

## **B.P.O.E. Lodge # 460**

*"New Team, New Dream!"*

1615 Old Pecos Trail

Santa Fe, New Mexico 87505

(505) 983-7711

*Dave Fitzgerald, Exalted Ruler*

August 11, 2015

Ms. Lisa D. Martinez  
Land Use Director  
City of Santa Fe, New Mexico

Ms. Martinez,

Perhaps I am in the minority of Santa Fean's that truly understand the issues concerning the proposed MorningStar project that our Mayor and City Councilors currently face. However while I do not care at this time to voice the opinion of myself or our Lodge, I am deeply concerned on the structure and content of the issues that are being reviewed.

It is my understanding that our City Planning Commission heard three applications at their public hearing of April 2, 2015. That evening the three applications that were reviewed were the following;

- 1) Lot Split of 1615 Old Pecos Trail filed by B.P.O.E. Lodge 460
- 2) Special Use Permit, 1615 Old Pecos Trail filed by MorningStar
- 3) Proposed Plans filed by MorningStar

For the sake of convenience and efficiency, all three of these applications were reviewed at the same time. The result of this hearing was each one of these applications were voted upon individually and approved by the P.C. and subsequently approved by our City Council.

As you are well aware, our neighbors appealed these decisions, the City Council denied their appeal and we are awaiting the Finding of Fact and Conclusion from our City Attorney. Unfortunately we find ourselves in a virtual limbo on the final decision concerning these matters and while I can understand why the "Special Use Permit" and the "Proposed MorningStar Plans" are in this position, I do not understand why our application for a "Lot Split" would be so.

**What are the merits of having our Lot Split application included in the matters suggested for mediation? To the best of my knowledge our application was fully compliant with the Subdivision Rules and Regulations. If this is not so, please advise us the basis of which we were not compliant. The economic viability of our property is needlessly at risk while included in this quasi-judicial.**

**Respectfully I am asking for the opportunity to request that our Lot Split Application be separated from the current applications that are under review by our Mayor and City Council and I am asking for the opportunity to address this matter prior to it being discussed tomorrow evening at the afternoon City Council Meeting. For this reason I am asking that our Mayor and City Councilors are made aware of my request prior to tomorrow evenings council meeting.**

**I appreciated your assistance in addressing this matter.**

**Respectfully,**

**Dave Fitzgerald  
Exalted Ruler  
B.P.O.E. Lodge 460  
Santa Fe, New Mexico**

**Cc; Hon. Patricio Serna, (Ret.)  
Daniel O’Friel, Counsel, B.P.O.E. Lodge #460  
Dan Esquibel, Senior Planner  
Kelley Brennan, City Attorney  
Zachary Shandler, Assistant City Attorney  
Greg Smith, Planning Division Director  
Board of Directors B.P.O.E. Lodge 460**

September 20, 2015

Ms. Martinez;

The Southeast Neighborhood Association, SENA, requests that the following be included in the "public hearing record" of for Oct.14 City Council meeting for Case No. 2015-51.

Sincerely,  
Jim Dyke, SENA Board President  
2005 Calle de Sebastian  
Santa Fe, NM 87505

## **Southeast Neighborhood Association (SENA), MorningStar Discuss Proposed Assisted Living Facility**

MorningStar Senior Living, the assisted living facility proposed to be built in the Old Pecos Trail Scenic Corridor, has been the topic of numerous newspaper articles, commentary and letters-to-the-editor. The proposed facility would be a 73,550-square-foot assisted living center on Old Pecos Trail.

At the July 29<sup>th</sup> City Council meeting, Mayor Gonzales expressed a desire that the parties discuss the project and look for a “common solution” that could be acceptable to all parties. At that meeting, the City Council voted to reconsider the previous (July 8<sup>th</sup>) vote in which the Council denied SENA’s appeal of the approvals by the Planning Commission. Although a second vote on the appeal has not yet taken place, the Mayor has recently made it clear that:

*“...a majority of the governing body, including myself, does not support the facility as currently proposed.”<sup>1</sup>*

In the spirit of the Mayor’s request that the parties engage in discussions, representatives of SENA, MorningStar and Confluent Development, a Denver based commercial real-estate development company that is MorningStar’s partner in the project, met in Santa Fe on September 15<sup>th</sup> to discuss whether mediation might result in a mutually acceptable compromise. After a lengthy, amiable discussion in which both sides presented their issues, concerns and constraints it was concluded, for the reasons explained below, that mediation would not be productive.

