point out a fundamental difference in disapproving a project because it did not satisfy approval criteria and disapproving because of what they see in the area. They have to look at the approval criteria of what they are evaluating. Findings are fundamental and are

based on whether they are not met or were satisfied. That is why he asked how the criteria was not met in the negative findings in the last meeting. That is important because it becomes an appealable issue for the developer.

Chair Hiatt asked Ms. Paez to weigh in.

Ms. Paez agreed with Mr. Burke on requesting findings specific to the criteria that is not met. Property owners have a right to use their property. The City's ability to regulate is based on the ordinance, criteria and requirements of code. The Commission should look specifically at the Code, as the source of their authority when making land use decisions. It is easy when going with staff's recommendation, but when the Commission doesn't agree with staff's findings, they should be clear why. They should be able to uphold the decision and not overstep their authority to regulate.

Commissioner Faulkner said the applicant has a right to request a variance, not a right to the variance.

Ms. Paez said true, but when talking about traffic people are complying with levels of service and they have impact studies to show they passed. That doesn't require a variance.

Commissioner Clow said when the Commission is presented with the information from staff that it complies with traffic and other items, unless something of substance comes up contrary to their report, it is difficult to deny a project. Because it would be appealable and isn't fair to the applicant. Appeals are expensive and it is also not good for the Commission to arbitrarily state their opinions.

Ms. Paez said if staff can provide more facts that affect the analysis, it is appropriate to consider.

Chair Hiatt stated quality of life was discussed at the last meeting, but it doesn't appear in the ordinance. They could discuss public interest, but he doesn't know where to go but it cannot go against manufactured housing. A federal law prevents that. If a court or City Council thought when reading their minutes, they had been arbitrary and capricious they would get it back.

Commissioner Sategna agreed with Commissioner Clow. He said the issue for him for the record, was not only his concern about things presented that might not have been considered, especially reports. But for him, criteria #2, *approving the development plan will not adversely affect the public interest*, was not met. Traffic jams and overload not considered could adversely affect public interest. He tries to be strategic in his opinion and facts, that might have been missed by staff, that should be considered before approving the project.

Given the recommendation, when the board votes against something they want to be able to state that. He asked if in expressing his opinions, he should also state that it doesn't meet criteria so that is in the record.

Ms. Paez thought that would be helpful to comment specifically on the evidence in the record. They bring their personal experience to bear when considering something but as a quasi-judicial body, they should be limiting their consideration to the information presented. That can include sworn testimony, applicants, and everything in the packet. It is appropriate to say this information doesn't add up and ask staff to address that. Applying the law to the fact is exactly what she encourages.

Commissioner Sategna asked if he should also include when expressing his thoughts, when he doesn't agree with staff's recommendation.

Ms. Paez replied that would be excellent because then it is clear he is applying the law, not just a matter of opinion.

Commissioner Lawrence added from this conversation she could see a role for a long-term planning committee. They could look at matters such as balance of land use around Airport Road.

Commissioner Faulkner said she didn't feel she was getting enough information in the packet to make a decision.

Mr. Romero said it confirms direction for him when the Commissioners have specific questions on a traffic study to point to a specific page that doesn't make sense. If staff should be looking at traffic impacts on top of all potential future impacts that would be considered a "horizon year analysis." They have upped the counts by 3% and then add their traffic onto that which is all that is required for a small subdivision. It would be different for a large Walmart. He talked about Los Soleras that was termed "ultra-horizon" and beyond standard. That study maxed out all the cars on all of the roads 100 years in the future and how development would be affected. He asked where the cut off is; do they want that for a 40-unit subdivision, or what size would they want them to do a study.

Commissioner Clow asked what he recommended.

Mr. Romero said if it generates over 100 peak hour trips, he considers doing a horizon year analysis. He considers the traffic related to the development by looking at the general plan. The 40-unit subdivision is a low-density development. He looks at what they could do dependent on the scale of the project and what he could ask the developer to do. At the last meeting, he asked the developer to look at the signal closest to them for the 40 units, that would have the most impact and the access points, including Geo Lane.

Mr. Berke asked Mr. Romero how many units it would take for Airport Road to reach level D, E or F and become a failing road. He asked if it would be thousands of units before the service would drop without changes in signalized intersections, etc.

Mr. Romero wasn't sure he could give a number. The Tierra Contenta Master Plan would have been the time to decide what other intersections would be needed but has long been established. Agua Fria is a good example on Dos Acequias. If all low density was done like that, he thought it wouldn't have had a substantial effect on Agua Fria. People that live there see a lot of cars and think traffic is bad, but he challenged the Commissioners to look at whether it is really that bad. They should measure how long it takes them to get from one point to another. He said he promised Commissioner Faulkner the Bluetooth capability and he will work on presenting that to the Commission for the peak hours of travel time and where they bottleneck. They could do a workshop and look at the whole City. They could collect data from the software, but KOAT shows traffic jams and he has had people saying they are in a traffic jam but sees all green.

