City of Santa Fe, New Mexico

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Memorandum

To: Members of the Governing Body

From: Zachary Shandler 38
Assistant City Attorney

Via: Kelley Brennan KAB
City Attorney

Re: Appeal of the Southeast Neighborhood Association and Mr. Jim Dyke from the May 7, 2015 Decision of the Planning Commission to Approve the Benevolent and Protective Order of the Elks Lodge No. 460's request for a lot split and the MVG Development/Morningstar Senior Living's request for a Special Use Permit and Development Plan at 1615 Old Pecos Trail.
Case No. 2015-51

Date: June 30, 2015 for the July 8, 2015 Meeting of the Governing Body

The Appeal

On May 18, 2015, the Southeast Neighborhood Association (SENA) for its members and Jim Dyke and Jerry T. Christopher, individually (collectively, Appellant) filed a Verified Appeal Petition (the Petition) appealing the May 7, 2015 Decision of the Planning Commission to approve: (1) the Benevolent and Protective Order of the Elks Lodge No. 460's (BPOE) request to divide the property at 1615 Old Pecos Trail (Property) into two lots of 3.85± acres of land (Lot B-1) and 4.77± acres of land (Lot B-2) respectively (the Subdivision); (2) MVG Development/Morningstar Senior Living's (Morningstar) request for a special use permit to operate a 104-bed continuing care facility (CCF) on Lot B-1; and (3) Morningstar's request for a development plan for the construction on Lot B-1 of an approximately 73,550 square-foot building to house its CCF operation . (Petition attached as **Exhibit A)**.

The Property

The Property is comprised of 8.62± acres of land located at 1615 Old Pecos Trail improved with a two-story 11,222 square-foot building and related improvements and is zoned R-1 (Residential – 1 dwelling unit/acre).

History of the Case

On or about February 23, 2015, Montoya Land Use Consulting, Inc., as agent for BPOE and Morningstar (collectively, Applicants), submitted an application for consideration of approval by the Planning Commission. On April 2, 2015, the Planning Commission held a public hearing and voted to approve all three items, subject to the conditions recommended by staff and twelve conditions. (Minutes attached as **Exhibit B.**) On May 7, 2015, the Planning Commission adopted written Findings of Fact (attached as **Exhibit C**).

Basis of Appeal

The Appellant cites the following specific bases for appeal:

1. Special Use Permit – the Planning Commission did not have the authority to grant a special use permit because Morningstar is not a continuing care community. (Claim 1).
2. Special Use Permit – the Planning Commission's approval of the special use permit adversely affects the public interest regarding the Old Pecos Trail Scenic Corridor. (Claim 2).
3. Special Use Permit –the Planning Commission's approval of the special use permit was improper because Morningstar is not compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises. (Claim 3).
4. Lot Split – The Planning Commission's condition to provide for a 25-foot setback between the lots violates City Code regarding fire access and parking issues. (Claim 4).
5. Development Plan – The Planning Commission's condition to provide for a 25-foot setback between the lots violates City Code regarding parking issues and the Commission relied on a faulty Traffic Impact Analysis. (Claim 5).

Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if: (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA[1] (the Statute); (2) Code Chapter 14 has not been applied properly; or (3) the decision appealed from is not supported by substantial evidence.

[1] Section 3-21-8 B. NMSA 1978 provides in pertinent part: "Any aggrieved person…affected by a decision of an administrative…commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. …"

General Claims. With respect to SENA's general claims, the Planning Commission properly applied Chapter 14 and relied on substantial evidence in the record and thus SENA's appeal should be denied.

SENA's Claim 1. Special Use Permit- the Planning Commission did not have the authority to grant a special use permit because Morningstar is not a continuing care community.

1615 Old Pecos Trail is sited in an R-1 residential zoning district. According to the "Permitted Use Table" found in Code § 14-6.1-1, a continuing care facility (defined in the Code as a continuing care community) is permitted in an R-1 district as an "S" (i.e., requiring a "Special Use" permit). The Petition states that Morningstar "requested a special use permit for a 'continuing care community' in an R-1 residential zoning district…but the Morningstar Project is not a 'continuing care community' as defined in the Code." The Petition concludes: "the Planning Commission did not have the authority to grant a special use permit for the Morningstar Project."

A continuing care community is defined in Code, in relevant part, as:

> "A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities as follows:
>
> (A) a continuing care community shall include:
> (1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and
> (2) a full nursing care unit with beds;
> (B) a continuing health care community may include:
> (1) independent *dwelling units* for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and
> (2) an extended care facility…
> (Emphasis supplied.)

The plain language of the definition is that (A)(1) and (A)(2) are the mandatory requirements. A continuing care community may also include senior/silver housing option under (B)(1) and a nursing home or convalescent home option via "an extended care facility" under (B)(2).

SENA is focused on (A)(1) and (A)(2) and one SENA representative told the Planning Commission:

> *If I understood the City Council verbiage it said shall include both the congruent [sic] housing and a full nursing unit.* Exhibit B, p. 71, para. 6.

In other words, SENA has interpreted the definition to mean a facility where: (a) some seniors live in rooms in one part of the facility and (b) some other seniors live with full nursing care in another separate part of the facility. SENA has asserted that since Morningstar will only have seniors live as part of an assisted living facility, then Morningstar does not have two parts to its facility. SENA's position is that Planning Commission did not have the authority to grant a special use permit because the Morningstar CCF is not a continuing care community.[2]

The Commission disagreed. Based upon the analysis contained in the Staff Report and the evidence presented at the hearing, the Morningstar CCF fits within the continuing care community definition based on these facts:

- Morningstar will provide private and shared residential suites without individual kitchen facilities to elderly residents in an assisted living unit and a memory care unit.
- There will be common meal preparation and dining, common recreation and social areas, and room cleaning, laundry, transportation and other services.
- There will be differing levels of health care services, including full-time nursing care by licensed RNs and LPNs 24 hours a day, 7 days a week, under a license issued by the New Mexico Department of Health.

Based upon the analysis contained in the Staff Report and the evidence presented at the hearing, the Morningstar is a continuing care community based on these legal arguments:

- "When the statute's language is clear and unambiguous, this Court is bound by the plain meaning rule." *State ex rel. Helman v. Gallegos*, 117 N.M. 346, 352, 871 P.2d 1352, 1358 (1994).
- The plain language is that (A)(1) and (A)(2) are the mandatory requirements;
- The use of the word "and" between (A)(1) and (A)(2) creates a plain meaning reading that the requirements can be met in conjunction (i.e. congregate housing with full nursing care);
- The term "nursing unit" is not defined and provides some flexibility to its use;
- The use of the word "and" between these (A)(1) and (A)(2) does not necessarily create a requirement for a bifurcated facility (i.e. some seniors must live in one part of the facility and other seniors with full nursing care must live in another part of the facility);
- The phrases "variety of living accommodations" and "differing levels of health care" does not necessarily create a requirement for a bifurcated facility, but instead allows permissive flexibility if a facility wants to voluntarily provide other living options, such as senior/silver housing or nursing home under (B)(1) or (B)(2);

[2] SENA has interpreted Morningstar to actually be closer to a "Personal Care Facility for the Elderly." This is significant because a Personal Care Facility for the Elderly is not eligible to ask for a special use permit in R-1. (The lowest density that a Personal Care Facility for the Elderly is eligible to ask for a special use permit is R-10). A Personal Care Facility for the Elderly, pursuant to Code § 14-12.1, is: "A residential facility for twenty-six or more persons sixty years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel."

Therefore, Claim 1 does not fall within any of the three bases for appeal cited above and should be denied.

SENA Claim 2. Special Use Permit – the Planning Commission's approval of the special use permit adversely affects the public interest regarding the Old Pecos Trail Scenic Corridor.

In 1999, the City adopted the General Plan. In Section 3.5, the General Plan lists a variety of "corridors" and "districts" such as the Rodeo Road/I-25 Corridor and Siler Road Redevelopment District. One corridor is: "Old Pecos Trail Scenic Corridor: The Old Pecos Trail Scenic Corridor designates Old Pecos Trail, between Cordova Road and I-25, as a scenic roadway and recognizes its importance as an unspoiled entryway into downtown. Development standards, including land uses, density, and design controls, will be developed through a public participation process."

SENA has asserted that this reference in the General Plan means that any change which might adversely affect the Old Pecos Trail Scenic Corridor requires a new public hearing. This is incorrect. A reference in the General Plan is the first step. The City Council must then take a second step and either adopt an ordinance creating certain protections or amend the official "zoning map" for certain protections (i.e. rezoning to lower density). In 2001, the City Council adopted Ordinance 2001-38 (amended by Ordinance No. 2010-9, which created certain protections for the "South Central Highway Corridor Protection District". This set up protections (i.e. setback standards, building height, density). The map for the South Central Highway Corridor Protection District includes Old Pecos Trail, however, it turns to follow St. Michael's Drive. (Map attached as **Exhibit D**). This means that in 2001, the City Council could have, but did not, include 1615 Old Pecos Trail in the South Central Highway Corridor Protection District. The Commission was aware that 1615 Old Pecos Trail was not in the South Central Highway Corridor Protection District.[3] The following exchange occurred:

> *Chair Harris asked Ms. Brennan if the designation or development standards were never formalized, what the legal ... status of the Old Pecos Trail Scenic Corridor is.*
> *Ms. Brennan said "the General Plan status at law is only as guidance and to the extent that nothing has been enacted and no standards have been adopted, there is no law governing that. She said "it is merely guidance in the interpretation of the Code, but the Code is the applicable law."* Exhibit B, p. 22, para. 7-8.

[3] One Finding stated: "Based upon the analysis contained in the Staff Report and the evidence presented at the Hearing, granting the special use permit for the Project will not adversely affect the public interest in that it will provide a needed service to a growing segment of the City of Santa Fe population in an area of the City with a larger percentage of aging residents; has been sited and designed to avoid adverse visual, traffic, noise and other impacts, including, without limitation, meeting the more restrictive standards of the South Central Highway Corridor Protection District, which are not applicable to the Project; and otherwise complies with all applicable Code requirements." Exhibit C, Finding #37.

Therefore, Claim 2 does not fall within any of the three bases for appeal cited above and should be denied.

SENA Claim 3. Special Use Permit – the Planning Commission's approval of the special use permit was improper because Morningstar is not compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises.

The term "substantial evidence" means "relevant evidence that a reasonable mind could accept as adequate to support a conclusion." Sims v. Sims, 1996-NMSC-098, ¶ 65, 122 N.M. 618, 930 P.2d 153. SENA has alleged that there is "myriad of adverse impact" that would make Morningstar not compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises. The Commission disagreed:

Based upon the analysis contained in the Staff Report, the evidence presented at the Hearing and the facts set forth ... the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project, in that the building and related improvements are sited and designed to minimize visual impact, including, without limitation, by using building setbacks and second-story stepbacks that exceed applicable requirements; by varying the massing of the building; by sinking the building to reduce height above grade for compatibility with two-story buildings in the immediate vicinity of the Property; by utilizing differences in site elevation and landscaping to buffer adjacent residential properties; and by designing the building in the Spanish Pueblo Revival style to integrate it with the design of other buildings in the immediate vicinity. Exhibit C, Finding #38.

Based on the staff information and public comment, the Commission made the following conditions to the permit to better ensure compatibility. They include:

(a) That construction hours for outside Project improvements shall be: Monday through Friday, 8 a.m. to 5 p.m.; Saturday, 8 a.m. to 2 p.m., with no work on Sunday; and that all construction vehicles shall be kept onsite, except those required for offsite improvements.
(b) That "No Parking" signs be installed on Calle de Sebastian.
(c) That the new property line dividing Lot B-1 from Lot B-2 shall provide for a 25-foot setback for the existing BPOE building with an easement across Lot B-2 to provide access for emergency vehicles and the functioning integrity of the Development Plan.
(d) That the owners of Lot B-1 and Lot B-2 enter into a shared parking agreement creating access for use for both driveways.
(e) That an analysis of drainage going to the box culvert be performed in order to evaluate the impact offsite of the drainage improvements.
(f) That the Project building stucco color be light reflective.
(g) That generator noise not exceed 50 DBA at any time.
(h) That bicycle racks be distributed so that one is located at the front and the other is located as shown.
(i) That the BPOE provide overflow parking to the CCF.
(j) That the Project and CCF provide for some sort of water harvesting.
(k) That all exterior light fixtures be lamped with LED bulbs.
(l) That the Project shall incorporate a right-turn deceleration lane for the north driveway.

Therefore, Claim 3 does not fall within any of the three bases for appeal cited above and should be dismissed.

SENA's Claim 4 The Planning Commission's condition to provide for a 25-foot setback between the lots violates City Code regarding fire access and parking issues.

As stated above, the Commission added condition (C): "*That the new property line dividing Lot B-1 from Lot B-2 shall provide for a 25-foot setback for the existing BPOE building with an easement across Lot B-2 to provide access for emergency vehicles and the functioning integrity of the Development Plan.*"

The Elks Building is currently 11 feet from the proposed fire easement and the proposed split of the property line. (Map attached as **Exhibit E**). A building must be set back 25 feet from the property line. SENA has asserted that this new condition solves the 25-foot setback but has created other problems: (a) loss of ingress and egress for firetrucks; (b) loss of parking; (c) delegation of duties to Land Use staff and (d) lack of public opportunity to comment on the condition. SENA misunderstands the condition. The Commission's condition means the lot will now be split—not at the edge of the road—but 14 feet into the fire easement. SENA mistakenly believes that the Elks will not grant an easement and thus the fire easement will be only on Morningstar's side and thus reduced to approximately 10 feet wide. It is our understanding that both parties will grant the Fire Department an easement and it will stay the same size. Put in other words, under the original plan, Morningstar owned the entire easement road. Under the Commission's condition, the Elks will own about half of the easement road and Morningstar will own the other half of the easement, but they will work together to ensure the easement will stay the same size for fire access. SENA's presumption that the fire easement will have to be widened and thus moved onto Morningstar's property, which will cut into area reserved for the parking spaces, is incorrect. The easement will stay as is and no parking will need to be changed. Finally, it is not uncommon for a Commission or the City Council, after hearing public comment, to make a condition during the course of a late meeting. It is not uncommon for the Applicant and staff to work out the exact details of these conditions. Code § 14-2.3(C)(2) states: "Nothing in this section precludes the … land use director from approving minor amendments or modifications as authorized in Chapter 14."

Therefore, Claim 4 does not fall within any of the three bases for appeal cited above and should be dismissed.

SENA's Claim 5 The Planning Commission's condition to provide for a 25-foot setback between the lots violates City Code regarding parking issues and the Commission relied on a faulty Traffic Impact Analysis.

This issue about the loss of parking is duplicative of Claim 4. This issue about the Traffic Impact Analysis is the analysis' presumption that Morningstar is a continuing care community. This issue is addressed in SENA's Claim 1.

Therefore, Claim 5 does not fall within any of the three bases for appeal cited above and should be dismissed.

Conclusion

Based upon the foregoing, SENA has not effectively alleged that the approval of the special use permit, lot split and development plan do not comply with applicable Code or the Statute; that the Code has been improperly applied; or is not supported by substantial evidence. As a result, the Appellant has failed to state a valid basis for appeal under Code §14-3.17(A)(2).

Option #1: The CAO recommends that the Governing Body vote to dismiss the Appellant's appeal in Case No. 2015-51.

[MOTION: I move that the Planning Commission acted in accordance with law and reliance on substantive evidence and to dismiss the appeal in Case No. 2015-51, adopting the Planning Commission's Findings of Fact and Conclusions of Law as our own.]

Option #2: If, however, the Governing Board finds and concludes that the Morningstar CCF does not meet the definition of a continuing care community under the Code or is not compatible with or adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity, it should grant the appeal.

[MOTION: I move to grant the appeal in Case No. 2015-51 on grounds the Planning Commission did not act in accordance with law and did not rely on substantive evidence and deny the special use permit, lot split and development plan, and to direct staff to prepare for the Governing Body's approval findings of fact and conclusions of law reflecting this decision].

LUD Use Only

Time Filed: 9:26AM
Fee paid: $105.00
Receipt attached: ☑

(date stamp)

MAY 18 2015

Land Use

VERIFIED APPEAL PETITION

Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.

Appellant Information

Name: See Exhibit A
Last *First* *M.I.*

Address:
Street Address *Suite/Unit #*

City *State* *ZIP Code*

Phone: ( ) E-mail Address:

Additional Appellant Names:

Correspondence Directed to: ☐ Appellant ☒ Agent ☐ Both

Agent Authorization (if applicable)

I/We: Southast Neighborhood Association and Jim Dyke

authorize Jerry T. Christopher to act as my/our agent to execute this application.

Signed: Date: 5/15/15

Signed: Date: 5/15/15

Subject of Appeal

Project Name: Morningstar Senior Living Facility

Applicant or Owner Name: The Benevolent and Protectorate of the Elks Lodge No. 460

Location of Subject Site: 1615 Old PecosTrail

Case Number: See Exhibit A Permit Number (if applicable):

Final Action Appealed: See Exhibit A

☐ Issuance of Building Permit ☐ Other Final Determination of LUD Director

Final Action of Board or Commission (specify): ☒ Planning Commission ☐ Board of Adjustment ☐ BCD-DRC ☐ HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):
See Exhibit A

Basis for Appeal: ☒ The facts were incorrectly determined ☒ Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:

See Exhibit A

☒ Check here if you have attached a copy of the final action that is being appealed.

PLAINTIFF'S EXHIBIT A

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

See Exhibit A

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

See Exhibit A

Signature and Verification

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: Jerry Christopher, individual and president of SENA Date: 5/15/15

Agent Signature: Jim Dyke Date: 5/15/15

State of New Mexico)
) ss.
County of Santa Fe)

I/We Jerry T. Christopher and Jim Dyke, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Petitioner/s:

Signature

JERRY T. CHRISTOPHER
Print Name

Signature

Jim Dyke
Print Name

Subscribed and sworn to before me this 15th day of May, 2015.

Paula J. Myers
NOTARY PUBLIC

My commission expires: 9/27/17

OFFICIAL SEAL
Paula J. Myers
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 9/27/17

EXHIBIT A TO VERIFIED APPEAL PETITION

I. Identity of Appellants

This appeal, which pertains to the proposed Morningstar Senior living facility at 1615 Old Pecos Trail (the "Morningstar Project") proposed by MVG Development and Morningstar Senior Living (the "Applicant"), is filed by the following organization and individuals:

Southeast Neighborhood Association ("SENA") on behalf of its members
c/o Jerry T. Christopher, President
2000 Fort Union Drive
Santa Fe, New Mexico 87505
Telephone: 505-819-9663
Email: jerrythechristopher@yahoo.com

Jim Dyke
2005 Calle de Sebastion
Santa Fe, New Mexico 87505
Telephone: 505- 984-3036
Email: jtdyke@comcast.net

Jerry T. Christopher
2000 Fort Union Drive
Santa Fe, New Mexico 87505
Telephone: 505-819-9663
Email: jerrythechristopher@yahoo.com

II. Basis of Standing and Description of Harm

SENA is a New Mexico non-profit corporation that has standing to bring this appeal on behalf if its members because (1) its members reside in the De Vargas Heights neighborhood and other neighborhoods in the vicinity of the proposed Morningstar Project and would otherwise have standing to bring this appeal in their own right, (2) the interests that SENA seeks to project in bringing this appeal are germane to SENA's purpose, and (3) the claims asserted in this appeal and the relief requested do not require participation of SENA's individual members. The proposed Morningstar Project is located within the area comprising SENA's membership.

The appelllants have standing to bring this appeal because the Morningstar Project, if approved and constructed, will result in harm to the Appellants and the members of the SENA in the form of adverse impacts and effects from the project, including, but not limited to, increased traffic and noise, loss of views, odors, loss of the historic and scenic character of the Old Pecos Trail corridor, loss of the residential character of the De Vargas Heights neighborhood and other residential neighborhoods in the vicinity of the project, adverse aesthetic impacts from the construction of a building having a height, size, scale, massing and appearance that is inconsistent with the Old Pecos Trail corridor and the surrounding neighbors and the loss of quality of life.