MorningStar and Confluent explained during the meeting that the proposed facility cannot be any smaller because, they said, the project would not be economically viable if there was any reduction in the number of assisted living units. In other words, it is MorningStar’s position that the proposed facility must include no fewer than the 84 units that are currently proposed. As a result, any modifications that MorningStar and Confluent are able to offer would not make the project materially smaller than the 73,550-square-foot building that has resulted in wide-spread opposition to the project and would not lessen the adverse impacts that are of concern to the community. It was agreed by the parties that without a meaningful reduction in the size of the building, mediation would not result in a “common solution” as envisioned by the Mayor.

SENA has met with MorningStar in good faith and with an open mind to explore a possible compromise, and we support the Mayor’s vision that parties engage in this type of discussion. We are glad for the opportunity to have met with MorningStar and its partner. However, in light of MorningStar’s position that it cannot reduce the size and scope of the proposed facility, there is, regrettably, no opportunity for a compromise.

SENA and its members, therefore, continue to oppose the MorningStar project for all of the reasons stated to the Planning Commission and in SENA's appeal to the City Council. Neither the building size nor the proposed commercial use are compatible with the surrounding residential area. The project is inappropriate for and not permitted within an R1 zoning district or the scenic corridor in which it would be located.

It is now up to the Mayor and City Councilors to vote on and decide SENA's appeal, which remains pending before the Governing Body because the motion to reconsider was granted. SENA requests that the Mayor and City Councilors uphold the City's land use code, that they grant SENA's appeal and deny the proposed MorningStar project.

The Council is scheduled to reconsider SENA's appeal at the October 14<sup>th</sup> meeting.

<sup>1</sup> Mayor Gonzales quote from article **Neighbors set conditions for MorningStar mediation** Posted: Tuesday, August 11, 2015 7:00 pm By Daniel J. Chacón

# SOMMER, KARNES & ASSOCIATES, LLP

**Mailing Address**

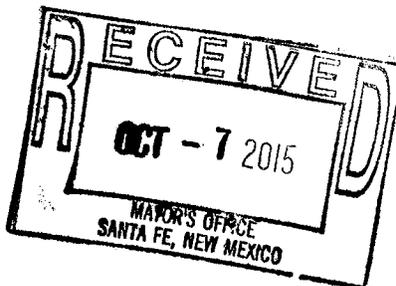
Post Office Box 2476  
Santa Fe, New Mexico 87504-2476

**Street Address**

200 West Marcy Street, Suite 139  
Santa Fe, New Mexico 87501

Telephone:(505)989.3800

Facsimile:(505)982.1745



Karl H. Sommer, Attorney at Law  
khs@sommer-assoc.com  
Joseph M. Karnes, Attorney at Law  
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal  
mld@sommer-assoc.com

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James R. Hawley, Attorney at Law  
jrhw@sommer-assoc.com  
Of Counsel  
Licensed in New Mexico and California

October 6, 2015

Mayor Javier Gonzales and City Councilors  
City of Santa Fe  
200 Lincoln Ave.  
Santa Fe, NM 87501

Re: MorningStar Application  
PC Case # 2015-14, 15 and 16 (the "Application")

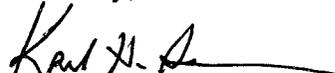
Dear Mayor Gonzales and City Councilors:

On behalf of MVG Development and MorningStar Senior Living ("MorningStar"), we request that a representative of MorningStar and of SENA be provided 5 minutes each to address the Council at the October 14 meeting regarding the Application.

Representatives of MorningStar and SENA met to discuss the Application on September 15 and had a constructive dialogue, though resolution was not achieved. Short presentations by a representative of each party would serve to inform the Council and facilitate its consideration of the Application and issuance of a final decision.

Thank you for your consideration of this request.

Sincerely,

  
Karl H. Sommer

Cc: Kelley Brennan