Chair Hiatt asked if Mr. Romero agreed that Geo Lane could have another lane going in.

Mr. Romero said yes.

Commissioner Faulkner found it tricky when looking at a 40-unit development and whether it will impact when there are 25 units or larger units here and smaller units there. When looking at them one at a time, they seem benign but looking at the total number it could be dangerous.

Mr. Romero thought it inappropriate for each small 40-unit subdivision to bear the whole load. If the Planning Commission and City Council feel the roads are at capacity, they should hold off development. The City will need to do the major improvements and they will have to wait on them for the money and approval. Or they could allow the incremental development to go on knowing that the City will have to do reactive projects.

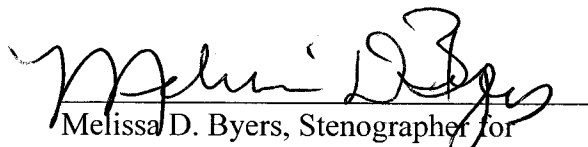
Chair Hiatt thanked Mr. Romero for staying. He thought having him come to talk for an hour would make sense because the Commission needs to hear this.

I. ADJOURNMENT

Having completed the agenda and with no further business to come before the Planning Commission, the meeting was adjourned at 8:45 p.m.

Submitted by:

Approved by:


Melissa D. Byers, Stenographer for
Byers Organizational Support Services

John B. Hiatt, Chair

City of Santa Fe, New Mexico

memo

EXHIBIT

tabbles

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DATE: February 20, 2020

TO: Planning Commission

FROM: Current Planning Division

RE: Additional Information

The attached information is not in your February 20, 2020 Planning Commission packet. The information is in the following order:

Case #2019-1535. 211 W. San Francisco Development Plan.

- Letter dated February 15, 2020 from Arthur Firstenberg.

Arthur Firstenberg

February 15, 2020

John B. Hiatt
Mark Hogan
Pilar Faulkner
Lee Garcia
Brian Gutierrez
Janet Clow
Jessica Eaton Lawrence
Dominic Sategna
Santa Fe Planning Commission

**Regarding: Item 7D, Planning Commission Agenda, February 20, 2020
Proposed 4-story hotel and restaurant**

Dear Commissioners,

Before you this Thursday, February 20, 2020 at 6:00 PM is a development plan for a proposed 4-story hotel on the northeast corner of San Francisco and Sandoval Streets. It is Item 7D on the agenda.

There is presently a hazardous condition at that corner that precludes the operation of a hotel there. Any hotel that is built there will remain vacant and will go bankrupt unless the hazard is removed.

Shop owners on the north side of the 200 block of West San Francisco Street are reporting headaches, nosebleeds, and nausea and vomiting since January 29, 2020. That is when Verizon Wireless concealed a cell tower behind a false façade below the parapet of the Sandoval Parking Garage and turned it up to full power.

One of the two hidden antennas is aimed directly at the Lensic Theater. The second antenna is aimed at the parking lot where Greer Enterprises wants to build the four-story hotel that is before you. The measured radiation levels in front of the shops on the north side of the street are higher than on any other street in Santa Fe. The radiation levels in the offices above those shops are even higher, as are the radiation levels at the parking lot on the corner.

There is already a pending lawsuit against the City of Santa Fe in federal court regarding that cell tower, which was built illegally.

In November 2018, then-Mayor Javier Gonzales, whose family owns two cell towers upon which Verizon Wireless has antennas, awarded a city contract, in secret, to Verizon Wireless to build seven new cell towers on city-owned property. In order to bypass the city's

land use regulations and evade public scrutiny, the mayor declared a "bad cell phone reception" state of emergency, also signed in secret, using powers he did not possess under the City Charter. One of those illegal cell towers is the one now hidden below the parapet of the Sandoval Parking Garage. In *Santa Fe Alliance for Public Health and Safety v. City of Santa Fe* (D.N.M. Case No. 18-1209), Santa Fe residents are asking the court to prohibit the operation of these illegal cell towers.

The antennas that are now concealed below the parapet were built atop the corner of the parking garage in December 2018. At that time the four office suites above the shops, looking out onto San Francisco Street, were in high demand, and each suite was shared by three or more professionals, mostly lawyers. Today the upstairs looks like a ghost town. I know of one lawyer who has died, and the rest of them have moved out: three of the four suites are vacant, and only one is still occupied by a lawyer who appears to be in process of moving out also. During lunch hour yesterday there was no foot traffic in and out of those once-busy offices.

A hotel should not be approved on that corner until the illegal antennas across the street are removed. If that hotel is built with that antenna aimed at it, it too will be vacant. Any guests who stay there will not feel well, will not be able to sleep, and will not come back.