III. Description of Final Action Appealed

The Appellants are appealing the decisions by the Planning Commission in Case #2015-14 (1615 Old Pecos Trail Lot Split), Case #2015-15 (1615 Old Pecos Trail Special Use Permit) and Case #2015-16 (1615 Old Pecos Trail Development) that pertain to the proposed Morningstar Senior Living facility (the "Morningstar Project"). The meeting of the Planning Commission on the foregoing three cases occurred on April 2, 2015. The Planning Commission adopted its Findings of Fact and Conclusions of Law on May 7, 2015, a copy of which is attached.

The basis for the appeal of each of the foregoing decisions is set forth below.

IV. Bases for Appeal

A. Basis for Appeal of Case #2015-15 (1615 Old Pecos Trail Special Use Permit)

The decision by the Planning Commission in Case #2015-15 did not comply with Chapter 14 of the Santa Fe City Code ("City Code") and was not supported by substantial evidence for the following reasons:

1. The Morningstar Project is not a continuing care community

The Applicant requested a special use permit for a "continuing care community" in an R1 residential zoning district, in which the Property is located, but the Morningstar Project is not a "continuing care community" as defined in the Code. As a result, the Planning Commission did not have the authority to grant a special use permit for the Morningstar Project.

Section 14-12.1 of the Code defines as "continuing care community" as follows:

> "A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities as follows:
>
> (A) a continuing care community shall include:
>
> (1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and
>
> (2) a full nursing care unit with beds;
>
> (B) a continuing health care community may include:

(1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and

(2) an extended care facility; and

(C) a hospital is not a continuing care community."

The Morningstar Project does not meet the foregoing definition because (1) the proposed project is an assisted living facility and not a "residential community," (2) the proposed project does not include "a variety of living accommodations," (3) the proposed project will not offer or provide "differing levels of health care services," and (4) the project will not have or include "a full nursing care unit with beds," which requires a separate, segregated area (i.e., a "unit") with multiple beds that is devoted entirely and exclusively to the provision of full and continuous 24-hour care by licensed nurses, such as a skilled nursing facility, that would be appropriately licensed as such. The Applicant failed to present substantial evidence that the proposed Morningstar Project meets the foregoing definition of a "continuing care community."

The Applicant confirmed in testimony to the Planning Commission that the project, if constructed, would be licensed only as an assisted living facility. However, an assisted living facility would not meet the definition of a "continuing care community" under the Code. If the proposed Morningstar Project did include a full nursing care unit with beds and provided differing levels of health care services, as the definition in the Code requires, it would be subject to the New Mexico Continuing Care Act, which defines "continuing care" to include "priority access to a nursing facility or hospital...." A continuing care community would also have to be licensed as a nursing home or intermediate care facility under New Mexico law and regulations. The Applicant cannot simultaneously take the position with the City of Santa Fe, for purposes of its application, that it is a "continuing care community" while representing to the State of New Mexico, for licensing purposes, that it is only an assisted living facility.

The Applicant's description of the project and the services to be provided by it would meet the definition of a "personal care facility for the eldlerly," which is defined in Section 14-12.1 of the Code as follows:

"A residential facility for twenty-six or more persons sixty years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel."

A "personal care facility for the elderly" is not an allowed special use in an R1 zoning district, and, as result, the proposed Morningstar Project is not permitted on the Property.

2. The proposed Morningstar Project adversely affects the public interest because it is inconsistent with and would undermine the purpose and intent of the Old Pecos Trail Scenic Corridor as recognized and created by the City of Santa Fe General Plan.

Section 1.1 of the City of Santa Fe General Plan states clearly that the General Plan "provides guidance for development proposals" and "represents the goals and desires of the Santa Fe Community as a whole and should be recognized as the city's foremost public statement about Santa Fe's future." The priorities contained in the General Plan were shaped by active public participation in response to surveys in which residents were asked to identify various "likes" and "dislikes" about our City, as explained in Section 1.6.1. In response to the question "What do you like most about living and/or working in Santa Fe," the vast majority of respondents identified "Cultures/Tradition/People" and "City Character." See General Plan, Table 1.1. "Uncontrolled Growth" and "Loss of Tradition/Culture" were recognized as "Trends that Concern Residents" the most. See General Plan, Table 1.3.

Based on the results of these surveys, the General Plan recognized 14 overall general themes of importance to the short-term and long-term planning of Santa Fe's future. One of these themes is stated as follows in Section 1.7.8: "Maintain and respect Santa Fe's unique personality, sense of place, and character." Section 1.7.8 states further:

> *Increasing travel and communication have diminished the remoteness that Santa Fe's high desert location once afforded. One of the country's oldest cities, the city today faces the prospect of being over-whelmed by run-of-the-mill late twentieth century development. Residents have unequivocally stated that new growth should not erode the qualities that contribute to Santa Fe's unique character and ambiance.*

The General Plan recognizes Old Pecos Trail as an area that materially contributes to Santa Fe's unique personality, its sense of place and its character. Section 3.5 of the General Plan states that "[t]he Old Pecos Trail Corridor *designates* Old Pecos Trail between Cordova Road and I-25 as a scenic roadway" having "importance as an unspoiled entryway into downtown" (emphasis added).

The Old Pecos Trail Scenic Corridor is depicted on the Future Land Use Map that is part of the General Plan and is shown as an area that is approximately 500 feet wide, being approximately 250 feet on each side of Old Pecos Trail from I-25 to Cordova Road. The propose Morningstar Project would exceed 73,000 square feet and would far exceed the size, mass and scale of any other commercial structure or development in the corridor. Approximately one-half of the building proposed by the Applicant would fall within the Old Pecos Trail Scenic Corridor.

The Old Pecos Trail Scenic Corridor as shown on the Future Land Use Map is actually listed as a Land Use Classification in Section 3.5 of the General Plan. The General

Plan mandates that "[a]ny change from one land use classification to another classification as shown on the Future Land Use Map, proposed for any parcel, *requires* General Plan amendment to the Future Land Use Map prior to any consideration for rezoning or *development plan approval*" (emphasis added). The General Plan also states, with respect to the Old Pecos Trail Scenic Corridor, that "[d]evelopment standards, including land uses, density, and design controls, will be developed through a public participation process." Thus, the General Plan provides that the area designated as the Old Pecos Trail Scenic Corridor shall remain as a "scenic roadway" and "unspoiled entryway into downtown" and that any development in the corridor will be evaluated pursuant to standards to be drafted and adopted through a process in which the public will have a voice in how this area is to be preserved and suitably developed.

The proposed Morningstar Project is violation of the Land Use Classification adopted by the General Plan for the subject property, specifically, the Old Pecos Trail Scenic Corridor, and the application should have but failed to request any amendment to the General Plan and Future Land Use Map.

Additionally, because a substantial portion of the proposed structure lies within the Old Pecos Trail Scenic Corridor and is being proposed before any of the development standards for the corridor have been adopted through a process that would permit the public's participation for the preservation of this area, as the General Plan expressly contemplates, the Morningstar Project contravenes the requirement stated in Section 14-3.6.D of the Code "that granting the special use permit does not adversely affect the public interest." The General Plan, and its recognition of the Old Pecos Trail Scenic Corridor, necessarily mandate that the public interest will not be served by permitting this project to be approved because doing so will deprive the public from having its say in the preparation and adoption of development standards that are required by the General Plan to determine how this historic corridor should be appropriately and suitably developed in order to preserve it as the last "unspoiled entryway into downtown." A moratorium on further development with Old Pecos Trail Scenic Corridor should be imposed until the City has adopted the development standards that were promised in the General Plan for this area.

For the reasons stated above, the Planning Commission violated 14-1.3 of the Code, which states that one of the purposes of Chapter 14 is to "implement the purposes of the general plan."

3. Due to the myriad of adverse impacts that would be caused by the proposed Morningstar Project, the project is not compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration and will adversely affect the public interest.

Contrary to the Planning Commission's decision, the proposed Morningstar Project is not compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration," which are comprised of low density residential districts, and is adverse to the public interest and therefore does not meet the criteria for a special use permit under Section 14-3.6.D of the

EXHIBIT A TO VERIFIED APPEAL PETITION

Code for the reasons identified by members of the public during the hearing before the Planning Commission, including, but not limited to, the following:

- The height, size, scale, massing and overall appearance of the proposed project is out of character with the abutting and surrounding residential neighborhoods and the Old Pecos Scenic Corridor. The project will sit on a ridge, and its unsightly appearance will be highly visible as a result.

- Persons exiting from the project will be unable to turn left onto Old Pecos Trail due to the traffic congestion on that road and will, instead, turn right out of the project and then cut through the DeVargas Heights subdivision via Calle de Sebastion, which is a wide street and condusive to high speed travel that is unsafe and will adversely affect that neighborhood.

- The project will result in increased traffic on Old Pecos Trail, which already suffers from excessive and unsafe congestion.

- The project will result in overflow parking in the surrounding residential neighborhoods.

- The project will generate noise, lighting and odors that will disrupt and adversely affect the abutting and surrounding residential neighborhoods.

- The project will have up to 104 renters on 3.8 acres and is the equivalent of high density R28 residential development that is not allowed in or appropriate for an R1 residential district.

- The project will result in a loss of views.

- The project will result in creeping and inappropriate commercial development on the east side of Old Pecos Trail from the west side of the road and into residential districts and along the scenic and historic Old Pecos Trail.

- The project will have a negative impact on property values in the surrounding residential neighborhoods.

- The adverse impacts from the project will result in a loss of the residential character of the surrounding residential neighborhoods and will adversely affect the quality of life in those neighborhood.

Additionally, the Planning Commission's decision was based upon a Traffic Impact Analysis that assumed that the traffic generated by the project would be comparable to a "continuing care retirement community," which the report defined as "land uses that provide multiple elements of senior adult living" and "combine aspects of independent living with increased care, as lifestyle needs change with time" including ""senior adult (detached), senior adult (attached), congregate care, assisted living and skilled nursing care...." The proposed Morningstar Project, however, does not meet that definition. The Applicant

provided information to the City of Santa Fe, which was not used in evaluating traffic impacts, showing that the anticipated traffic from an assisted living facility, which is actually what the Applicant is proposing, would be far greater than a "continuing care retirement community."

The Planning Commission also incorrectly relied on the so-called "Tsunami Report" because the report overstates the need for the project and encourages in-home services for the elderly.

B. Basis for Appeal of Case #2015-14 (1615 Old Pecos Trail Lot Split)

The decision by the Planning Commission in Case #2015-14 did not comply with Chapter 14 of the Santa Fe City Code ("City Code") and was not supported by substantial evidence for the following reasons:

The Applicant proposed to subdivide the real property presently known as 1615 Old Pecos Trail into two parcels designated as Tract B-1 and Tract B-2 on the proposed Lot Split-Land Division Plat (the "Subdivision Plat) that was presented to the Planning Commission. The Subdivision Plat did not comply with Chapter 14, and it should not have been approved by the Planning Commission, because it created a nonconformity with applicable set-back requirements under Chapter 14.

Section 14-3.7(C)(5) of the Code states that a plat shall not be approved that creates a nonconformity.... Section 14-12.1 defines a "private club or lodge" as a "facility for social, cultural or educational activities open only to bona fide members and guests of the private organization operating the club or lodge, except those the chief activity of which is a service customarily carried on as a business." The existing Elks Lodge building on the Property is "private club or lodge" as defined in Section 14-12.1.

Section14-6.29(C)(5) of the Code states that a structure used in connection with a private club or lodge located in an R1 district "shall not be closer than twenty-five (25) feet to any lot line." The Subdivision Plat does not comply with the following set-back restriction because the boundary line between proposed Tract B-1 and Tract B-2 is less than 25 feet from the existing Elks Lodge building.

During the hearing before the Planning Commission, City staff acknowledged that the Subdivision Plat did not comply with the foregoing set-back requirement and proposed to rectify the violation by having the Planning Commission adopt a condition of approval that would require the boundary between the two proposed tracts to be moved so that it complied with the 25 feet set-back requirement.

In the Findings of Fact and Conclusions of Law, the Planning Commission included, in its decision in all three cases, a condition stating: "That the new property line dividing Tract B-1 from Tract B-2 shall provide for a 25-fot set back from the existing BPOE building with an easement across Tract B-2 to provide access for emergency vehicles and the functioning integrity of the Development Plan."

For the reasons stated below, the foregoing condition of approval violated Chapter 14, was unreasonable and unlawful and was not an appropriate means by which the Planning Commission could approve the proposed Subdivision Plat that contained the set-back violation described above.

As shown on the proposed Development Plan for the Morningstar Project, as presented to the Planning Commission for its review, an emergency fire lane would be located at the rear of the Property and provide access to the rear of the building for fire trucks and other fire fighting equipment. The proposed Development Plan shows a 24 feet wide aisle that would provide unobstructed ingress and egress to the fire lane without having to travel through the parking lot. During a fire, passage by fire trucks through the parking lot would be obstructed by vehicles attempting to leave the Property. The foregoing condition of approval, which requires the boundary line to be moved at least 25 feet from the Elks Lodge building, would result in the elimination of the 24 feet wide aisle that provided the means of ingress and egress for fire trucks to and from the emergency fire lane at the rear of the property.

Although the foregoing condition of approval called for "an easement across Tract B-2 to provide access for emergency vehicles," the Planning Commission did not request, and was not provided with, any information relating to any such easement, including, but not limited to, the location, width, route, turning radiuses, or terms of any such easement. As a result, the Planning Commission did not and was unable to evaluate or determine if the foregoing condition could actually be implemented or whether it could be implemented in a manner that complied with Chapter 14.

Because no such information was requested by or made available to the Planning Commission, the Planning Commission was unable to and did not review this important aspect of the Morningstar Project, i.e., the ability of fire trucks to get to rear of the Property, where it abuts the residential neighborhood, to fight fires. The foregoing condition was also imposed extemporaneously by the Planning Commission without the benefit of any review or input by the City's Fire Department. The public is also denied the opportunity to review and comment on, and to evaluate, how and whether fire fighting equipment will have adequate access to the Property.

The relocation of the boundary between the two proposed lots is also improper because it would result in the elimination of parking spaces as shown on the proposed Development Plan, causing the number of spaces to fall below what is required by the Code and increasing the likelihood and extent of overflow parking into the surrounding residential neighborhoods.

The condition is also an improper delegation of the Planning Commission's review and approval authority because it delegated to City staff the authority to approve a boundary line between the two proposed tracts other than as presented to the Planning Commission so as to provide for the "the functioning integrity of the Development Plan." The condition is unclear and improperly delegates to staff the discretion to make the final decision on the lot split, including the location of the boundary, the size of the lots and the

other features of the project that may be affected by the location of the boundary line, including, but not limited to, the number of available parking spaces.

As a result, the foregoing condition of approval was unreasonable and the Planning Commission violated Section 14-3.7(A)(2)(a) of the Code, which states: "No subdivision *plat* shall be approved that does not comply with applicable provisions of the Santa Fe City Code that regulate the *development* and use of land...."

C. Basis for Appeal of Case #2015-16 (1615 Old Pecos Development Plan)

The Planning Commission's decision in Case #2015-16 should be reversed for the reasons stated in Section B above.

Additionally, the Planning Commission's decision in Case #2015-16 should be reversed because it included a condition of approval for shared parking with the adjacent proposed Tract B-2 in response to legitimate concerns about overflow parking; however, shared parking is not allowed under Section 14-8.6(B)(4) of the Code. The Planning Commission also did not comply with Section 14-8.6(F), which requires the submission and review of a shared parking plan.

The Planning Commission also relied on the incorrect assumption, as stated in the Traffic Impact Analysis provided by the Applicant and as explained above, that the traffic generated by the project would be the equivalent of a "continuing care retirement community," which it is not.

The Planning Commission's decision in Case #2015-16 should be also reversed because the decisions granting the special use permit and lot-split should be reversed for the reasons stated above, which would disallow the intended used of the Property for the Morningstar Project.

D. Relief Requested

For the reasons stated above and at the hearing before the Governing Body on this appeal, together with the testimony and evidence to be presented at that hearing, the Appellants request the Planning Commission's decisions in Case #2015-14, Case #2015-15 and Case #2015-16 be reversed in their entity and that approvals requested in each of the foregoing cases be denied.

VOTE: The motion, as amended, was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [5-0].

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MOTION: Commissioner Villarreal moved, seconded by Commissioner Gutierrez, to recess the meeting from 5:50 p.m. to 6:15 p.m.

VOTE: The motion, as amended, was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [5-0]

The Planning Commission was in recess from 5:50 p.m. to 6:20 p.m.

Chair Harris called the Planning Commission back into session and before starting on the next three cases remaining all associated with the proposed development on Old Pecos Trail, he wanted to be sure that everyone understands that during the dinner break the Commissioners did not discuss any business before the Commission.

Chair Harris said as he announced on the previous case, there are three cases associated with the proposed development at 1615 Old Pecos Trail: a Lot Split, a Special Use Permit and a Development Plan.

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Following the recess, the Planning Commission resumed consideration of the Agenda, as approved

5. CASE #2015-14. 1615 OLD PECOS TRAIL LOT SPLIT. MONTOYA LAND USE CONSULTING, INC., AGENT FOR THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS, LODGE NO. 460,M REQUEST PLAT APPROVAL TO DIVIDE APPROXIMATELY 8.62± ACRES INTO TWO LOTS (B-1 ± 3.85 ACRES AND B-2 ± 4.77 ACRES). THE PROPERTY IS ZONED R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE). (DAN ESQUIBEL, CASE MANAGER)

Case #F(5), F(6), and F(7) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared March 23, 2015, for the April 2, 2015 Planning Commission meeting, to the Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "9."

A Memorandum dated April 2, 2015, with attachments, to the Planning Commission, from Current Planning Division regarding Additional Information in Case #2015-14, 1615 Old Pecos Trail Lot Split; Case #2015-15, 1615 Old Pecos Trail Special Use Permit; and Case #2015-16, Old Pecos Trail Development Plan, is incorporated herewith to these minutes as Exhibit "10."

A bound packet of information dated April 2, 2015, to the Planning Commission, with support letters and petitions containing 575 plus signatures from Santa Feans who support the proposed

Morningstar Senior Living Community at 1615 Old Pecos Trail, is incorporated herewith to these minutes as Exhibit "11."

A letter dated March 2015, to the Mayor, City Council & Planning Commission, from Mike Boyle, 7202 Old Santa Fe Trail, in support of the proposed project, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "12."

A statement for the record in support of the proposed project, entered for F. Charles Dalton, Secretary, Elks Lodge, is incorporated herewith to these minutes as Exhibit "13."

A letter dated April 2, 2015, with attachments, to the Planning Commission, against the proposed project, from James T. Dyke and Cynthia L. Blackwell, 2005 Calle de Sebastian, entered for the record by James T. Dyke, is incorporated herewith to these minutes as Exhibit "14."

A letter to City Planners, entered for the record by Gregory Hunt, in support of the project, is incorporated herewith to these minutes as Exhibit "15."

A two-page document containing relevant portions of City Code, I. *Definitions from Section 14-12.1, Land Development Code*, entered for the record by Frank Herdman, Esq., is incorporated herewith to these minutes as Exhibit "16."

A copy of a letter dated March 30, 2015, to Mike Harris, Chair, Planning Commission, from Kenneth D. Joseph, President & Qualifying Broker, in support of the project, entered for the record by Kenneth Joseph, is incorporated herewith to these minutes as Exhibit "17."

A copy of the presentation by Gayle Kenney against the proposed project, submitted for the record by Gayle Kenney, is incorporated herewith to these minutes as Exhibit "18."

A notarized letter dated March 27, 2015, to the Planning Commission and City Council, from Dr. Philip Rivera, in support of the project, entered for the record by Irene Angel, is incorporated herewith to these minutes as Exhibit "19."

A letter dated March 2015, to the Mayor, City Council & Planning Commission, from Nicole Wheeler, 45 Old Pecos Lane, in support of the proposed project, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "20."

A letter dated April 2, to the City of Santa Fe Planning Commission, from Arlene Sweeney, in support of the proposed project, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "21."

A copy of a PowerPoint presentation – *Morningstar Senior Living—Casting a New Light*, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "22."

A Memorandum dated March 31, 2015, to Tamara Baer from Michael Harris, Chair, regarding meeting protocol, is incorporated herewith to these minutes as Exhibit "23."

Prior to Mr. Esquibel's presentation, Mr. Harris reviewed the protocol which will be used for the

afternoon and this evening in hearing Case F(5); Case F(6); and Case 4(7) [Exhibit "22"]. Please see Exhibit "22" for specifics of this presentation.

Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, presented information in this case. Please see Exhibit "9," for specifics of this presentation.

Questions by the Commission prior to the public hearing

Chair Harris asked Mr. John Romero, Director, Traffic Engineering Division, to come forward. He confirmed that Mr. Romero had read his questions. Chair Harris said he would appreciate if Mr. Romero would weave those answers into his presentation.

Mr. Romero said that Old Pecos Trail is currently classified as a primary arterial street. The TIA looked at how many peak hour trips this development is expected to generate and how that would relate to the existing traffic on Old Pecos Trail. Old Pecos Trail has a heavy peak hour, both in the morning and in the afternoon. He said this type of development does not necessarily coincide with the peak hours, so the study looked at the kind of traffic that would be generated and how that would relate to Old Pecos Trail during the peak hours. He said in the morning peak, this development is expected to generate 12 total vehicles; 8 entering and 4 exiting. The evening peak is 13 vehicles; 5 entering and 8 exiting. He said he compared that to the current traffic volumes in the morning and the afternoon and that amounts to less than 1% of what the Old Pecos Trail traffic currently experiences.

He said secondly, the study looked at the intersection- the two driveways into the Elks Club property. The effects on those operations showed negligible delays in how hard it is to get in and out of the property, primarily due to the low volume that the development generates. He said regarding Calle Sebastian, initially the applicant was looking at possible access. He said since that was removed from the development plan, the impact to Calle Sebastian caused by the proposed development is negligible.

Mr. Romero said that deceleration lanes were not looked at in the study, but he looked at that. He said, taking into account the continuing care facilities' added traffic that, in itself, does not warrant a right turn deceleration lane. When combined with the existing Elks Lodge traffic both in the morning and evening, it marginally warrants the right turn deceleration lane into the northern entrance. He concurs with the study that there are negligible effects on the adjoining roadway regarding traffic.

Chair Harris asked if it would be Mr. Romero's recommendation for a right turn deceleration lane into the northbound entrance on Old Pecos Trail.

Mr. Romero said in keeping with what is consistently required of developers in general and being that the proposed development will push that over the threshold; he would recommend that the right turn deceleration lane be constructed.

Chair Harris asked Mr. Reed Liming to come forward to follow up on a discussion they had two weeks ago. He said Mr. Liming's Division and others in the Housing Economic Development Department made a presentation to the Commission. They talked about the development of a new General Plan and that the City's General Plan dates back to 1999. The document is broad with a lot of themes and identifies employment centers throughout the town and specifically the hospital medical complex. He asked what Mr.

Liming's thoughts are on this project, in light of that document.

Mr. Liming said the document is not very far along and the map that the Commission was shown has not been approved and has not gone through any type of public review. They were trying to show with the centers and quarters concept, that the medical complex in Santa Fe is centered in what he calls the NW Quadrant of St. Mike's and Old Pecos Trail. As a community health facility, it would be near that medical complex, although on the east side of Old Pecos Trail. He does not have specific numbers, but when looking around the City the medical center location is one of the employment centers of Santa Fe.

Chair Harris said Mr. Liming had been clear this was a discussion document and not much more, but he thought it is an interesting point as it applies to this particular case. He asked Mr. Liming to confirm that the underlying land use is public institutional and that the Elk's property is a public institutional land use classification.

Mr. Liming agreed. On the City's future land use map, both the Elks property and the church on the north are shown as public institutional in terms of a future use. He thought that was why the applicant was not required to get a General Plan amendment, because their use fits within the plan use shell.

Chair Harris said in the report and in the discussion there is a lot of discussion around the land use designation for the Old Pecos Trail Scenic Corridor. He said that did anticipate that development standards would be adopted at some point. He asked if that was ever accomplished.

Mr. Liming said about 5-6 years ago, Jeanne Price, a former staff member with the City was engaged with some members of associations, or individuals who lived in the area of Old Pecos Trail, in putting together a plan, with an ordinance in 2010. The result was that the setback in some of the design requirements were folded into the South-Central Highway Corridor; Old Pecos Trail up to St. Michael's, but that was not extended north.

Chair Harris assumed any standards adopted for the corridor went from I-25 to Old Pecos Trail and the St. Michaels intersection. Mr. Liming replied that was correct and also west to St. Francis.

Chair Harris asked Ms. Brennan if the designation or development standards were never formalized, what the legal is status of the Old Pecos Trail Scenic Corridor is.

Ms. Brennan said "the General Plan status at law is only as guidance and to the extent that nothing has been enacted and no standards have been adopted, there is no law governing that. She said "it is merely guidance in the interpretation of the Code, but the Code is the applicable law."

Chair Harris told Ms. Zaxus: he knew she had looked at the photometrics on the light study. He said there are basically five fixture types proposed on the 16 ft. light standards. He would talk with the applicant about is the use of the LED lamps through those standards. He asked if in her experience that change of the photometrics; would require a new study.

Ms. Zaxus, Acting Director, Technical Review Division, said she doesn't know a lot of details about the different types of lighting. What they focus on is the illumination on the ground below the light standards and the maximum height is 20 feet. These are lower than the maximum height allowed and easily meet the standard. She didn't have to ask the developer to reduce those at all, which is fairly common with lighting presented in the City. She said they are well within the standard for foot candles at grade.

Chair Harris said they might find themselves asking for different studies, if they do look at some different lamps.

Chair Harris wanted to talk some about economic development to get some of the issues out in front of the audience. That is why he has asked staff to provide their point of view. He thought it important in this case, to flesh out what staff says in the Staff Report rather than wait till the very end when a lot of the questions get lost.

Mr. Fabian Trujillo said he reviewed the Economic Impact Analysis that was sent to them by the project and he concurs with its conclusions. To give an overview of Santa Fe's current snapshot of economy, Santa Fe has been recovering from the recession and, as they know, the recovery has been steady. The unemployment rate as of January 2015 is 5.2%, which compares at 5.9% with New Mexico and 5.7% national unemployment at that time.

The numbers are always changing. The Commission should know that the recession hit Santa Fe hard; GDP per capita has declined from 50,469, in 2008 to 44,832 in 2012. The current January labor market has improved by 1.7%, which denotes a gain of 1,000 jobs. The construction industry has been recovering, but they hit a dip in the last few months. According to the Department of Workforce Solutions Santa Fe lost 400 jobs from January 2014 to January 2015 and there were six straight months of losses in the construction industry. That represents a contraction of almost 15% for 2015.

Mr. Trujillo said regarding the economic development benefits of the project, it is positive. They would provide 53 direct jobs, which will create approximately 20 indirect jobs serviced from that. There would be an annual payroll of approximately $1.7 million with the average almost $15.66, which is higher than Santa Fe's living wage. The breakdown is shown on page three of the Impact Analysis Report. Regarding taxes this will generate approximately $1 million in new taxes in construction impacts of $546,000 coming from new GRT (Gross Receipts Tax). Ongoing impacts would be approximately $143,047 in GRT and will generate indirect jobs; 181 construction jobs will be generated; 93 direct operation jobs, and approximately $1.1 million in new taxes and revenues will be placed into the City, based on this $20 million project.

Mr. Trujillo said that gives an overview. The Santa Fe economy is steadily recovering, but slowly and some job creation still needs to be done and the wages need to increase in order to increase the GDP in goods and services. Overall this will be a positive impact on the Santa Fe economy.

Chair Harris said to Rey Gonzales, Fire Marshal that not long ago in one of the cases one question came up on emergency services. He asked given the nature of the proposed development, what emergency services at Station #4 are available.

Fire Marshal Gonzales said they currently have a medical unit with an ambulance that has one firefighter, one paramedic and an engine crew with a captain, an engineer and a firefighter, for a total of five.

Chair Harris asked if there is anything in particular for that station's designation, given the proximity to the hospital medical complex.

Fire Marshal Gonzales said the station is equipped with a QUINT fire apparatus, which is an aerial.

He said there are two in the City and that gives them better access to rooftops and large buildings.

Chair Harris said he knew Fire Marshal Gonzales has looked at the plan. He asked if he had any particular comments on the plan.

Fire Marshal Gonzales replied that they did review the proposed plan and they do have access, which meets their requirements for the Code. He said they did get emergency access for foot patrols and hose lays on Calle de Sebastian and they did require a hydrant closer at the entrance. He said they are required to do all fire protection systems; the fire sprinklers and alarm.

Chair Harris addressed Noah Berke, Senior Planner. He noted that nine substantial trees will be removed.

Mr. Berke agreed, for tree preservation and replacement.

Chair Harris asked the City's requirement for the trees. He said looking at the schedule he didn't see piñons specified on the plant schedule.

Mr. Berke said the requirement is 25% in evergreen trees and they have met that requirement. On the removal of significant trees, the Code's requirement is only that they get permission from the Land Use Director designate. He said typically the practice is if a significant tree is removed for construction, the City asks that the tree be relocated to the site or be replaced with something of significant value or greater if possible. He said it is typically the same species; if they replace a perimeter tree, maybe a shade tree; something that does better with screening.

Chair Harris asked Mr. Burke's view on the mulch. There is a lot of gravel mulch around the building and native seed specified in retention ponds and perimeter property. He asked the City's view on hard mulch around a building like that.

Mr. Berke said the City's view or landscaping review process for mulch just requires that they meet minimum Code standards of native seeds and grasses. He said most of the time it is to re-vegetate sloped or disturbed areas and around buildings to help positive drainage so it percolates into the earth better.

Commissioner Villarreal asked Mr. Berke to explain how many of the trees will be maintained or kept in the current location along the perimeter from the beginning of the property line to [Calle] San Sebastian Street without being disturbed.

Mr. Berke said the proposal before the Commission and as presented by the applicant shows primarily new vegetation is proposed and there is some grading involved. The applicant does meet the requirements for perimeter screening and street tree requirements. He confirmed that the majority of the mature trees existing will be removed and replaced.

Public Hearing

Presentation by the Applicant

All those speaking were sworn en masse

Monica Montoya, Montoya Land Use Consulting, Inc., Agent for the Benevolent and Protective Order of the Elks, Lodge No. 460 and Morningstar Senior Living and MBG Development was sworn. She said she is here to request those lots, for the development plan and the Special Use Permit for Morningstar Senior Living. She thanked the staff and said they have been tough, but fair throughout the entire application process.

She said "we the project team for Morningstar, whom they will meet in the upcoming moments, ask the Planning Commission to grant approval of Morningstar applications for several reasons. First and foremost, the applications comply with Chapter 14 and have no variances. 2) Morningstar Senior Living will serve a very important City-established need for an important sector of our community: quality, residential use for our aging population. 3) Morningstar will have other positive impacts on the City as a whole. 4) Over 550 Santa Feans including residents, citizens, property owners, business owners across the Old Pecos Trail have voiced their support for the quality, senior care which will be provided by Morningstar through their signing of petitions or submissions of letters. These petitions and letters were presented to staff this morning and copies are in your packet. I do have two additional letters to turn into the stenographer and the Commission before I sit."

Ms. Montoya said with that, she would turn the floor over to Matt Turner of Morningstar.

Matt Turner, Morningstar, one of two Principals of Morningstar Senior Living was sworn and [via PowerPoint] [Exhibit "22"] thanked the staff for the opportunity to be here. He said he is one of two principals of Morningstar Senior Living and part of the Development Team and they will also operate the community once open.

He wanted to tell the Commission about who they are and why they are here to frame exactly what they are trying to accomplish and to let them know who will be doing that. He said Morningstar was founded in 2003 and are coming upon a 12 year anniversary. They have just over 20 properties right now in several different states, including New Mexico. This will be the first project in Santa Fe.

Mr. Turner said they are founded on three primary principles that are core to who they are: first, to honor God in business practices and relationships. He clarified that this will not be a faith based community; that is simply to be very clear with everyone how his business partners and his decisions are made.

The second principle is to value all seniors as gifted and contributing individuals. That is really who they are, they serve seniors. "There will be a lot of talk about compliance with Codes and setbacks and fitting into neighborhoods and people agree and disagree about the different components of that, but at the end of the day we are here to serve seniors; that is what we do."

"The last one is to invest generously in our employees' ability to serve. Ultimately our employees are the ones who touch the residents and actually provide the care. They talk a lot during hiring and training about how important it is that people are not only looking for a job when they work in a Morningstar community, but that this is truly a calling for them. When they get up and go to work it is not just to receive a paycheck."

He said they touched on this question of why. He said, "Why are we doing what we're doing? Santa Fe has a quickly aging population; the City has recognized that. There was a white paper put out in

2013 by the Planning Department in association with the Senior Services Division." He called attention to a couple of specific excerpts from the white paper:

1. Santa Fe's senior population qualified as age 65 and above is expected to double between 2010 and 2020.
2. By 2020 as many as one in four or five City residents may be 65 or older; basically 20-25% of the entire City population.
3. Lastly doubling of the senior population by 2020 will require greatly expanded demands on the Senior Services Division, particularly in the program area on in-home support.

He said he really wants to ask the question of why. "*Why* are we doing this here?" He called attention to the location in context to the City. He said, "Our location is by the map presented in the white paper published by the Planning Department, contained within the area of town where the City expects over 50% of the population to be 65 or over by 2020."

Mr. Turner next asked the question of what. "*What* exactly are we hoping to do here?" He said often there is confusion around what senior living is; what exactly happens in these communities. He said there are large distinctions between things like nursing homes, skilled nursing communities, rehab centers and assisted living and independent living. He said to clarify, "What we hope to provide here is assisted living and memory care in an assisted living, licensed environment."

He said there are 84 units on just less than 4 acres on part of just less than a 9 acre site. He said, "Assisted living is designed to provide a soft residential environment for seniors to age in place as they need additional services by additional care, related primarily to activities of daily living. Things like meals, showering, dressing; it is not and will not be regulated as a medical facility."

Mr. Turner said, "Anytime we approach a project, we view the stakeholders threefold. We have gone through two neighborhood meetings. There has been an exceptional amount of engagement from the community; positive and in opposition of the project. "We love that. That is such a good sign for a vital community and is the type of area where we like to provide services and it means that once we are there we will have an engaged community afterward."

He said speaking more specifically to their project goals "to contribute to the community, create values for the stakeholders; to us that is threefold: seniors, neighbors, and the City itself." He said first, "provide a high-quality option for aging residents to stay in Santa Fe regardless of their lifestyle and/or care needs. That is fundamental to what we do. The idea is that as you age you should not have to move out of your neighborhood, you should have the option at least to stay in the neighborhood where you have families, where you invested in family and created lives. That is why we are doing this where we are doing this."

Mr. Turner said, "Second, to enhance and complement the neighborhood. We build very high-quality buildings, there is exceptionally low traffic impact. Certainly there is disagreement about what it means to complement the neighborhood and we welcome that."

"Lastly, it creates a very low impact, an economic impact and over 250 new jobs direct and indirectly, over $1 million in near term revenue to the City through taxes and fees; nearly $150,000 a year in annual recurring revenue through gross receipts tax and other means."

Mr. Turner said, "Low impact: this is one of the lowest impact uses you can have on a site,

especially from a traffic and noise perspective." He said to frame this for everyone "the amount of traffic generated by a community such as this at peak hour is roughly one car every three minutes; less than 1% in peak times."

He said, "To ease the burden on City services- back to the white paper: the three things identified as the primary goals of the Senior Services Division are: to provide transportation, nutrition services, and in-home support. Those are the three primary services we provide in our community. So it directly addresses the needs identified by the City and does it in a way that does not tax the Senior Services Division in any way."

Mr. Turner turned the microphone over to Don Rosen, Architect, to walk through some specifics of the plan and how Morningstar complies. Mr. Turner said he will be available for questions at the end.

Don Rosen, Architect for the project, was sworn [continued the review of Exhibit "22."] Mr. Rosen thanked the community at large for the opportunity tonight. He said this is a unique community to do development in and the process by which the City of Santa Fe operates is unique. He said at this point in the process in many communities they would not have had two neighborhood meetings, or the engagement with City staff to the extent they have.

He said with the process of the City of Santa Fe, they have been involved over the last 6 to 7 months with most of the departments on numerous occasions. He said, "The revisions that were incorporated into plans that you will see have been substantial from what they originally started with, from a concept standpoint. Part of that relates to the building footprint and what is facing Old Pecos Trail versus when they met with the community the first time and where the access drives were."

Mr. Rosen said he would like to say thank you to the City staff and to the community, because this has been a very unique and rewarding process. He said, going to the context map before them; one item he thought very clear to everyone is the location of the site, in relation not only to DeVargas Heights, but also to the other medical offices, the Santa Fe Women's Club, the Regional Medical Center and Christ Lutheran Church.

He said, "It is a diverse community and as you can see, a mix of several different zonings. Within the proximity around the site there is R-1, which is in the DeVargas Heights area; there is the First Baptist Church, but they also have a large extent of the area in the proximity along Old Pecos Trail where it commences off of St. Michael's, which is a combination of R-1, C-1 and HC zoning in the vicinity. He said this particular area is not unique in having developments that are a little different from an R-1 zoning in all locations."

Mr. Rosen said, "This map shows within the City of Santa Fe in the area that this is where the commercial use is in this part of town. We highlighted this area which shows a non-residential use in the proximity of this particular Elk's site." He noted the location of the Elk's Building. He said, "A substantial part of the neighborhood that is adjacent to us is of a commercial use. An item that Mr. Turner touched on earlier is that this is not a rezoning; the continued care facility is within the R-1 zoning, but does require a Special Use Permit. As Mr. Turner mentioned earlier, a continuum of care is a low intensive use and this creates a good buffer between the commercial traffic that comes through into the residential area."

Mr. Rosen said he would talk about the particular merits and items related to the site design, in particular an item noted by staff that there are no variances requested with the application. He said, "We went through great lengths with staff early on, prior to the first ENN (Early Neighborhood Notification), to discuss what might be variances in the plan and what they might present."One item they had to change was how they were presenting what they were doing and what their impact was going to be.

Mr. Rosen said, "One item that came through is the footprint of our building; which is actually facing onto Old Pecos Trail. It had to do with some of the open area that we wanted to preserve and maintain as best as possible." He said there was discussion earlier about what parts of the site may be disturbed and work would be required. He said, "A big item that is required is there are two drainage pipes that exit from across the street; they then flow through an open ditch and are collected here [pointing on map] and extend farther to the southwest."

He said, "The elevation of where the existing pipes are, is dead flat. It doesn't flow and in times of high water impacts, a problem is the water backs up and goes on to the street. Some of the neighbors have complained that in this area there have been issues with icing and other things in inclement weather. Part of our work and what we got to with engineering was the requirement that from here we are piping this to alleviate part of problem that is been in this area. Part of that has to do with what they are going to do with the rest of the grading and associated things with that site."

Mr. Rosen said, "Another point that was clear with the site visit is that from the high part of the site to here [pointing to the map] there is a significant terrain fall as it exists. So trying to develop the site is a balancing act. It is an act of being concerned about how I have access for emergency vehicles to come in and get up to the Elks' site. It is a matter of balancing how much we cut and where we are with here [pointing to map]- both with existing grades and with sightlines. How do we handle fill? It is trying to combine all of those things."

"One of the items we initially went with was the requirement with the fire department for access. It became a critical part of what this grade or this drive was in order to get up to here. Those things directly impacted the turn in and drop off and the finish for elevation that they needed to work with - part of the outcome of the building, the height and where it sits is directly related to the grades and topography of the existing site."

"Given that, we then looked at what we could do and how we could work with this. One critical item was from the initial neighborhood ENN meeting; there was originally a drive that tied to Calle de Sebastian. Out of the first ENN meeting unequivocally was 'we do not want any additional traffic that comes out and goes anywhere back here into the neighborhood. 'We went back and made revisions and met more than once with the fire department and worked out how we can comply with the requirements stipulated not only by the City of Santa Fe, but also to meet the state requirements for dealing with the state fire marshal and accessibility issues with the operations."