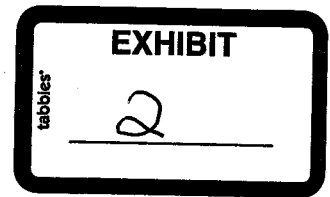
Please do not approve Item 7D at this time.

Sincerely,

A handwritten signature in cursive script, reading "Arthur Furstenberg". The signature is written in dark ink and is positioned below the word "Sincerely,".

Your email

From: Barbara Anne Kazen <bkazen@comcast.net>
To: bearstar@fastmail.fm, Jackie Clowney <JackieC@greerenterprises.com>
Subject: Your email
Date: Sunday, February 16, 2020 11:41 AM
Size: 10 KB



Hello Arthur. Your email was forwarded to me. We are all grateful for your efforts on our behalf as tenants of the Lensic, but I wanted to correct your facts about the tenants who have left. Only **one of the tenants in my suite left because of the cell phone towers** and she, actually, left before they installed the two new ones. **She had terrible reactions to the tower that had been in place on the city parking garage for awhile.** Her space was filled immediately by a new tenant. The other tenant, who was a retired lawyer, left because she hardly ever had use for an office. The Greers have been good to all of us and have tried to protect us by purchasing expensive curtains to help block out the damaging radiation. They have encouraged us to leave if we feel that our health requires a relocation. They have alerted us to the fact that they think the hotel will be approved and therefore, our days of peaceful enjoyment are numbered. This has had an effect on prospective tenants on the last office in my suite. When I read your email I noticed that some people had complained of nose bleeds and dizziness. That certainly might explain the massive nose bleed that I suffered the day after the towers were activated and I have had dizzy spells. I didn't realize the towers might be the cause of those reactions. I hate to leave my beautiful office space but if we are not successful in getting the city to remove the towers, I may not have another choice. When that time comes, I know that I will be treated fairly by the Greers. Thank you again for your efforts. Barbara

--
BARBARA ANNE KAZEN
WWW.KAZENMEDIATION.COM
215 W. San Francisco St. Ste 201-D
Santa Fe, NM 87501
Tel: 505.988.8800
Fax: 505.988.2300

My testimony on Lensic Hotel
February 20, 2020, 6:00 pm

Commissioners,

There is a cell tower right in front of the proposed hotel, twenty yards away, I measured the distance last night. One of the antennas is pointed directly at the parking lot where the hotel will stand. Those antennas were placed on top of the parking garage across the street in early 2019, and since then almost all the tenants in all the office suites facing that antenna have moved out. At least a dozen lawyers and other businesses were there a year ago and those offices now sit vacant. One lawyer has died, and all but one of the rest have moved out. The only one left is attorney Barbara Kazen, who is also sick up there and may have to move out.

Three doors down from the corner is Sissel's jewelry shop. Sissel has had headaches and nosebleeds, and threw up one day, after those antennas were moved three weeks ago and their power was turned way up. Sissel gave me this note from her doctor to read to you: "Symptoms of high EMF exposure of Sissel Trondseth at her downtown store: Persistent headaches; Brain fog; Ringing in the ears; Abnormal heart beat, arrhythmia; Frequent nose bleeds; Fatigue; Difficulty staying organized." Sissel may be forced to move out and lose her jewelry shop.

Attorney Barbara Kazen sent me an email a few days ago and gave me permission to read from it. She writes: "One of the tenants in my suite left because of the cell phone towers... She had terrible reactions to the towers... When I read your email I noticed that some people had complained of nose bleeds and dizziness. That certainly might explain the massive nose bleed that I suffered the day after the towers were activated and I have had dizzy spells. I did not realize the towers might be the cause of those reactions. I hate to leave my beautiful office space but if we are not successful at getting the city to remove the towers, I may not have another choice."

The single most universal effect of radiation poisoning is insomnia. None of the office tenants or shop owners sleeps on that street, but hotel guests *will* sleep there, or will try to. Guests will have headaches, dizziness, nausea, nosebleeds, and insomnia. The Lensic Hotel will remain vacant and it will fail. The Lensic Hotel will get a bad name. The Lensic Theater will get a bad name by association. The City of Santa Fe will get a bad reputation among tourists.

The proposed hotel should not be granted a development permit with a cell tower across the street aimed at its rooms from point blank range.

Thank you.

Arthur Firstenberg

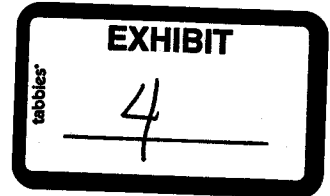
Erica M. Elliott, M. D.

Feb 11, 2020

board certified in family practice and environmental medicine

Symptoms of high EMF exposure of Sissel Tondseth at her downtown store off the Plaza in Santa Fe, NM

- 1) Persistent headaches
- 2) Brain fog
- 3) Ringing in the ears
- 4) Abnormal heart beat, arrhythmia
- 5) Frequent nose bleeds.
- 6) Fatigue
- 7) Difficult staying organized



E. Elliott, MD