"We came up with the emergency fire lane that can provide the adequate fire protection services. There are several stipulations that are in part of the report from staff and we are fully in agreement with all of those items and they will be incorporated as part of the due diligence as we walk through this, the entire step."

"Another thing looked at was how we could mitigate the impact along this part of the site [pointing

to the map]. Part of the requirement is we have to get vehicles in to park and also service to here [pointing on the map] and service to the existing Elks. At the existing Elks Building everything associated with our deliveries, kitchen areas, trash etc. is all in this approximate area [pointing on map]. This became the area we needed to focus on for deliveries and how to get things in and out and handle deliveries, pick up, trash, recycling etc."

Mr. Rosen said they then focused on the site layout and worked with staff on the access drive coming in and preserved as much of the site as possible. He said, "To do so we kept most of the parking off of there [pointing to the map] and focused back into here [pointing on the map]. Also for a senior project where residents will be leaving with caregivers, parents or a child and is being picked up, they could come in and park, go in and if assisted with a walker or wheelchair, those accommodations have been made for those residents."

He said another thing he thought critical, a major item; is an existing coyote fence on the easterly portion. He said along Calle de Sebastian, he is referring to a portion as "north", although it is not true north; to the east is DeVargas Heights and residences and he noted the private drive. "There is a concrete block retaining wall that raises up and then a coyote fence. From that point of the property line to where the building is, is 55 feet. We tried to set it back as far as we could to provide for accommodations for those neighbors to our east and we also tried to make sure weren't encroaching in anything at this end [pointed on the map]."

"One item that staff mentioned was a dimension here [pointed on the map] of 74.5 feet, which is actually what the dimension is; he has shown this dimension as 70 feet only to correspond with what was on their development plan submittal; it is still at 74.5 feet."

"The other big item that is critical to this site and part of our discussions is the setback along Calle de Sebastian. Technically by the zoning ordinance that setback could be 10 feet. One of the items we looked at is we need to be respectful of the neighbors, we need to be good stewards with how we build the facility and we looked at how to pull the building farther to the south to provide a greater distance there. What we established is a minimum 25 foot setback from the property line." He pointed out that sometimes looking at a site plan cannot adequately describe, but the building façade has large setbacks and offsets. He said, "The greatest distance is approximately 36 feet in length along that property line." He said they did not go straight along there [pointing to the map] with one solid wall and go up two stories high. They would never do that. He said, "It is not respectful to the community and we didn't even take that approach."

Mr. Rosen said what they have is setbacks that vary from 25 to 76 feet [pointed to the map] and then back to 40, so there are variations along the entire façade. "Also what doesn't show on a site plan and shows on the elevations, is that certain areas at the second floor level, the building steps back and we have upper level terraces and roof areas that break the façade. The second story that goes up to the height does not happen, but it steps back from the building. Part of that is respectful to the style of the architecture, but also trying to figure out how to we break the mass of this building up. It occurs not only along the entire façade here [pointed to the map] but also here [pointed to the map], so that as I am coming north or south, I see some setbacks in that location and orientation."

Mr. Rosen said he would not go into details on the copy of the landscape plan of which trees are which, or where they are, but this plan as indicated and as stated earlier by staff, exceeds the minimum requirements set forth by the City. Mr. Rosen said, "We have exceeded that and we have been very

conscious about where we are doing trees and where we are doing our street trees and the street trees shown along Calle de Sebastian."

"The other item is we have created a landscape buffer and as a requirement for a landscape buffer along here, [pointed to the map] we have maintained a distance of approximately 16 feet to install trees, both here and here [pointed to the map]. We have introduced a variety of tree types, but those are to provide screening for the adjacent neighbors. The coyote fence will remain in addition to what we are doing."

"A big item is what happens and how we work this building. There is a story pole and that base of where that story poleis located. Our finished floor of the first floor goes down 14 feet from that location. In order to get there we are going to do excavation and remove that high area and set the entire building down into it. And there are retaining walls that would be happening here [pointed to the map] so that this building will set down below the elevation of the street. That will show on the elevations in a section I will present in a few minutes."

"On the adjacent side to Old Pecos Trail, we have introduced meandering walls following discussions with both engineering and landscape, where we have staggered the elevation of the drop, such that it is not just one high retaining wall. We are trying to create layering so that the landscaping acts as part of the landscaping buffer and add to the character of the building."

"One item that came up was how we are doing that and what we are indicating." He showed areas for retention detention on the map. He said, "Those are being combined with our City engineering requirements that Oralynn [the City engineer] has worked with in order to provide a way of doing sustainable and retention on-site, so that we also do not mitigate or add to the problem, which currently exists with the open trench."

He showed the meandering retaining walls and the retention area on the map.

Mr. Rosen said in regard to the elevation they are planning to utilize, "This plan incorporates earth tone colors of stucco, trying to be respectful of the community, and uses a Spanish Pueblo Revival style." He said one item he will point out is twofold on the elevations. "First is that the story poles that are at the site that we want to be sure to point out, is that that is at the highest point of the roof on any elevation site. The 29'6" is from grade to the top of this parapet on any part of the building. What happens is, we created variations on the roof and this roof is not staying consistently and drops down anywhere from 1 ½ to 2 ½ feet along that façade and at no point is there just one horizontal line that occurs."

He said he would step back to point out some things along Calle de Sebastian. He said, "What we have shown in green and starts where you run into Old Pecos Trail - this line in green is showing the street grade, the existing street grade along Calle de Sebastian and you are seeing a one story, except when you get to the far north one third of the property and at that point yes, you will see a portion of the building which is two stories."

Mr. Rosen showed areas on the map in elevation of what was done with pop outs and recessed areas. He explained that all of that was done to break up the mass, the scale and increase the character of the building. "Along the easterly side by DeVargas Heights the grade of the property line as you come along, does drop and descend as you come up further to the south side. "We are decreasing the mass,

breaking up the elevations and step backs and trying to break up what is occurring to the visibility to the east side. Along Old Pecos Trail again, step backs where there are upper balconies, terraces and things going on that are breaking the scale of the building."

Mr. Rosen said, "The biggest thing to point out is as you go, this site has over 32 feet of fall from the east until you get to where that existing drive is. There is a substantial amount of natural terrain that affects the site." He showed across Calle de Sebastian looking to the east, pointing out the retaining wall in the neighbor's house to the east on the map.

He said, "Basically in the centerline of Calle de Sebastian, the elevation is about 7087 roughly, taken from City data." He indicated and showed where their property line occurs and additional street trees that will be put into the landscape buffer. He said, "The building will have a step down and the patio is down and their elevation is down at 7097, so they are down much further than what the elevation of street is." He said the attempt was such that it gets you to see approximately one elevation of the building and matches what somebody would do if putting a single-family house on the back part of the site. He said he was trying to be respectful of that area.

Mr. Rosen said, "The second section is actually occurring as you get closer to DeVargas Heights looking to the south. The homes of DeVargas Heights set down and the coyote fence meanders and varies from 8 to10 feet from their property line. We have a landscape buffer that is 15 foot wide and we are putting trees in and another retaining wall that steps down and goes into where there is an outside garden area and then their building. There is a little bit of the area, depending on what part of DeVargas Heights you are at, that yes you will probably see a portion of the building, that steps and is the top of the parapet and varies as you go down."

"The next renderings are where we took the building on the GIS system that had established the street grades; for example, at the intersection of Calle de Sebastian and Old Pecos Trail. We stood across the street at eye level and took a photograph and then took the building and dropped it in to show the approximate elevation when at that location looking to the southeast toward the building. The other important thing is that the highest point is at 29'6" and drops down and this façade [pointed on the map] is significantly back farther from this location [pointed on the map]." He showed the dash line on the map where the 36 foot height is and is set under the current R-1 zoning. He said that is where they could build the height up to, but they are not. "The maximum height top of parapet is 29 foot 6 inches."

Mr. Rosen showed a photograph farther to the south where the existing Elks' sign is and again a view looking to the northeast where they dropped in their entry sign and the proposed street trees and a view with the proposed building and the height of the 36 feet.

He said, "When we had the ENN meetings, there was a lot of dialogue and discussion and a lot of favorable things that came out of it." He wanted to point out some of the things that came from the ENN. He said, "First, the access drive - they completely eliminated the access, modified the site plan and made changes. Secondly, as stated by the City engineer, there is no adverse affect during the peak times by the traffic generated. In terms of scale of massing we have reduced the building size by approximately 10% on the original building footprint they designed. We also broke up the façades and we were concerned about the lengths, so we changed part of the lengths where the building is and the setbacks were, in order to accommodate and increased the setbacks as well."

"In terms of the location of the loading and dumpsters; one item in discussion asked if there was a way the dumpsters could be moved. Two items came out of that discussion. One was we combined our dumpster location with the location for Elks and in so doing there is one location where the dumpsters are emptied and they are fully screened and secondly, we moved them further away."

"One item that was a discussion point in the ENN was what deliveries come to us. Primarily it will be food service dropping off and they are not in big semi's; they are fairly small trucks. They come, depending on use and occupancy, once or twice a week; sometimes three or four depending on the time of the year and the occupancy. Initially it will be often until we ramp up with full occupancy, because it will be growing. It is not any different from serving at peak time to go to the Elks.

"Another item is the water runoff; the issue at the street." He said they met and are in full compliance with the City requirements, which is what they were asked to do and they accommodated.

He said, "On visual impact we have tried and done everything we can. We lowered the building and provided additional landscaping to integrate into what we are trying to accomplish."

Mr. Rosen said "so why approve." He said. "Several items have come up. One is that within the community of Santa Fe our economic study indicates a terrific need within the City to provide quality housing for assisted living and memory care residents. There is a shortfall and the shortfall will get worse as time goes on. One item is making an accommodation and trying to find the best site in the best location that can serve and accommodate not only our economic use, but also for the community."

"One item that happens is that people go into an assisted living or memory care as a caregiver or a child primarily two times during the week; either on their way going into downtown on their normal traffic pattern to go to work, or in the evening when they are coming home. This particular site works and serves that purpose extremely well."

Mr. Rosen said, "#2-compatibility - one item discussed is that this is a health, safety, welfare; what we are doing; how we are accommodating and what we have to do under the special use plan." He thought a critical item is that there has to be housing types that are for all lifestyles and contribute to the public welfare and strengthen the community and this project will do that.

Mr. Rosen said, "Another thing is locating this facility where it does have good access and accommodation not only to the community, but also for the benefits of the residents, is extremely important. That benefits the residents and benefits the community as well. Another thing is with the site, staff indicated and you have their comments and support; there are no findings of adverse noise, traffic generated or other incompatible aspects that impact the community. That has been made clear in staff comments through the questions that the chairman made to staff and reinforced."

"Contextually, the architectural design and materials are compatible with surroundings and that was stated by staff and reaffirmed not only by staff in our planning discussions, but also in their staff recommendations."

"We have taken great care to be concerned about our landscaping and our massing and what we are doing in the building context to be respectful to what the City of Santa Fe has in the Chapter 14 Ordinance. It can it be improved; it always can. One of the things we have always tried to do is to make

sure we are hitting and exceeding the minimum. Staff said in their comments that we have exceeded in almost every case, what is being done in our application."

"One of the things in the staff report is stipulations and conditions set forth that were part of the approval process in Exhibit A. We are in full agreement with all of these conditions unequivocally and will accept those as part of this application process."

Mr. Rosen thanked the Commission and said they are available to answer any and all questions they may have.

Chair Harris thanked Mr. Rosen for the presentation. Before he asked questions of the applicants he would like to open up the public hearing and ask those interested in speaking to step forward. He said everyone has heard the protocol, but one thing he did not mention is that in addition to announcing their name and address they will be asked to sign their name and address for the stenographer.

Commissioner Gutierrez asked to clarify regarding Case 2015-15 that a Special Use Permit is requested for "104 beds, continuing care facility." He said in the presentation the Commission was told it was an 84-bed facility.

Mr. Rosen said it is "104 licensed beds. The Health Department requires a licensed bed for day programming or for someone to be in the building. There is an important distinction between units, and licensed beds; it is 84 *units*" and in some cases there may be more than one resident living in a unit.

Speaking to the Proposed Project

Chair Harris gave each person two (2) minutes to speak to the proposed project.

All those speaking were sworn en masse

A. Thomas Torres, 1318 Camino Corrales [sworn] said he wanted to speak specifically to the whole notion of the General Plan when it was first developed and the comments that initially followed relative to the Old Pecos Trail Scenic Corridor. He said, "Granted things changed since 1999." He said this evening they have seen a very quantitative analysis of what is being proposed, but they should keep in focus something about the quality as well. One thing we know is the Elks Building as well as the First Baptist Church have considerably significant setback from either the right of way or the property line. Through the GIS at the City they did a quick measurement and. for instance, one is 147 feet and the other is 142 feet or something and the average is about 150 feet plus or minus. The building being proposed is, for the sake of discussion, 90 feet. If they try to honor the spirit that was generated in 1999 about the whole scenic corridor; they would try at a minimum to average the two existing buildings at mass.

He said it was mentioned earlier about the Woman's Club which is across the street, which is about 150 feet, but is a low dense building and not visible from Old Pecos Trail. "I think, as a consideration to the community and to the corridor that we at least respect the averages of the mass buildings that exist and that would be somewhere around moving the building back 60 feet."

"The other issue is this thing of making grade. I think that in doing such a big building, granted the

applicant has taken a lot of considerations about the massing and scale of the building; but they would not get credit for building the grade up in the front of the building; that they would work from natural grade. The natural grade would be the dictator of what height the building would be relative to its presence fronting Pecos Trail."

He said the other thing is that they met the 50% in terms of open space for landscape. His concern is it appears from the visual presentation that the parking that is counted is part of the open space. He said he does not know if that is common in Santa Fe to count parking hardscape as part of the open space or landscape. He said those are his concerns.

Ellie Sernet, 822 E. Zia Road [sworn] said she wanted to thank Matt [Tumer]for all of the accommodations...the Elks Club she understands needs to sell off half of their property for assets and although she understands all these things and appreciates the need for senior living; she feels it is absolutely incongruous for her neighborhood. She said she has lived there for 15 years and it is a neighborhood of one-family houses and she has 75 year old trees on her property. A multiple unit facility for seniors who can afford $5000 to $6500 a month serves a very little part of our community. She said she just would like for the record to record my opposition to the project.

Danielle Scott, DeVargas Heights Townhomes, Unit B2 on 1810 Calle de Sebastian [sworn] said she lives with her 84-year-old mother and right behind the new project. She said, "My mother has owned her home since it was built in the 70s. The reason she purchased in this area of Santa Fe is because it is a quiet and attractive neighborhood close to the nearby hills with many walking opportunities that begin when we walk out of our front door." She said her mother suffered a stroke four years ago and she has lived with her since to take care of her. She is speaking on behalf of the two of them and wants to express that they are of the opinion that "a development of the size and scope of the proposed Morningstar Senior Living development will have an enormous negative impact on our quiet and beautiful serene neighborhood."

Ms. Scott said, "We do not want such a facility in our backyard. There is a reason why the Elks property is zoned R-1, allowing one resident per acre. The project is detrimental to our health and well being and will have a tremendous negative impact in many areas to the residents affected." She is a member of Southeast Neighborhood Association and they agree that this will have devastating effects on the quality of life from the surrounding residential neighborhoods, including the degradation of the historic and scenic character of Old Pecos Trail Scenic Corridor; the only remaining historically significant non-commercial entrance into Santa Fe. She said this does not fit into the neighborhood.

She said, "There will be an overflow of parking onto surrounding residential streets and of course, I listened to all of the reports, but I still believe there will be increased traffic on Old Pecos Trail, Calle de Sebastian and east Zia with decreased public safety. There will be more noise and light pollution, loss of safe neighborhood walking/biking opportunities and still some loss of views. We are concerned as well of erosion issues."

Hilario Romero, 1561 La Cieneguita, VP of La Cienegita Homeowners Neighborhood Association [sworn] said he is the former State Historian, a professor of history and also is representing

the President of the La Cieneguita Homeowners Neighborhood Association. He said, "We signed onto the letter with the Southeast [Neighborhood] Association basically requesting a denial of this project. He said the Old Pecos Trail known as the Camino de Pecos in a map of 1760 AKA *Galisteo Ortano Pueblos Trail* has been used since 1200 A.D. as a trail, then a cart road, a state road and now an artery.

He said, "However, its historical, cultural and scenic character is not like St. Michael's Drive, Rodeo Road, Cerrillos Road or St. Francis Drive. This road becomes a dangerous clogged artery as its width cannot accommodate high density traffic. One more huge building will ruin its scenic character. Infill should be appropriate to each existing corridor in the City according to the General Plan. This project is not appropriate; it is part of a tsunami of high density development in a low density area. From lot split, to Special Use Permit followed by a development plan approval, shows no consideration for the historical cultural and scenic corridor or the General Plan. It is great for senior living, but the wrong location."

Kenneth Hargis, 2150 Calle de Sebastian [sworn] said, "My wife and I have lived in the neighborhood for more than 38 years. We are opposed to this development and we ask that you disapprove this project. Our concern is primarily the visual impact with the monstrous scale of the project relative to the neighborhood. We frequently walk in the neighborhood and the impact on Calle de Sebastian is much greater than the impact on Old Pecos Trail. The proposed vegetation is primarily deciduous and it will not have the blocking affect they claim and the visual impact is not consistent with the neighborhood at all. We ask you to disapprove this project."

David Schutz, Builder and Land Planner in Santa Fe, 600 Cielo Grande [sworn] said he lives less than a quarter mile from the proposed project. He said he wants to state at the outset that he has no financial interest in regard to the project and stands as a concerned citizen in the community and in support of the project.

Mr. Schutz said, "The two fundamental principles that are embraced in the General Plan as we know it today, are #1, infill. It [the Plan] promotes infill development where existing infrastructure exists. This is a classic example of what infill is all about. There are utilities, arterials and infrastructure in place and hospitals and shopping nearby. This is a fundamental goal of the General Plan: infill development."

He said, "The second fundamental principle embraced by the General Plan is to promote a compact urban form, as opposed to urban sprawl. This is a classic example of what we are trying to achieve as a community. Some have suggested that this project be relocated somewhere else; presumably on the periphery on the outskirts of town. If we maintain a compact urban form I submit that this principle creates positive synergy in our community. He said while sensitive to the speakers, who are in opposition of the project, he is also sensitive to the whole community's needs in this regard.

Phillip Crump, 1897 Conejo Drive [sworn] said this is the entry to the corridor of Old Pecos Trail and he would see it preserved as more harmonious in keeping with the character of the City than Cerrillos Road. He said he sees this project as a potential part of creeping commercial development. He said he applauds the Elks Club for being a good neighbor and a vital citizen in our community and he wishes them only the best in finding a purchaser at a good price for this property. They can use the revenue. He said, "The City does need services for seniors, but I would suggest that this particular project at this particular

location is incompatible and not in the best interest of either the neighborhood or of the City, or the visitors who traverse Old Pecos Trail."

Beverly Spears, 1897 Conejo Drive [sworn] said she is an architect and has been in Santa Fe for 40 years. She said in the mid 90s she worked on the General Plan update. She said they were promoting density and infill, but not at the expense of the quality of life and the character for the whole City. She said, "I feel that this project would impact negatively not only our neighborhood, but the City as a whole in terms of Old Pecos Trail and the entry of the historic trail into the downtown. The main point I want to make that has not been discussed is about the terrain this land sits on, and in fact it is a ridge. That is why DeVargas Heights is called Heights, because it is high ground." She showed on a USGS map of the ridge and said, "There are 20 foot contours and the site in question sits on the ridge. It is at least 20 feet, in fact more than 20 feet higher than the surrounding area. Although this building is approximately 30 feet tall, it will actually look 50 feet tall from all of the east side of Santa Fe."

Ms. Spears showed a photo taken from Conejo Drive and pointed out the Elks Club. She said, "The Elks Club has a second story of about 1000 ft.^{2} and still you see how it stands out on the horizon on the ridge and is extremely prominent. "This is a diagram of the second story of the Elks, about 1000 ft.^{2} and the second story of the proposed building; about 35 times that big. This would be enormously visible from miles around."

James (Jim) Dyke, 2005 Calle de Sebastian [sworn], said he and his wife have lived at this address for the last 30 years. He said he has a letter for the Commissioners [Exhibit 14]. He said, "While Morningstar represents a lovely assisted living facility, it is not a continuing care facility. Just calling it a continuing care facility doesn't make it one. Chapter 14 has a definition for *continuing care facilities* and requires two components: 1) "the congregate housing at which residents live in rooms and 2) it shall include a full nursing unit. The Code is very definite about the use of the word *shall*. While Morningstar meets that first congregate housing component, it does not have a nursing care unit; therefore it is not a continuing care facility and does not qualify for a Special Use Permit."

"Chapter 14 has another definition for personal care facility for the elderly. If they read that definition and read what *assisted living* is, it very closely matches the personal care facility. However, the personal care facility is not allowed a Special Use Permit in an R-1 zoning area. Morningstar is calling this a continuing care facility even though it lacks one of the two required components. It is calling it that because that fits what can be granted as a Special Use Permit."

"Furthermore, there have been many references to the Tsunami Report. I ask that the Commission look at the Tsunami Report in its entirety and not just the few sections that have been plucked out of the Report. Major trends pointed out in the Tsunami Report say that '*baby boomers prefer to age in place or live in their residence*' and that there would be '*an increase in home-based health care*' and that '*age friendly development that recognizes lifelong care.*"

Cynthia Blackwell, 2005 Calle de Sebastian [sworn] said she has been a resident of Santa Fe since 1985. She said, "I am opposed to the Morningstar project for all the reasons you will hear tonight." She said she wanted to focus on the General Plan's recognition of the Old Pecos Trail Scenic Corridor and

the promises of protection that it provides for this corridor that will not be met if the development is approved. She also mentioned that "this development does not, despite what was said earlier, meet public and institutional land use." She also pointed the Commissioners to the letter from the officers of the Southeast Neighborhood Association on these topics that is in their packet and part of the record. She said, "You have just been handed a diagram that shows that overlay of the scenic corridor on to what is the proposed project for Morningstar."

"I think everyone would agree that Old Pecos Trail is the most beautiful and historic in this corridor in Santa Fe. All of us have the responsibility to try to protect and be the stewards of it." She referred the Commission to Section 3.5 of the General Plan. She said. That actually talks about how the Old Pecos Trail area is [inaudible] and contributes to Santa Fe's unique personality and sense of place and its character. It specifically designates the Old Pecos Trail between Cordova Road and I 25 as a scenic roadway having importance as an unspoiled entryway into town. It is also on the future Land Use map, so this scenic corridor actually exists and approximately half of the Morningstar development lies within this corridor."

"Previous developments along the Pecos Trail recognize this designation and have done offsets to get themselves out of this corridor; Morningstar Development has not. Most notably, the General Plan states that with respect to the Trail, the development standards, including land uses, density and design controls will be developed with the public participation process. Those words *will be developed* means that we rely on you to help us set those standards. Those standards should be in place prior to approving any development, especially one that requires a Special Use Permit."

Joanne Birdwhistell, 1810 Calle de Sebastian D-1[sworn] said she lives right next door to the Elk's property. She said, "I strongly oppose this commercial development. First, as a huge commercial development it does not belong in a residential R-1 zone. Its large size is not compatible with any of the surrounding homes; it will be very destructive to the quality of life of everyone who lives near or drives on Old Pecos Trail. Our 54 townhomes average 1,400 ft.^{2} each. In contrast, the Morningstar building at over 73,000 square feet will be larger than this convention center building. I checked into the zoning before buying and depended on the good faith of the City to respect it. I trusted in the City and moved to the Sebastian neighborhood because of its clean air, minimal traffic and quietness, nighttime darkness, safety and scenic views. All of that will be severely compromised if this development is approved."

She urged the Commission to honor the City's current master development plan and the intent of zoning regulations. She said, "It would not be right to allow this very questionable use of a Special Use Permit. A 73,000 ft.^{2} commercial building next door to a 1,400 ft.^{2} home is simply not right. I know that Old Pecos Trail Corridor is a major aspect of Santa Fe's attraction as a Destination City. I respectfully ask that the Commission help us build on this strength of Santa Fe. Let's work together."

KathleenValdes, 1810 Calle de Sebastian Unit B-1 [sworn] said this project is literally right on top of her house. She said, "One thing that has not been mentioned of this particular project is the economic impact to us of this coming into our community. I think it will have a very negative impact on property values." She said if she was buying her house new, she would look at the area and say she doesn't want to live where there is a huge building right there on the corner. She said that is one thing that has not been talked about if they are looking at the economic development; look at the economic impact of homeowners in the Southeast Association.

She said, "I received the townhouse from my parents and when I pass away, my son, who is a 16th generation Santa Fean, will inherit it from me. I want it to be as pristine and beautiful as it is now. I absolutely oppose this project."

John Stanke 508 Calle de Leon [sworn] said he is a lifelong Santa Fean and has lived in the DeVargas Heights neighborhood for the past 38 years. He said, "My father and his business partner developed DeVargas Heights in the 70s; the first neighborhood with underground utilities. This provides the very pristine views of the surroundings and the sky."

"My wife and I have raised two children in this neighborhood and have enjoyed living where we do. Daily I bike ride around the neighborhood and in Santa Fe and I also walk daily 45 to 60 minutes in the safe, scenic neighborhood. Our neighborhood is quiet, full of individuals of all ages walking and riding bikes along the wide main street Calle de Sebastian."

"I am opposed to the Morningstar development for the following reasons: increased traffic along Calle de Sebastian. There are approximately 50 parking spaces in the design. Using Google Earth I observed a similar Morningstar facility in Colorado that had approximately all of the spaces full." He said as individuals leave the facility, not everyone wanting to turn left will be able to do so. He said, "They will turn right on Old Pecos Trail and then right on Calle de Sebastian taking the path of least resistance."

"With 48 individuals living in the facility, it is easy to see why 50 parking spaces could easily be full at any time by the visiting loved ones. I know that when my mother was in a similar facility, either my brother or I would visit her daily for the five years she was there. Typically, this was at 5:30 PM. The increased traffic along Calle de Sebastian would decrease the safety in our neighborhood; additionally when spaces are full, people will park on Calle de Sebastian, again resulting in increased traffic along Sebastian."

"In addition to the visitors, there are delivery trucks, staff vehicles and emergency vehicle traffic." He noted other considerations such as the degradation to the skyline that would be viewed throughout our neighborhood, including Calle de Sebastian, Fort Union, Museum Hill and DeVargas South. Also the other consideration is that none of my parents would have been able to live in this facility. They all needed medical care and this does not have medical care. I ask that you consider not approving the facility."

Linda Stanke, 508 Calle de Leon [sworn] said she is John's wife. "I want to reiterate my great concern about the air quality in the neighborhood when you have increased intense traffic. It is not just at 8 and 5 o'clock. We have lived there almost 40 years and when you go anywhere between 7:15 and 8:30 it [traffic] backs up to I-25 and that is without this facility. When you have 104 people, not units, not beds; people, as residents in this facility that you proposed, you are going to have at least half of them have people visit." She said there will be staff, suppliers and emergency vehicles, because you do not have medical care there. All of that, depending on traffic [that] is not going to turn left into the medical facilities that you think are so needed by this facility. Therefore, they are going [turning] right through our neighborhood with not just the safety issues of people of all ages on the street, but also the air quality from all of the increased traffic. I beg you please do not put this facility there."

Roger Hathaway, 810 Camino Zozobra [sworn] said Santa Fe is a progressive City and we are leaders in sustainability, energy efficiency and water efficiency measures. He said, "Big box retirement facility designs are outdated and in any case a monstrous building should not be built on a hilltop, as it is all the more visible. The retirement communities that we have now are not at full capacity and are struggling. Regarding impacts on the Old Pecos Trail; there is the light pollution. We have kept our view of the night sky protected and the lights will hugely impact our efforts. There will be the noise, traffic pollution. Old Pecos Trail is not a business corridor. This planned development is a travesty for our neighborhood. Please do not steamroller this over us. Please do not sell our way of life for more jobs and 40 pieces of silver."

Frank Herdman, Esq., 123 E. Marcy [sworn] speaking on behalf of the Southeast Neighborhood Association. Mr. Herdman said he would endeavor to complete his presentation within the five minutes allotted to him, but he is speaking on behalf of the Southeast Neighborhood Association and its several hundred members. He said he is addressing two applications, so he requests the Commission's indulgence to complete his presentation.

Mr. Herdman said, "Before the Planning Commission even gets to the issue of compatibility for purposes of evaluating whether a Special Use Permit is appropriate in this case; it must first determine whether the proposed use falls within the definition of the allowable special use for the underlying zoning district, which is in this case is R-1. This issue was touched on briefly a moment ago, but I want to elaborate on the issue.

"The applicant in this case is requesting a Special Use Permit for a continuing care community as a defined term under the Code. However, the proposed use and facility do not comport with that definition and so there is no choice but to deny this application." He explained in the handout he provided the Commission, he is giving them the definition of *continuing care community* as it appears in the Code. He said, "Nothing in the application even attempts to demonstrate compliance with this definition. They would search in vain to look for it. Does it have a variety of living accommodations? No. Are there different levels of health services? No. Does it include a full nursing care unit with beds? No."

Mr. Herdman said, "What is contemplated by this definition is something that is commonly referred to as "continuing care retirement community and AARP describes a continuing care retirement community as a *community*. That is an important part of this definition - '*a community that is part independent living, part assisted living, part skilled nursing home*'. It contemplates a continuum of care as the residents get older and need increasing and more intensive health services. The definition says 'health services. 'No such health services are contemplated by this particular project."

"There is also a definition in the Code for personal care facility for the elderly and I included that in the materials. Looking at that definition, it reads almost verbatim as a description of the project as the Commission heard it described by the applicant this evening. It includes for example: 'a residential facility'- not community; a *facility* that provides assistance in daily living activities, including transportation."

"In Part II on page one of my handouts you will see excerpts from the Table of Permitted Uses: for R-1 Continuing Care Community there is a Special Use Permit. Under R-1 there is no check; no nothing- it is blank for *personal care facility for the elderly*. What that means under the Code is it is not permitted under any circumstances in an R-1 zoning district.

Mr. Herdman said, "What else can be gleaned from the Table of Uses? If you look at where an x appears for a personal care facility for the elderly, it is only in R-10 and R-29. Why? Because there has been a planning decision by the City of Santa Fe that a personal care facility for the elderly is the equivalent or comparable to a high density, residential dwelling. It is incompatible with R-1 and is therefore not permitted in this particular zoning district and for that reason alone, this application must be denied. The applicant bears the burden of proof to demonstrate compliance with that definition and it has failed."

Mr. Herdman said, "Secondly on page 2, I would like to address the request for the subdivision approval. This is a technical issue under the code. The code provides that you cannot approve a subdivision plat that creates a non-conformity." He pointed out an excerpt from the proposed subdivision plat at the bottom of page 2 of his handout. He said, "It shows the Elks Lodge building approximately 11 feet between the building and the new proposed lot line that would be created through the subdivision. The code expressly states private clubs and lodges; the structure shall not be closer than 25 feet to any line. To be no doubt as to the distance between the building and the proposed new lot line, I have highlighted in yellow where the proposal has a 20 foot wide easement and you can compare that to the distance between the building and the lot line. You will see that the separation between the building and the lot line is approximately half the width of that easement. It unequivocally, unconditionally does not comply with the technical requirements of the code. The lot line request also needs to be denied."

John Gonzoriak, 810 Calle de Sebastian [sworn] said, "I am right next to the Elks property and urge the Commission to reject this proposal. The proposed Morningstar project will result in dangerous and unmanageable levels of traffic on Calle de Sebastian, which will imperil the safety of those residing in the area. Right now without Morningstar, exiting from DeVargas townhomes on Calle de Sebastian is risky. Left towards Old Pecos Trail –views of oncoming traffic are blocked by our ridge; to the right, views of oncoming traffic are blocked by significant curvature. The traffic there frequently speeds. Increased traffic will create a dangerous, even life threatening situation for local residents. The analyses of traffic on Calle de Sebastian provided is inadequate. The city staff report did not analyze traffic on Calle de Sebastian. Morningstar's report without analysis that drivers would elect not to go on Calle de Sebastian because it would add a minute or two to their drive, is absurd."

He said, "In the Morningstar proposal the traffic exiting Morningstar would not be able to turn left on Old Pecos; only right. Having turned right, they will have few choices if they wish to head south. They can continue on Old Pecos to the more congested areas by Cordova and downtown and turn around. They can make a very dangerous U-turn on Old Pecos or they can turn right on Calle de Sebastian and continue to Zia. Morningstar will have employees; it will have residents who are not medically compromised who have cars; they will have visitors…it will be a great deal of traffic turning on Calle de Sebastian, turning an already risky street into a congested and truly dangerous street."

He said, "Finally, I want to comment on the General Plan. In this plan the City of Santa Fe makes a commitment to its citizens that the development of the Old Pecos Trail historical corridor will involve citizen participation. The city has for years neglected to do this on the north end of old Pecos Trail."

Mr. Gonzoriak said, "Approving this Morningstar plan is in effect an end run around the General Plan; a disavowal of citizen participation. The safety of the people in the Southeast neighborhood is at stake here and the unique historical character of Santa Fe is at stake and whether the City of Santa Fe can be trusted to keep its promises to its citizens is at stake."

Craig Hoopes, 2208 Ft. Union Drive [sworn] said, "I am an architect and part of the coming tsunami and the son of a 96-year-old woman who needs assisted living, where she lives outside of Santa Fe. I am opposed to this project, however. The plans that were shown indicate that the developer thinks of Old Pecos Trail as a commercial corridor. To think of a Baptist Church, the Women's Club, Lutheran Church and the Elks Club as commercial properties; all I can say is 'shame on you.' These properties are properties of community gathering that happen occasionally, they are not there all the time, operating and collecting money. This facility will be open 24 hours a day; the lights will be on and the traffic will be coming and going. I think this is wrong for our community."

Gayle Kenney, 1810 Calle de Sebastian [sworn]said, "I live next to the proposed development. I imagine that listening to all of us is challenging for you, but I want to thank you for taking the time to listen. It is important that the Commission know that it is not that we are against this type of facility; we are just against it being built on a totally inappropriate site. Our townhomes were built in the early 1970s as a quiet residential neighborhood, which it has been for over 40 years. We have a mix of all ages, from seniors to young couples with children. This type of development would have a definite negative impact on our quality of life. The residential homes also surround us. We have a beautiful night sky with bright stars, quiet days and nights, except for the periodic sounds of coyotes and safe roads for bicyclists and walkers of all ages."

She said, "We live right off the last scenic and historic roadway leading to the Roundhouse and downtown Santa Fe. The roadway Old Pecos Trail is a part of the protected highway corridor. Despite the changes in building design that were presented this evening, this proposal of a very large two-story 104-bed, 24 hour operated facility will create continuous lights, noise, smells and increased traffic, which will lower our property values and damage our neighborhood and our quality of life. On a side note, recent combined bed census of similar Santa Fe facilities show more than a 20% vacancy rate and two current facilities were, or are, bankrupt." She asked the Commission, "To please say no to this development at this specific site."

Scott Geister, 1810 Calle de Sebastian, M-2 [sworn] said, "Let's make one thing clear, this is a commercial for profit enterprise that is being proposed. The place would be operating 24/7 and have up to 100 residents. I cannot help but think that such a high density will cause significant increases in traffic and noise and will generally degrade the neighborhood's quality of life. Matt [Turner] himself said that there would be one car every three minutes and that is about 480 cars a day. I suspect they will turn left onto Old Pecos Trail, but can't and will have to go through Calle de Sebastian at all hours of the day and night, depending on which shift it is.

Mr. Geister said, "In terms of size, as previously brought up, the 73,000 plus square feet is as large as the convention center. There is no getting around the fact that this is a huge building. The visuals that we saw were shrouded by trees, but they won't be that big. It takes forever for a tree to grow in this town. No matter how you landscape it, put it sub grade, this is a big building. I purchased my townhome nearly 2 years ago with the intent of retiring at the end of this year. I consider my home purchase an investment in my personal future, but I now fear with this development that my property values will degrade quite a bit. I respectfully urge the members of the Planning Commission to reject this proposal, which would seriously deteriorate the quality of life not only for the neighborhood, but would also set a dangerous precedent for the City as a model of unbridled commercial development in residential areas."

Jerry Christopher, 2000 Ft. Union Dr. [sworn] said, "I am a member of the Southeast Neighborhood Association. We are not against development, but we are opposed to an inappropriate and indiscriminate development - what might be called commercial sprawl. The City fathers in the past wisely developed a master plan with the existing corridors of St. Michael's, St. Francis and Cerrillos to feed into our beautiful City, in which commerce zones would be developed in an orderly way. We currently have excess commercial capacity available according to commercial realtors, within those dedicated corridors that are currently serviced by the City's already developed utilities and roads. Both land and building structures are empty and available in some locations and have been vacant for up to five years. As evidence of the use of the corridor; the Synagogue, the Elks Club, the Women's Club and the various churches and museums along the Old Pecos corridor, and adjacent R-1 resident areas, are special use, not for *commercial*, but for private and City development use."

He said, "To allow the Elks Club to develop any commercial use or to sell for commercial use, would be a direct violation of the intended Special Use Permit issued to them for public service only usage and clearly allow the inappropriate and unintended development that would go against the City's master plan. To allow the commercial sprawl to invade our residential communities and destroy the peace and tranquility of our resident community is a clear violation of our City's master plan. Please do not let the virus and greed infect our neighborhood. They are not for sale for business to crush our children in traffic, noise, pollution and exploitation. In your deliberations, please remember that the land we live on is more valuable than money."

Kenneth Jacks, 716 E. Zia Road [sworn], said "The Commission was probably given today one sheet of paper that said '*too much mass, too much water; Morningstar must go elsewhere*'. One comment I want to make about that is that the figures there: 340 feet long, 225 wide, 30 feet high were derived from measurements from this elevation view." I realize this is an L shaped building, so those are not quite accurate.

Mr. Jacks said, "Another important part of this paper is that the City's own long range supply predicts a water deficit by 2021; six years from now. The presenter, Mr. Turner for Morningstar, said that his project would have low impact on Santa Fe's resources. To me, a demand of 3¼ million gallons a year of water is not a low demand on Santa Fe's resources; in fact it exacerbates the deficit. Another discrepancy I see with Morningstar, if I remember correctly, is a man talking about economic development said there will be 53 new direct jobs and 20 indirect jobs. That is in direct contradiction to Mr. Turner's presentation of 250 new jobs; a little deceptive on the part of the presenter."

Mr. Jacks said, "Third is the issue of elderly people driving. One of the first things that happens when elderly people drive is the first accident they have is turning left in front of oncoming traffic. Any person coming out of town going into this property must turn left across oncoming Old Pecos Trail traffic. Mr. Turner said '*that Morningstar had no additional liability because of this*'. I would state that they do create a nuisance if they persist in trying to put this project there."

Sharon Shaheen, 1850 Fort Union Dr., [sworn] Southeast Neighborhood Association, said "I appreciate the efforts of Morningstar to serve the senior community and its attempts to respond to the neighbors' concerns. Unfortunately it does not change the fact that Morningstar is trying to put an albatross among flocked hummingbirds."

Ms. Shaheen said "It is a travesty along the lines of that on Rufina where the trailers have been allowed next to the Zafarano subdivision as a result of bad planning and permitting by the City. To approve this facility in this neighborhood would be a mistake that the Santa Fe community will regret. I respectfully disagree with Mr. Esquibel who suggested that '*your consideration of public interest is limited to whether the proposed development meets minimum standards in Chapter 14*'. I do not believe that is the appropriate standard."

Ms. Shaheen said, "Regarding economic development, the cost of living in the Morningstar facility I believe I hear is $6,500 a month. This is not affordable for the average Santa Fe resident. Morningstar will bring low-paying jobs serving the wealthy, exacerbating the current divide between the haves and have-nots. This facility should be located in the commercial area that is designed to accommodate a building of this size and to accommodate the commercial activities associated with it. It will be clearly adverse to the public interest and the Special Use Permit should be denied."

Michael Boyle, 7202 Old Santa Fe Trail [sworn] said, "I am coming at this from a different way. Two years ago I brought my mother up from Albuquerque to find an assisted living place in Santa Fe where I could visit her on a regular basis. It turned out the only place available was Kingston and again commercial areas that was going to be out of the way. Six months go by and I had the opportunity to bring a blind uncle to Santa Fe to look for assisted living. I don't know who said a '*20% vacancy rate*', but all I could get him was a place at Casa Real in a hospital room; only half a room. He had a dresser, nightstand, the bed and that was it. We need these kinds of places. I look across here and I see elderly people, I know where they are going. These people should be grateful for that being in their community when their sons can walk to see them in their place. I say we need this kind of thing in Santa Fe, we should work real hard to get it."

John Bemis, 2119 Conejo Drive [sworn] said, "I am not a relation to Commissioner Bemis. Our nephew was visiting this weekend and we took him to the Cross of the Martyr today. I thought it interesting to look at the 1680 plaque that said *'Santa Fe is experiencing drought, conflict with the authorities and stress among the populace'*. I don't think things have changed too much in about 400 years."

Mr. Bemis said, "It seems disconcerting to me to have the land use create these gaps or conflicts between groups of people in the community; it seems wrong. A couple of weeks ago it was the "millennial's", the young kids in Agua Fria; now it's the seniors and neighborhoods. The common thread I see is that megalopolis developments want to come in and as a business model –it works for them, but it doesn't work for the residents. If they want to put these things in common as people have said, there are appropriate places for it, nobody is against it."

Mr. Bemis said, "To me it is a matter of balance and there is no balance if this is 3 or 4 acres; a 5000 square foot home is a huge home. If they came in and proposed 25,000 or 30,000 ft.^{2} one level development, I think the neighborhood would say that is reasonable. This is a megalopolis huge development and the speaker before spoke from the heart. All I can say as a human being, I read the New Mexican every week and I see advertisements for Pacifica, for Montecito and others that are advertising; so I don't know what his search was, but they are advertising right now for people to come to these communities."

Mr. Bemis said, "My last point is just as a human being, the General Plan does say to protect neighborhoods and develop and you have to have a balance. The balance to me is you have to look at it. Every neighbor has come up and said the reality is air-conditioners running 24/7 a day, heat pumps running 24/7 a day; traffic, alarms going off...and that that is where you have to look at it from that perspective; is it right for this neighborhood. I just don't know how they can say it is compatible with the neighborhood. I urge the Committee not to recommend approval."

Jim Jaffe, 612 Calle de Valdez [sworn] said, "The last meeting I was at, a takeaway was one of the speakers against the ordinance referred to outsiders who came to change things in Santa Fe. Santa Fe has thrived. Some people want to change the dynamics of the City. When I lived in Albuquerque I tried to get property I had in Nob Hill 100 feet from Central Avenue, rezoned. They didn't offer me a Special Use Permit, they said I had to go get it rezoned. The original zone was office/residential and I wanted to get community commercial residential. The City was totally against me every step of the way. I've been on the receiving end of these hearings and again, had I got it rezoned I would've had a business that would have directly and indirectly created some jobs; not hundreds, but maybe five."

He said, "I was basically run out of the City of Albuquerque and I am in Santa Fe now and I'm not going to run anymore." The City of Santa Fe seems to be taking the developer side of this matter and not the interest of the community. I've worked for the government for over 35 years for various agencies; I can interpret code one way or the other and the government would never take the case of a private party over the community in this type of case. Again, as government officials, you need to take the interests of the community not the *Gerle Estrada*."

Dianna Colee, 2001 Zozobra Lane [sworn] said, "I own commercial real estate. Old Pecos Trail is a tiny little street and even a bicycle clogs this up. My mother spent years in a 4-star, 5-star-kind of home before she passed on and I can tell you I saw ambulances constantly. All that I think that should be done is it should be put into a commercially zoned location and it will still bring money into the City, just as it would in this location. I also want to say it's only a few people after the construction that makes money; most of the employees are minimum-wage employees that work in these homes. All I can say is I hope you choose another location."

Geri Ayrault, 2100 Calle de Sebastian [sworn] said, "As mentioned before, traffic is definitely a concern and I am baffled by the analysis that has been done. As a resident on Calle de Sebastian I never take a left off the end of my street onto Old Pecos Trail, especially if my children are in the car. People zoom down that hill and zoom up from the light and they speed all the time there. If you sat a speed vehicle there, I am certain you would pick up lots of money for the City that way."

Ms. Ayrault said, "I am also baffled by the massive destruction that is planned of this piece of land. It will require massive alteration of this land and I am saddened by the very concept. My six and eight-year-olds would also like to say they are very sad and upset to think that their ability to ride bikes and play in the neighborhood could be significantly altered and we may have to keep them off the streets entirely with any amount of increase in traffic. We already have people who go too fast through there and consider it a thoroughfare and they come zooming down the hill. I also am fairly baffled by how those trees are going to grow. I have seen pictures of nice big trees to provide a buffer. There is another subdivision near us with

trees that were planted that have not grown at all and many have died. We don't have a lot of water here so I am not clear how that buffer would even work. Overall I feel this is very inappropriate use of this land."

Ms. Ayrault said, "I like to call myself one of the young families in the neighborhood; there are many of us." All of the people I have spoken to that have children in the neighborhood and young families are opposed to this. I would just like to say that for all the young families in the neighborhood with young children, we are very concerned that anything this massive would go in at the end of our street and create all of the traffic that it is going to create."

Anne Lacy, 81 Old Agua Fria Road [sworn] said, "I want to make a contribution tonight for a little institutional memory. The Santa Fe Community in the County of Santa Fe has been actively working to protect and preserve the Old Pecos Trail for many years and in 2000 those preservation efforts were so compelling that the community made a large contribution and actually bought the entrance to Old Pecos Trail and I 25 for $600,000. In fact, the developer lowered the price from $750,000 recognizing that this was a way to protect the last un-commercialized entrance into Santa Fe and protect with the intent, the entire extent of the old Pecos Trail. The community wanted to maintain the historicity of that trail so they even went to the state legislature, which funded this project to $175,000; the City put in $50,000 and the community individuals raised over $100,000 and the County with LTAB funds, gave $300,000 to put this into open space with the idea that this was the beginning of a process to protect the trail."

She said, "In preparation for re-writing the General Plan, the members of the community with many of the neighborhood association members, started to meet in order to develop some kind of ordinance or criteria. They met with the Land Use Office for over three years and put together criteria, much of which went into the General Plan, but with the intent that this would continue over many years and protect the entire trail down to the Plaza."

Rick Martinez, 725 Mesilla Road, President, Neighborhood Network [sworn],said "I want to mention a couple of places: Ponce de Leon, El Castillo, Pacifica, Montecito, Casa Real, Santa Fe Care and all are located in a commercial...or not affecting the neighborhood. Those are the places that did it right; they did not go into the neighborhood and make an impact. I wish the Planning Commission would not approve this."

Sandra Noe, 612 Calle de Leon [sworn] said, "I am one of the young families in DeVargas Heights neighborhood. There is very much an existing traffic problem on Calle de Sebastian that you can witness at pretty much all hours of the day. When I stand on the street corner waiting for my son to get off the bus with other families, we are often waving people to slow them down, because they are flying down the street. Again, there is the problem of people...quite actively turning right out of the Morningstar property and then onto Calle de Sebastian to whip around to where they want to go south of town. It is the easiest route to take rather than trying to go down and making a U-turn at San Mateo where there is a signal light and it is a very sharp turn and you can't do it without backing up."

Ms. Noe said, "Additionally there is the largeness of this building, which is hard to tell by all of those lovely diagrams. It is very significant; it will be a very jarring sight from any direction. Even so, not so much for the neighborhood, although certainly it will be, but when you are coming into town or leaving town, it is

something that will be very distracting from this lovely road that leads down to Old Santa Fe Trail and right into town."

Ms. Noe said, "One quick question regarding the 'silver tsunami'. Someone did point out that the trend is more for people to be aging at home. I am curious to know what percentage of those aged people will actually need residence assistance or residential health."

Nancy Higdon, 1918 Conejo Dr. [sworn] said, "I have lived in DeVargas Heights at this address for 25 years. My main egress from my neighborhood is the intersection of Old Pecos Trail and Calle de Sebastian, which I go through at a minimum of six times a day; sometimes up to fifteen."

She said, "I want to address the appropriateness of a Special Use Permit issued for this facility at this location. When areas of single-family and multi-family residential in a commercial application come together, particular attention should be paid to the effect of the increasing density, traffic, and parking. I have had personal experience with this in Santa Fe in the last year. A dear friend of mine spent 5 months in a Santa Fe Care Center and I went there a minimum of once a day during that time. I can tell you for sure at certain points of the day that there was no parking there. The Care Center is right behind the Residence Inn and a street leads to it and there are cars parked all along that. The issue of parking in this thing is important; they will park on Calle Sebastian if there isn't room. Many people have talked about to get back to the light they go back down Calle de Sebastian to Zia and then back onto Old Pecos Trail. The 53 [parking] spots on the facility will not handle that; there will be greater traffic and they have already heard other people talk about that."

Ms. Higdon said, "One thing I haven't heard anybody else speak to is that eventually the rest of the site will be developed. A good use for that would be a similar facility and the current whole configuration of that intersection would have to be redone, it won't handle it."

Former Councilor Karen Heldmeyer, 325 E. Berger [sworn] said, "I wanted to say a word about compatibility, because that is what this case comes down to in terms of the Special Use Permit; is it compatible with the surrounding neighborhood. The Staff Report comes to the conclusion that anything that is allowed under the Special Use Permit is by definition compatible. I have to take exception to that."

Ms. Heldmeyer said, "The whole point of you trying to make a decision by the Special Use Permit is does this use fit in this place. It is very site specific. I know the Commission does not get as many Special Use Permits as Board of Adjustment, but they get enough to know that that is a big issue. They will have to decide tonight if this particular project, in this particular place is compatible with the existing neighborhood. An example of where that might happen is a restaurant, which is very often a Special Use Permit in a lot of zoning districts. In code that can be anything from a little coffeehouse to a restaurant with a bar. Now they don't all fit in the same places, so again, a very site specific decision that you have to make."

She said, "A piece of data they might find useful is in the H-3 zoning district right around the corner; more institutional. A similar type of development with 51 beds, half the number this project is calling for, required at least five acres of land. Somehow, because this got put into the R-1 district that kind of minimal land size did not get put in either. Again that is compatibility, something you need to consider when making your decision."

Georgia Larson, 1810 Calle De Sebastian [sworn] said, "I have been in Santa Fe almost 8 years and about a year ago I made a commitment and purchased a home like many of the neighbors and people who are here this evening. One of the things I looked at when I was buying it, because of my own real estate background, is the fact that the Elks property right next door to me was zoned for residential use; so one resident per acre. I do not support the request for the Special Use Permit."

She said, "My concerns are numerous and like many others who spoke: more traffic, overloading, white pollution, noise pollution, the loss of the residential character of the neighborhood. It is my understanding from some of the other meetings that this property is also going to be built right on top of an arroyo. I don't know about the advisability or safety of that. I am all for job development. I wonder how the City monitors the actual outcome of promises that are made when developments come to town. We appreciate your careful consideration. There is a lot of trust riding on everything here."

Patricia McNeill, 1810 Calle de Sebastian [sworn] said, "I am going to present a very personal perspective. A stone throw from my bedroom window will be located all of Morningstar's service functions; all of them: the electric transformer, generator, delivery entrance, loading dock, parking, fire lane and just a few feet further the garbage dumpsters. I learned at the second ENN meeting that the configuration of the building, places all of the back-of-house operations right beside my townhouse. I have expressed concerns to the architect, the land developer and the City and they are well aware of the potential negative impact on the quality of life. My main concern is noise and light pollution. I would hope that if this plan does go through, those will be addressed."

Ms. McNeil said, "I also want to represent the views of my immediate neighbor Karen McGraw in unit B-3, so the Commission will have heard from everyone on the B side, which is adjacent to where all of the service activities occur."

She said, "Ms. McGraw is not able to be here but writes [reading Ms. McGraw's letter]: *'I am writing to encourage you to deny this land use change. Housing 104 people will require daily food service the equivalent of a large restaurant complete with large truck deliveries, trash disposal and many staffers. These functions are not compatible with the quiet single-family area. I expect that if you approve this plan my property value will be compromised. I am not pleased with the prospect that [inaudible] ...Santa Fe will [inaudible] its value."*

Faith Bowie, 1901 Calle de Sebastian [sworn] said, "I will read my notes. My main opposition concerns the impact of increased traffic along Sebastian, which at present often serves as a speedway. Since Sebastian is designated as an emergency route, speed humps do not exist. The 25 mile-per-hour signs are mostly ignored with vehicles sometimes maintaining speeds over 40 miles an hour. To make this point more personal at 8:15 on St. Patrick's Day 2011, I was walking my seven-month-old puppy. I bent over to pick up his poop and accidently dropped his leash. He decided to cross Sebastian and was hit and killed by a speeding car that did not slow down or stop. This ongoing high-speed traffic is dangerous, especially for pets, children and partially disabled adults. It will undoubtedly get heavier if Morningstar is approved. Please decide not to afflict us with Morningstar. I believe that the vast majority of us who actually live in this neighborhood, not the members of the different clubs, we actually live here; are greatly opposed to this development. The addition of Morningstar would lessen the good quality of life already enjoyed here

and contribute almost nothing in return."

She said, "I am a 71-year-old Type 1 severe diabetic and I need to make that left turn onto Old Pecos Trail to get to the hospital and the increased traffic I am sure, will make this harder also.

John Kennedy,604 Calle de Marcos [sworn]said, "My house is 100 yards to the north of this facility from the northeast corner and I would see it from my mailbox. I also work 100 yards to the west of this facility in the second building on Calle Medico. My world has revolved the radius of 100 yards from this spot for the last 30 years. I have walked on this property hundreds of times. I voted at the Elks Club for many years; I've attended spaghetti dinners there, I have attended concerts, fundraisers. I have heard their concerts inside my house from the Elks Club when they have had concerts on weekends."

Mr. Kennedy said, "I will talk about two different issues; the first is an economic issue. I don't fault Morningstar for wanting to build a big facility, because obviously the economics of it needs to work for them. In order to have the economics work for Morningstar they need to build something large in order to generate the revenues they need to make a go of it. However, Morningstar's representatives showed a slide of the other commercial areas around this neighborhood, including my office, but hazard to say, the buildings along the Old Pecos Corridor and the buildings down Calle Medico are far smaller than this facility and far smaller than the Elks Club. My building is three stories, 18,000 ft.^{2}, but when it was built because there are neighbors across the arroyo from us, we bermed down the bottom floor. When you drive past it from Calle Medico you don't even see the lower story."

Mr. Kennedy said there is no other building except when you get to St. Vincent's Hospital that is even near the size of this facility. He said, "So as a result, I think that the magnitude is simply shoehorning a building that is simply too large into too small a site."

Charlie Kdenig, 601 Calle de Marcos [sworn] read his notes: "I'm within 300 feet directly across. I was born in 1947. I am 68 years old. I am on the leading edge of the boomer generation. The quote from the New York Times article republished in the New Mexican on March 15th: *'it might seem that retirement boomers would create a demand for senior housing and assisted living facilities, but right now they are generally too young for such options'* said the columnists who wrote the article. *'The average age for residents in such facilities is 84, while the oldest boomers are 69; so they will not create serious demand for these properties for another decade or more'*, she wrote. Boomers are 20 years away in the need for assisted living. He said, "I expect to live in my home for the next 15+ years. I see a lot of elders needing assisted care moving out of state, out of Santa Fe to be near their children in other states as their years wind down. It was suggested by the developers that their facility would allow for neighborhood residents to move from their residences into this assisted living facility and that their homes could be improved by a younger generation. Their comments were questionable and their conclusions will not happen."

Mr. Kdenig continued, "So I need to look at any future use of this facility if it is built, as we all do. Special Use Permits require the use be compatible and adaptable with R-1 use. Should this property not achieve its financial goals and fail, then with single rooms, this building's best use would be nothing more than a motel. Not a motel with kitchen facilities and conference rooms, if that would be bad enough. It is hard to imagine any future use of this building that would be compatible with and adaptable to a residential community. Any future use would probably be even more impactful and inappropriate for the special

corridor into our City. This development is most clearly an attempt to force a round peg in a square hole. This development is multifamily housing that has been disguised as an end run around density requirements and R-1 zoning and would be a harmful violation of a residential district that's development would establish a dangerous standard, a dangerous precedent, in the OPT corridor. Please deny this application."

Kenneth Pin, 810 Calle de Sebastian [sworn] said, "I am on the board of both the Southeast Neighborhood Association and the DeVargas Heights Homeowners Association. I am the Planning Director for the Pueblo of Isleta and a former planner with Santa Fe County. I would like to summarize the position of these two associations as my neighbors before me have spoken passionately about, as it relates to the proposal by Morningstar Senior Living."

He said, "This proposal is wrong on so many levels; legally, land use wise, the impact on the surrounding neighborhoods, completely out of scale and traffic. It also changes and affects the historic and cultural nature of the Old Pecos Trail Scenic Corridor from the I 25 exit to Cordova Road. Let me make this clear, we are not opposed to the notion of a senior facility; just not at this location which is located...zoned R-1. And our opposition is not with the Elks Club, they are our neighbors. As it calls for in the City of the Santa Fe General Plan of 1999, we are prepared to work with City staff to develop a neighborhood plan for the Southeast neighborhood and the Scenic Corridor. We would request that the Land Use Department make us a priority and make staff time available for us. We are organized and we are ready to start. The development of the General Plan involves citizen participation.

Mr. Pin said, To not develop neighborhood plans and standards as called for in the General Plan does a real disservice to the planning profession and the community, but to say a sizable development can occur because there is no standards is manipulative and sneaky. I thank you on behalf of all the associations, for your time and consideration."

Marilyn Bane, 622½-B Canyon Road[sworn] said, "I want to begin by saying I do have a problem not only because it is inappropriate in this area, which I believe that is, but you've heard this a lot, I also have a problem with the conception. First of all it is just huge massing and should be broken up. It could be 2 buildings connected at one level on a ground level. There are other ways of doing this that would make it more like a community of single-story residences, which would be compatible with the neighborhood. But more than that, everything else everybody said I agree with; I don't want it. I don't like it and I hope you won't approve it. This is a 400 year old City we all love. We all know we have our peculiarities, but the one thing we've also been is very progressive and we're doing that right now in the Land Use Department. We always seem to be a beat behind. There are cities throughout the whole country that are formal villages, people who live in their neighborhoods and other neighbors look after them; it's the village concept of being cared for in your home so you don't have to move out.

Ms. Bane said, "I urge the Commission to recommend to City Council that maybe we expand the horizon on this and Instead of assuming we're going to build buildings, maybe there's a different way of handling this quality of life. Last, I wanted to thank each of you, because I am not sure if I will be appearing before you again before June. She said the Commission did a wonderful job.

Bob Walsh, 1553 Camino Amato, President of the San Mateo Area Society of Homeowners, [sworn] said, "This is a neighborhood association on the other side of Old Pecos Trail. I am 78 years old and I play soccer three times a week with a relative of one of the members of the Commission. First, everyone wants to thank you for your commitment to this, we really appreciate it. The Special Use Permit is for a continuing care facility and the Commission should evaluate that Special Use Permit on that basis and not on the basis of the proposed use, because that could change."

He said, "Health care is now a more advanced system with patients often served by teams of professionals with access to increasingly advanced testing and treatment equipment. This brand of healthcare of a major industry is good for the economy and good for their patients, but the inpatient facilities have had to become larger. There have increasing licensure requirements such as reliable power for medical equipment and computing capability. These requirements lead to devices,and procedures and may contribute noise and pollution, such as the required testing of backup diesel generators.

Mr. Walsh said, "The land use rules have not kept up. A continuing care facility should no longer be a permitted use in an R-1 zone. These intense industrial activities need to be buffered from the residential neighborhoods just as we buffer for other industrial activities. Such an activity is no longer appropriate even in a C-1 district, which is supposed to be a buffer between residences and intense commercial activity, so it certainly does not belong in the DeVargas Heights R-1 residential district. We look forward to discussing alternatives."

Dave Fitzgerald, 1908 Camino Claro, Exalted Ruler and CEO of the Benevolent Protected order of Elks in Santa Fe [sworn] said, "I am also a proud neighbor of all the people we have been listening to earlier. In essence I am the quarterback of the most diversified, talented and committed team of Santa Feans in our community and I feel privileged to hold these positions, because I have been elected to lead their fraternal organization and carry on the commitments, goals and objectives that the Elks have held in the oldest capital City for the last 116 years. History is a great predictor of the future and our lodge is very proud of its history, since 1899 when we held our first meeting upstairs above Kaune's grocery store, we have been very cognizant of our place in the community and cognizant of being active in the community. With any fraternal organization, our lodge has faced its share of difficulties. The economic climate of the past several years has confronted us all. The rumors of our demise are greatly exaggerated, despite the fact that they have been highlighted by the misinformed."

Mr. Fitzgerald said our members have not "thrown in the towel" we've simply put our heads together and found resolutions to these matters that are in the best interest of our lodge, our members and our neighbors in our community. He said, "In the past 15 years numerous brokers, businesses and entities have expressed a desire to purchase our real estate; and they have approached us. But each time they did we reviewed the offers, investigated the proposed purchaser and each time they came to the same conclusion; it wasn't right, whether for our lodge, our neighborhood, or our community."

He said, "Morningstar approached us last year and we did our homework. We put together a committee that was charged with reviewing the aspects of their offer and it was impressive. They are a first class organization and they were chosen by a vote of our members. They have done their homework in making sure that their proposed plan is the best for our community."

Connie Makl , 2794 Via Caballero del Sur [sworn] said, "I am a member of the Santa Fe Elks Lodge 460. You have been presented with 500 plus petition signatures in support of the Morningstar application, as well as letters of support. My purpose before the Commission is to tell you who we, the supporters are. We are Santa Feans. We are members of the Elks Lodge 460. We are owners of our community. We like the neighborhood network organizations and we care about our community. We are business owners across the street from the proposed site. We are past judges and City officials; we are property owners in Santa Fe, lifelong residents as well and we are new comers to Santa Fe. We are Santa Feans who understand the need to plan for our increased age population; we are Santa Feans who have had experience caring for our elderly family members or who know someone who has had the experience of caring for our elderly family members, or who are currently caring for our aged family members."

She said, "Last but not least, we are Santa Feans who are aging ourselves and support the increase in options for our potential future care. Mr. Chairman and members of the Planning Commission our voices are important. We ask the Planning Commission to place significance in our support of Morningstar and respectfully ask for your favorable consideration."

The Honorable Patricio Serna, [sworn] said, "I have been a member of the Elks Lodge for 37 years. My thunder was stolen by the ER (Exalted Ruler), but it is important and bears repeating that we were instituted on January 9, 1899, 116 years ago. At that time we were the third Elks Lodge in the Territory of New Mexico; 13 years before statehood. The population of Santa Fe at that time was 5,603, so we've had 116 years of service, charitable and otherwise to our community. The silver tsunami; the senior population increase is going to be phenomenal by 2040 and would be a 350% increase. So there is a definite and demonstrated need for assisted living facilities in Santa Fe, because now we are going to Albuquerque and Rio Rancho. We want to keep them here. Staff has clearly stated that there will be no adverse impact on Old Pecos Trail."

Mr. Serna said, "This very important Commission has a responsibility to make decisions based on fact, testimony and evidence without being influenced by other factors. I have every confidence that you will do just that and accept the recommendation that prompted the research, legal and otherwise, by your very capable staff, for approval."

Daniel J. O'Friel, 513 Acequia Madre [sworn] said "I am and Elk and I am an attorney. I want to emphasize what City staff said earlier that the proposal before you meets the Special Use Permit. I have listened carefully to the attorney who spoke on behalf of the two neighborhood associations and may have a concern about that, because he said that what staff was asking you to do is illegal and he made a distinction between the facility and the community. I have only a minute and a half and could not find a distinction between those two words in an hour and a half. Likewise, if there is any sense about the room that there is not going to be nursing staff for what is a residential apartment, etc., you should dispel that. Clearly there is memory care in the facility and was explained to you what it is about and it is clearly nursing care for the elderly. I thank you for your time and patience and I urge you to support this and follow the recommendation of City staff. If there is a concern, you can always give a notice of conditional approval."

Leonard Roybal, 17 Vuelta Otra Vond [sworn] said, "I am chairman of the board for the trustees and I really understand the position that the opposition has taken. What I would like to say to you is that this is a very important facility for the area, for our people, both economically and to provide the services for the

community. I am a direct descendent of Don Rafael Ocona and my mother is a direct descendent of Gaspar Ortiz, so I have seen many changes in Santa Fe and this too will pass. We lived on a road called Pocotillo Street... I left for the service in '65 and came back in '68 and there was no Pocotillo Street, it was a throughway called St. Francis Drive. I sympathize, but I urge you to approve this proposal."

Richard Borrego, 3401 Alameda [sworn] said, "I am a lifelong resident of Santa Fe and I don't envy your job and I know a lot of times you're in a position to make some hard decisions. I hope this will be one of the cases that will not be such a hard decision. I am in favor of this project. I think it will have a low impact on the surrounding areas. It is in full compliance with the City zoning codes and ordinances and in compliance with staff recommendations. There is a definite need for this type of senior assisted living and we are all getting there. Most importantly it will provide much needed jobs here in Santa Fe. I have seen more often than not, young people growing up here in Santa Fe having to leave the City to find good paying jobs. Two of my three children had to leave the City to find good paying jobs."

He said, "I would like to see good clean industries like this that could provide jobs for the young people here. It has been demonstrated it will have positive economic impact to the City of Santa Fe and we know the City of Santa Fe needs more tax money to continue providing the services and opportunities that we have in the City we would like to see done. I would like to urge you to approve this application."

Tomas Van Hese, 05 View Haven [sworn] said, "I have been a resident here in Santa Fe since 1978. First , all of you have heard several times that Santa Fe [Elks] Lodge has been in Santa Fe for 116 years and we've done many things to support the community and we feel that this project will be one that will serve the community once again."

He said, "I will talk briefly about the economic impact of this project. Santa Fe has a current deficit of over $2 million. This project would contribute to $456,549 in construction and gross receipts taxes and also contribute 115 direct construction jobs. Construction alone will generate $1 million in taxes and fees to the City."

Charlie Dalton, 109 Pine West, Secretary of the Elks Lodge [sworn] said, "First I want to let you know that our monetary contributions are member generated and we contribute strictly on the sense of community that our organization has. Last year alone the membership raised and distributed well over$15,000 for charitable efforts and the monies gathered were distributed throughout our City's needy organizations. Some of the recipients are: Bienvenidos, St. John's Kitchen, St. John's Methodist Church and Bag in Hand; Kitchen Angels; Santa Fe Food Depot, Girls, Inc., the Santa Fe Youth Shelter, Casa Esperanza, Casa La Familia, New Mexico Special Olympics, Cystic Fibrosis Foundation, Multiple Sclerosis, National Children's' Cancer Society, the Children Make a Wish, Veterans Run for the Wall and the Elks Lodge in-house charities that we contribute to yearly: the New Mexico Cerebral Palsy, the Charitable Benevolent Fund, the New Mexico Veterans Fund and the National Elks Foundation."

Mr. Dalton said, "During the year our lodge has many community outreach programs and a few are our Children's' Christmas Party, our Thanksgiving party and dinner and Thanksgiving baskets are given with large turkeys and all the trimmings, again all generated by member donations. We have an Annual Student Award, the First Responders Award, Student Scholarship Hoop Shooting Contest, Drug

Awareness, and the Elks High Program that benefits veterans. The Elks Lodge of Santa Fe wishes to continue to serve our community. We are a humble organization and we are not recognized for our ethnicity and we do not seek accolades. We seek to continue our charitable works. He thanked them for listening. He said, "I respectfully request that you approve this proposal."

Cheri Ortega, 7 Red Hills Lane [sworn] said, "I was asked to read a letter on behalf of Kenneth D. Joseph, the President and Qualifying Broker of Office Court Companies, Incorporated who was not able to attend. The letter is dated March 30. She read: *'Dear Chairman Harris and Planning Commission members, on behalf of the owners of 1660 Old Pecos Trail, 1701 and 1751 Old Pecos Trail, 1800 Old Pecos Trail and 1850 Old Pecos Trail: I am writing to express support for the proposed assisted living facility proposed for the Santa Fe Elks Club's property. We have reviewed the drawings and believe that this development is attractive and serves a vital need in the community and is compatible with our neighborhood. We encourage the Planning Commission to approve their request. Thank you very much, sincerely Kenneth Joseph'.*

Ralph Ortiz, 3012 Governor Lindsey [sworn] said, "I am a native Santa Fean born and raised here. My family has been in business since 1928 and I have been in business since 1977 and a lifetime member of the Elks. My parents lived and my sister currently lives with her family in DeVargas Heights. This situation is very ironic because my wife had been discussing this many times. As we get up in age we look to the simpler way of life to accommodate our needs and physical handicaps. The proposed assisted living facility will be a godsend for many of us in the not too distant future.

He said, "You know as well as I do that kids do not take care of their parents today. Santa Fe does not have many of these facilities that are formal and this one promises to be exceptional and needs a facility such as this. I sincerely hope that you will be giving serious consideration. There are many of us that would be looking into this in the near future."

Peter Ortega, 1130 Camino San Acacia [sworn] said, "I consider myself a resident close to this neighborhood, because I am within walking distance to the proposed area. I am also a member of the Elks and the reason I joined the Elks many years ago was for all the reasons why they help out the community. I am a proud member. I am a lifetime resident of Santa Fe and my family has been here for generations and is the reason I am able to live on Camino San Acacia because my family has been able to pass that on from generation to generation. I have a grandmother that lived to be 101 years old and my mom is approaching her 80s and fortunately is able to take care of her mom. I hope I am able to take care of my mom in the means that she did. Unfortunately, my kids had to move away. I have a son in the Marine Corps and a son that works in Albuquerque, because there are no jobs in Santa Fe. I am in support of this because it brings jobs to Santa Fe and also because it gives me an option, because I don't know if I will have my children to take care of me. I am glad I got involved with the Elks and found out what they are doing and that they support Morningstar for what they are doing. I like their ideas and it gives me an option to stay in my neighborhood, because I feel this is my neighborhood."

Irene Angel, 26 Entrada Santiago [sworn] said, "I was given permission to read a letter for Dr. Phillip Abeyta, #6 Calle Medico. She read: *'Dear Planning Commission members and/or City Council, I own property within the immediate vicinity of 1650 Old Pecos Trail where the Morningstar Senior Living*

Community is proposed. Through this letter I wish to express my support for this project. As a property owner in Santa Fe for over 30 years and particularly an owner of property in the immediate vicinity of the proposed community, I believe that the City of Santa Fe should support proposals which accommodate our aging population in this area of the City. This location is ideal for this proposed use. The pattern of use along Old Pecos Trail in this location has already set precedence for non-residential use on the northwest and south of the subject location, including my business. To the west of the site are dental, medical and professional offices. In close proximity is the hospital and other medical related uses. A senior care community could utilize these services, which is already in close proximity. I represent ownership of several buildings on Calle Medico which is in the immediate vicinity of the proposed. Please consider that the proposed community will not only benefit our aging population, but also dump dollars into our local economy, which I feel is important to our beautiful City and to the business in this area. Thank you for taking this time to read my letter, sincerely, Dr. Phil Abeyta, #6 Calle Medico, Santa Fe New Mexico, 87505.

Ms. Ortega asked that the letter be entered into record.

Richard Barela, 3 Paseo Aguilar [sworn] said, "I am an Elks Club member and I am speaking in support of your approval of our club's application. Your approval of this project will allow the Santa Fe Elks Club to serve and continue to serve as a valuable Santa Fe family function in social gathering occasions; weddings, graduations, anniversaries, funerals, receptions, etc. and has served Santa Fe in this role since at least 1900. Your approval of the sale is necessary for the Elks Club to continue serving Santa Fe, its citizens and its members, in the family functions that I mentioned."

Joe Trujillo, 30 Regatta Road [sworn] said, "As a youngster I grew up behind the DeVargas Mall on Fiestas Street and I could not understand growing up why our playgrounds were disappearing. First the Casas Solana came into our backyard; our bike trails along St. Michael's Drive began to disappear and I wondered why they could not have built this on the other end of town, on the opposite side. As I grew older I began to realize a healthy economy is contingent and independent upon growth. A developing community has to have growth. St. Francis Drive went right through our back yard and later came Paseo de Peralta; it ruined our neighborhood."

He said, "At this point I was revolted and somewhat angry. The tree that I used to swing from was no longer there; the areas where we used to shoot our BB guns and slingshots were gone. Again, I realized a growing and developing community must have economic growth. My heart bleeds for the neighbors, because I see what they are faced with today is what I faced as a youngster. But I say this to you as a governing body, ultimately you have to make hard decisions and your decision is based on the letter of the ordinance. We have heard testimony from staff that this project is in compliance and with that in mind, your most favorable consideration of this application is requested."

Gregory Hunt, 212 Alta Vista Street [sworn] said, "I came to Santa Fe in 1965 as a college student in a college that no longer exists. The first thing I asked when I came to Santa Fe was why isn't there more development and I was told that development is based on clean energy and clean living. I would like to hope that you approve this application not only because the City standards have done a fantastic job, but also because the development of this facility would not only help the Elks, it will help the City. Most

of all it will help the younger generation. So many kids, and I have three, have to move out of Santa Fe because they did not have jobs here. I would appreciate that you start to think not only of the young but of the old. I don't know about you, but I may end up in this facility and I think we need to think about all these options. I will leave you with the fact that growth is the main issue that we all need. I don't mean unruly growth, I mean planned, proper new growth."

Richard Padilla, 1605 Cañoncito Monica [sworn] said he has served on many boards and commissions. He said, "I was thinking coming up to the podium that as I am now getting up in age and retired recently, that I would hopefully have with your approval, a facility to look at. "

Mr. Padilla said, "All who spoke tonight in opposition of this proposal need to think about one avenue that they can take; a facility such as this. You have talked and listened to a professional staff that has given you a recommendation and I think it is extremely advantageous if you would consider that. Think about their professionalism. They have done all their homework as best they can. They made a good recommendation. We are asking that you support that recommendation so that we, as were getting up in age, have a place to look forward to."

Bob Clifford, 616 Galisteo Street [sworn] said he is about a 20 year member of the Santa Fe Elks Club. He said, "I am also a small business owner in town. He said this application process tonight reminds me an awful lot of my company who came before you recently for the same purpose. We were looking for a Special Use Permit on Rodeo Road and the neighborhood was concerned about some of our plans. We met with them; architects and engineers and it happened. Now that project is almost complete and I am looking forward to hiring a full time staff and a handful of part-time staff. The point I'm making is the economic impact of that was small; this one will be different for not only the income for the City and you've seen those numbers, but also employees coming on board. We just need to provide jobs in this community and I respectfully ask that you allow this application."

Charles Gouchman, 33 Teddy Bear Trail [sworn] said he owns the property 1801 Calle de Sebastian, but they did agree that is ground zero for this discussion. He said, "If I was in the shoes of Morningstar, I think you are bound by some sort of decision based on what City staff is recommending." I did hear testimony this evening about some sort of explanation as to specifics on how the application is defined. I am not sure that the City took into account everything that is necessary for consideration here. When I looked at the south facing view across Sebastian where my property is located, I wasn't sure, but do not think that I can see past that building. I think you will agree I have a major issue with that.

Mr. Gouchman said, "I am a small business owner in this town. I employee 50 people and I appreciate the fact that you need to make a decision and I would hope that you would make it on facts. If I was in their shoes and I was applying for this application, I would expect you to do that. But at the same time I think you've heard a lot of testimony by a lot of people, given the fact that this building is so large. When I saw the plans as they presented them this evening I was a little amazed at the size of it. I think you are faced with a very difficult decision given the information you have."

Haila Harvey, 2152Calle de Sebastian [sworn] secretary of Southeast Neighborhood Association [sworn] said although she was born in Texas, she has deep roots in Santa Fe. She said, "My father, Francis Harvey lived in Santa Fe in the 1920's and 30's and brought the family here every summer beginning in the early 50s. I moved here in 1974 and bought my house on Calle de Sebastian in 2009. I am currently secretary of the Board of Directors of the Southeast Neighborhood Association and a member of the board of the Kitchen Angels.

Ms. Harvey said, "My main objection to the proposed Morningstar Senior Citizen Assisted Living residence is the scale of the building. It is inconceivable to me that City officials in our unique City would approve a 73,000 ft.² building being constructed on the Old Pecos Trail; the noncommercial historical corridor that feeds into our town center. The homes and buildings along this part of the Old Pecos Trail have a low profile and are set back from the road so that you have an unobstructed view of the mountains as you driving to the center of town. The proposed building, I believe, would not be in keeping with the surrounding area. It would be an eyesore on our only naturally landscaped and non-commercial entrance into downtown Santa Fe. I urge the Commission to not approve the development and to encourage Morningstar to find a more appropriate location in Santa Fe."

Mark Sarnowski, 2225 Calle Alvarado [sworn], representing AXEL Homeowners Association, said this is one of the oldest and largest homeowners associations in Santa Fe. He said, "We wish you to not accept the proposal by Morningstar. We are not for it. To put it the best and quickest way would be to put it in the words of a person who spoke before; 'the round peg in the small square hole. It just doesn't fit."

Peggy Bowen, 2153 Calle de Sebastian [sworn], said, "I feel this is completely incompatible with the neighborhood. There are young families. I walk the street all the time and there are kids bicycling. This is not an appropriate use and I urge you to consider the testimony of Beverly spears in terms of how obstructive this is going to be to the view-scape coming into town."

Rachel Page, [sworn] said she is a young artist and has sold on Canyon Road. She said, "I propose to the Council the importance of keeping the openness of tract corridor sacred and special for the City as an entrance into what we actually have as authentic [inaudible]. That is my proposal that the relevancy of this building in this space is proposed."

Karl Sommer, 635 Copita Lane [sworn] said, "I am not here on the behalf of anyone as a representative and I do not represent the developer or the neighborhood. I am here on my own behalf. I am personally effected by this development because I drive by the property every day, probably twice a day for many years. Your job, I believe is to assess public interest that you have in front of you. This proposal is not considered in a vacuum and it is not subjective; do we like it or we don't like it; is it a monstrosity; is it not a monstrosity? You have a very specific criteria to look at with respect to determining compatibility."

He said, "When I looked at this project...I went to the ENN and I got a copy of the plans and a copy of the code. I know Mr. Herdman and I disagree with him entirely, because this facility is going to have nursing care and beds; that is what the code requires. This facility is compatible in terms of its use under the code."

Mr. Sommer said, "The other person spoke to you about '*well, you've got to consider what happens if this thing goes vacant, it's not going to be compatible for residential use*'. That is not what that standard means. You would never approve a church because of that reason. What it means when you look at all the metrics that you have in front of you, height, spacing, open space, style, lighting, traffic; all of those things; this project doesn't just meet them, it exceeds them. It exceeds the standards for approvability that you have. It isn't whether you like it or you don't like it; it is, is this adverse to the public interests. I think that the application is quite clear; it meets or exceeds all of your standards from a use standpoint and from a metrics standpoint. I urge you to approve this project, because I think it will be good for Santa Fe and it will not be the monstrosity that people are saying it would be."

Paul Grand, 629 Calle deValdez [sworn] said he opposes this project. He said, "I would hope that the Board will address the concerns raised by attorney Frank Herdman. I think staff...it didn't sound to me like they were addressed at all. I think you have to make sure you address from the standpoint that what he said is this is patently illegal and it shouldn't have even gotten to this stage."

He said, "The second thing is I want to add a perspective. Everything the presenter showed to us is basically telling us all the things that they did to basically come to the requirements of the code. Well that's a nonstarter; that just gets them to first base. Had they not had the façade be good and the setbacks not been good, they wouldn't even be here. They have to do that to get to first base. Assuming that they got to first base, now you have to deal with the requirement of the code and the code is, and I'm going to read it: '*the use and buildings have to be compatible with and adaptable to the buildings and structures and uses of the abutting Property*'. The abutting property, that's the hundreds of people that live in DeVargas Heights."

Mr. Grand said, "Take a step back. You don't park your common sense at the door when you start to consider all of this. If you knew nothing about this and I said *just use a regular dictionary definition; is a 73,000 ft.² commercial facility to house 100 people compatible with the DeVargas neighborhood*, you would tell me no. Please don't forget that at the end of the day after you've heard everything, you got a step back and keep that perspective. This requirement doesn't say that you have to find that it is harmful to the neighborhood. You could say: '*well I don't really think it's harmful, I think it's okay*'. The question is, is it compatible. There can be no question that the answer is no."

James Wheeler, with Commercial Properties, Inc., the broker for Elks Lodge and Morningstar [sworn] said one of the comments brought up many times is '*they can go anywhere*'. He said all I do is commercial real estate and we looked at over 20 properties and there are certain criteria that have to be met. He said you have to have the utilities, you have to have zoning, and you have to have all these things. He said this property met all the criteria and that's why it was chosen.

The Public Testimony Portion of the Public Hearing was Closed

Commissioner Harris thanked everyone for their patience and civil discourse and said he and all of commissioners appreciated it.

There was a short break at this time.

Mr. Esquibel said listening to the testimony of the neighborhood there were a few things he felt needed clarifying. He said, "In this application when Morningstar first came to us and defined what their use was, we talked about the definition. We also addressed other issues. They came to us without requesting variances."

He said, "One of the key issues brought up that I concur with is one from Mr. Herdman and that was the 25 foot setback to the building. That is an issue and I did miss that. I told the applicant that I would condition that they move the lot line so that it meets that 25 foot setback, if accepted by the Commission."

Mr. Esquibel said, "That specific movement is not going to compromise their overall lot coverage, because they are already at 26 percent. It will not compromise their open space, because they were at 50 percent. If that lot gets smaller by any means, that open space ratio is going to go up. We do not include the parking in the open space, it is true open space. That movement in and of itself will not create an impact to the lot split, or any of the other development issues that we are looking at. That is what I will have put in as a condition."

Mr. Esquibel said the other one was noise. He referred the Commission to page 9 of their report. He said, "They did address noise and will have to meet the resident decibel levels required under the environmental chapter of the City code. We included those decimal levels so that no one had to search for them."

He said, "The definition is located on page 8 on the report and is included so that we can talk about it in the event that came up. On page 8 of your report: *Continuing Care Community*, the paragraph says: *'the residence of community that provides a variety of living accommodations and different levels of healthcare services as to elderly or persons with disabilities as follows'*...Mr. Herdman is correct. The continuing care community shall include...and the first item is *congregate housing in which residents live in rooms without individual kitchen facilities."*

Mr. Esquibel said, "If there were kitchens within this development that would trigger the development standards, because it would have those components that we look for in dwelling units. It would easily meet sanitation and living; kitchen, bathroom and living area. But it does have a kitchen facility and a dining area in which, at least, the following services are provided: common meal preparation-they have a kitchen; common dining-they do have an area for the elderly to sit and eat; recreation and social areas- they did discuss these areas not only at the demand, but with us. Room cleaning, laundry and transportation were all included and discussed with the Elks and as we started to qualify this application as they moved forward."

Mr. Esquibel said, "The second part of the definition is a full nursing care unit with a bed. In terms of the operational issue of this particular definition and for the Commission to decide whether they truly need that definition, it will be best to have the applicant come up and identify how that works and how they believe that fits within the definition."

He said another issue that was brought up was the lighting. He said, "Harvey looked at the relevant foot candles on the ground. There were zeros all across the area and then on top of that the landscaping that would be put in front of that. They have met and exceeded the lighting standards that we go by in terms of what the ordinance requires."

Mr. Esquibel said, "As far as the Special Use Permit goes, if you look at your Exhibit D, the last exhibit on the fifth page, the criteria for approval of a Special Use Permit mandates that the following shall be looked at...those were put in the memo so that the Planning Commission will know exactly what the standards are. I put that point by point in terms of the methodology that staff uses in determining the outcome. The first finding is that you have the ability to review and act on the Special Use Permit, because it triggered the development plan because it exceeded 10,000 ft.^{2} within 200 feet of the residential community. That gives the Commission the right to act on a special use permit, the lot split and on the development plan."

Mr. Esquibel said, "I also addressed staff's reasoning with regard to public interest. Again the attorney Kelly Brennan advised, the Plan is a guide. We use that often and Chapter 14 is a reflection of that guide and is developed with that in mind. In our view if the applicant is meeting minimum standards for health, safety and welfare; they are meeting the public interest for health, safety and welfare."

He said, "The final aspect is a little bit more subjective; what is compatible with and adaptable to. If you look at the corridor behind this area, the South-Central Highway Corridor is the closest and most restrictive area to this neighborhood if it has an overlay. In that highway corridor it extends out 600 feet from the right of way and within that it has rules that were adopted by the Governing Body that define what kind of development can go in there with the height, densities and setbacks. All of those are defined within that highway corridor, just like the Airport Road overlay that the Commission voted on today."

Mr. Esquibel said, "It stops short of this lot and turns west going toward St. Michael's Drive where the setback then stops from 75 feet to 50 feet. The height on that if it were to continually go up, the applicant met that 75 foot setback because, for us, 6 inches is the minimus. [inaudible]. He said they are at 25 feet to the roof deck and that would be a requirement for the highway corridor. They are not, but they still meet that higher level of review. Their setback is 7 feet and in this area there is a 7 foot setback to the front property line."

Mr. Esquibel said, "As far as the side yard goes there is a requirement that the side yard is a 7 foot setback, except you cannot be within 10 feet if you are going to exceed 14 feet in height. At that point you have to be setback. The applicant met that standard in order to meet their height requirements for the building."

Mr. Esquibel said, "We then looked at the architecture throughout the neighborhood. When coupled with the landscaping, you have a very strong buffer and behind that buffer, an architecturally compatible building. "I would not deny that it is the largest building on the block. Given that, that was the methodology staff used when evaluating this along with the rest of the standards that go with it. Standards not just in Chapter 14, traffic reviews for their requirements and economic development, which again is part of the General Plan when looking at how this fits into the scope of the City of Santa Fe; landscaping, lighting, water and sewer. All of these departments have eyes on this application to ensure that 100% of compatibility and 100% compliance were adhered to for Chapter 14."

He said, "The applicants have gone above and beyond the requirement. I know that because they were squawking at me as they worked with me as I was working the neighborhood concerns into the application."

Mr. Esquibel asked that the applicant be brought forward to define his area for nursing care.

Mr. Matt Turner said, "We do in fact employ full-time nurses seven days a week and we provide 24 hour care in licensed beds. Beyond that I don't know how to address the requirement any more specifically." He offered to respond to any additional questions about how that looks or the type of care. He said, "The simple facts are we do employ full-time nurses, licensed LPNs and RNs 24 hour care, seven days a week. The care is all administered either by the licensed nurse or overseen by a licensed nurse."

Chair Harris said he is unfamiliar with any classification that the state may have. He asked which state agency granted the facility's certificate or license.

Mr. Turner explained it is the Department of Health.

Chair Harris asked how that is characterized; how does it read.

Mr. Turner said it reads "assisted living license." He said, "We provide care in an assisted living environment with nurses on staff. That is distinct from a skilled nursing licensure, which is much more highly regulated and requires, as an example, a medical doctor on staff." He said when he spoke earlier about being in a residential environment. "The whole goal of what we do is to provide that higher level of care, varying levels of care given that specific definition, but in an environment that does not feel like a medical facility. It is not licensed as a nursing home, but provides care by licensed nurses."

Commissioner Villarreal said she is confused by the difference. She said Mr. Turner said that it is not is not a medical facility. She asked how he would define medical facility versus what he just described with nurses available 24 hours.

Mr. Turner said, "A medical facility generally, to achieve that licensure, is built to a different standard and has more to do with the type of staff, as an example a medical doctor. Also physical aspects of the building require a certain width of doorway, because you would need to be able to roll actual hospital beds in and out. It would require gurney size elevators to get licensure to provide that specific very high level of care. A good example of that would be a rehab clinic."

Chair Harris asked if they specify certain levels of care including nursing as part of the license that is granted by the Department of Health.

Mr. Turner said, "They require that everything is overseen by a nurse and certain types of care must be delivered by a nurse; as example medication administration. One distinction is...there are specific things you can and cannot do if you are not in a medical facility. We administer medications that are all overseen or done by a licensed nurse and are a requirement of the Health Department to get the licensure. They require a stack of policies and procedures to show that we comply with all of those regulations."

Chair Harris asked if in his opinion the proposed Morningstar would be a full nursing care unit with beds.

Mr. Turner said, "We would. All care is delivered in licensed beds and the care is delivered by full-time licensed persons. This is actually similar to zoning that is in place for several other projects that we do; this is not atypical."

Mr. Esquibel said Exhibit D on the second part of the requirement for the Board to find either for or

against; those conditions are specific to a Special Use Permit. They allow you the ability to mitigate impacts. They are there for the Committee to ensure that mitigation of such impacts are put in place." He gave an example of a school that the Commission would be able to limit the number of students within a school and that is an authority granted on to the Special Use Permit through those conditions. He said, "The conditions are there for the Commission to look at so they understand where their authority lies within conjuring up conditions to help mitigate any impacts they feel exist.

Mr. Esquibel said he would stand for additional questions.

Commissioner Villarreal said with the permitted uses and the tables; she doesn't find anywhere that states or discusses the square footage limitations. She said she's trying to determine how you weigh one use from another; but then scale comes into play. She said that could change the scenario as well. She asked that Mr. Esquibel elaborate on that.

Mr. Esquibel said, "On the uses themselves, there are actually some limitations in some areas, especially in the BCD where you can have certain aspects up to 5000 ft.^{2} of retail use. In terms of this particular use in the Table of Uses it is the first item on the residential category and the only requirement that it has is an 'S'. Under those standards, that means Special Use Permit. This process and review is the process by which you will review, approve and condition or deny that Special Use Permit. The building is part of the analysis that the Commission must make; is that adaptable with and compatible to, criteria. These are your areas of review, your areas of interpretation given staff's analysis and testimony given from the neighborhood and the presentation from the applicant."

Chair Harris said he had questions for Mr. Don Rosen, Architect, unrelated to the definition of the facility and having to do with the conditions for a Special Use Permit. He said one of the things is noise generation. He noted the standard: 55 DBA during the day, 50 at night for all mechanical equipment. He said his concern is with the backup generator. He asked Mr. Rosen to address that.

Mr. Don Rosen said, "First, the installation of the emergency generator and what it serves is dictated and controlled by the State Department of Health. There are certain requirements inside the building that we must do and one of the items they took is the concern in the layout and the site plan. They will meet and exceed the requirements stipulated by the City and part of that would be by screening and part by installation of mufflers and things that are part and parcel with the generation of the noise by those pieces. We will totally satisfy and comply with the City requirements."

Chair Harris asked if he has specified generators in this type of situation to meet the City standards. He asked what a reasonable goal is that he could achieve using specialized mufflers and silencer kits.

Mr. Rosen said he has specified generators in this type of situation. He said, "Typically the gold standard in the industry is around 50DB and is a custom for them in many communities across the country. The project we are doing in Albuquerque, we are meeting and exceeding the same requirements."

Chair Harris asked if there will be a wall on three sides.

Mr. Rosen said, "There is a wall on three sides and that was for two purposes; the first was it is constructed out of masonry CMU block, with stucco finish to match the color and appearance of the rest of the building. It is on three sides so we can control and mitigate the amount of sound, but also there is a

screen so anyone coming in it is protected and not just sitting out in the open."

Chair Harris said it seems to be adjacent to the bicycle rack, which he thought might not be a great location.

Mr. Rosen said they discussed with staff trying to decide and mitigate how many people would be coming to the site on bicycle. They were trying to find a location. He said, "We would be totally amenable to splitting it up and look at two locations with some by the front and some not." He said their experience in communities where they have the bicycle racks is that it is usually not people that are coming to the site to pick up a loved one or visit, it is for the staff.

Chair Harris said he thought it necessary to split the bike racks up. He asked about screening the mechanical units and the kinds of systems being proposed and if they would be visible.

Mr. Rosen said, "The major component systems addressed would be the rooftop equipment. That will be predominantly centered in the building and part of the areas with the large parapets is to provide screening of the equipment. One requirement in the code is that we will screen all equipment and we already have anticipated that and it is normal and customary with every community they build. There will be several pieces of large equipment up there that will be screened. The noise is typically consigned to going up vertically because of the screening around it."

Chair Harris said he realizes the building steps. He asked if there is a screen with the taller parapet like you normally see around here.

Mr. Rosen said in discussion with staff, which direction they would slope the roof came up. He said, "We originally contemplated sloping the roof both to the north and to the south. We were trying to find how to combine that with our retention of water and things that would be done within the facility. We ended up with a single slope roof that will basically go from the south to the north and in so doing, would divert the water source to the north side of the building and go into pipes that go out and is contained."

Chair Harris said among the conditions for both the Special Use Permit and the development plan is plans for sustainable use of energy, recycling and solid waste disposal. He asked how that would be addressed.

Mr. Rosen said the exterior is for the trash generated that goes outside. Inside they have facilities that will be used for recyclable containers.

Chair Harris said he mentioned earlier about lamping at the very least the exterior fixtures. He said there is a real benefit for LED lighting. He said it is generally characterized as the low hanging fruit looking at energy consumption.

Mr. Rosen said it has come a long way and is getting better. He said looking at what they used LED lighting on two or three years ago has changed drastically. He said, "Most of the interior lighting in common areas will be LED; in terms of outside lighting they are not to the point where we have said we will use all LED lighting. We will be investigating further as we go."

Chair Harris said in water harvesting you've got a large roof and roof area; the footprint is around

43,000 square feet and in many ways is an ideal collector. He said he just sees they have canals and doesn't see any downspouts to capture that.

Mr. Rosen said they have looked at and that hasn't been completely designed. He said, "Where we can on the north side we will take the water source and do retention so we can use that for the benefit of our landscape and irrigation."

Chair Harris asked if the City mandates any hours for construction.

Mr. Esquibel said that would be within the purview of the Commission to identify hours of construction and where they can park. He said typically the construction plan is run through John Romero's office to approve.

Commissioner Gutierrez said he has questions. He asked to start with Mr. John Romero. He said testimony was that Calle de Sebastian is an emergency road and there could be no slowing mechanisms put on that road. He asked Mr. Romero to respond.

Mr. Romero said the City Council adopted a traffic calming policy and an emergency response route such as that they cannot place vertical devices. They can place horizontal devices, such as bulb outs and things of that nature that shrink the width of the road. He said Calle de Sebastian is a fairly wide road and in his opinion that is what can lead to increased speeds.

He said they noticed on Old Pecos Trail before it was a rural two-lane road with two 12 foot lanes and visually 24 feet of asphalt and reduced it to 11 feet and bike lanes and a physical curb and gutter on each side and the speeds were reduced close to 5 miles an hour after implementation. He said there are horizontal devices that can be incorporated.

Commissioner Gutierrez said that is a remedy the neighbors could look at.

Commissioner Gutierrez said Fire Marshal Ray Gonzales said there is a gate for emergency services for hoses to be put out, etc. and it was mentioned that parking is a big issue with some of the neighbors. He asked the possibilities of a red curb in that area that would keep people from parking on Sebastian if there is overflow at the facility.

Mr. Romero said, "An easy solution to control parking on Sebastian is placing 'no parking' signs. We don't typically paint curbs because it is labor intensive and we don't have the manpower to keep up with it. The signs last a lot longer and are a lot more effective."

Commissioner Gutierrez said he sympathizes with the neighbors, because people will take the easiest route.

Mr. Romero said the distribution of traffic onto Old Pecos Trail was based on how traffic exits the Elks Lodge and proceeds. He said, "For instance in the morning rush-hour, half of the traffic makes a left out and half the traffic makes a right. In the afternoon when the most traffic is present, two-thirds of the traffic makes a left out and only one third makes the right out. With that in mind, the total traffic making a right out in the afternoon is seven cars and there is a good chance that a lot are going downtown and will not try to circumvent making a left out."

Mr. Romero said, "Even if we assumed all of those seven right turns would use Sebastian, which I don't think will happen, that is roughly a car less than every 10 minutes or so. Based on the current traffic patterns out there he doesn't see that happening."

Commissioner Gutierrez asked Ms. Brennan for an opinion on what was given to the Commission about a continuing care and personal care facility.

Ms. Brennan said, "The definition of continuing care community shall include; shall is indeed mandatory, which means it must include: *'congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation'*." She said, "The Commission heard Mr. Esquibel explain how the application has complied with that requirement."

She said, "Then *'and a full nursing care unit with beds'* that is not defined in the code." She said she would note that this says *'full nursing care unit with beds'* meaning nursing beds and nursing care. She said, "It does not specify, for instance skilled nursing facility beds or acute care beds or chronic care beds, which would be very specific levels. It is a fairly general definition based on that analysis."

Commissioner Gutierrez asked Mr. Turner what brought Mr. Turner to the decision to have 104 licensed beds with this facility, as opposed to 50 or 150.

Mr. Turner said, "We focused more on the unit count frankly, which drives our operations much more than the licensed beds. The resulting licensed beds is a calculation required by the Health Department based on the number of actual bedroom spaces and that also drives things like bathing [inaudible] facilities and a number of bathing facilities within the community. That is more of a dictated number, but there would be a number of licensed beds on the license and that is the number we suggested we will apply for; 84 units."

Commissioner Gutierrez said when penciling it out, what brought them to 84 units opposed to looking at a smaller/bigger facility.

Mr. Turner said, "Many factors. A couple of the most important factors are assessing the need in the market place based on our professional judgment and experience and also based on third-party market studies, both which were completed. Studies actually suggested there was more demand than what we are building here, but in the interest of being conservative, we prefer to go fewer than the market study tells us we should. In that way it stays more full, frankly. There are operating efficiencies that dictate the size we would build a community and staffing and the number of staff that would be employed and be in and out at different times of the day."

He said, "Understanding the operations of the facility certainly drives the calculations and understanding not only how you can most efficiently deliver the care, which allows you to derive the best value possible, but also allows you to create an environment to provide the best service. Building forty or fifty units is not financially feasible to create the environment that we will be able to deliver to our residents of this community."

Commissioner Gutierrez said if they look back at some of the continuing care communities; it says

'recreation/social areas, room cleaning, laundry and transportation'. He said water was brought up tonight. He asked how the laundry operations are handled.

Mr. Turner said, "There are two ways we handle laundry in the community. We do launder as part of their basic level of care, all residents' linens once a week or more if needed. That is primarily done in the commercial laundry space because it is actually far more efficient to do it that way and you can do more at one time. We also have several laundry spaces throughout the building that allows for two things specifically; one for service to the laundry for sheets that are soiled for an example, so we are more contained, which is important from a health standard perspective. And also to provide the opportunity for residents who do want to do their own laundry; we want to allow them the freedom to do that in a residential setting."

Commissioner Gutierrez asked if any of the other Morningstar facilities partake in recycling the laundry water and if that is doable.

Mr. Turner said we have not done recycling of laundry water in the past. There is a fair body of research that suggests that is not the most efficient. He said, but he is not an expert in that area.

Commissioner Schackel-Bordegary said you mentioned market research in terms of findings you made with respect to Santa Fe and vacancies. She asked that he talk about those findings.

Mr. Turner said, "That market analysis is fairly scientific and market studies and research firms conduct that in different ways. Three different market study firms may give you three different answers, but all likely within a certain range. We have a similar result; we just take different approaches. He said we measure things like sheer volume of residents of a certain age. We make assumptions of the percentage of those residents that will need this type of care. It is not 100% so we reduce that number by a significant amount and then make assumptions about the residents who do need this care that would choose this community and that further narrows the field."

Mr. Turner said beyond that the percentage of possible residents that would come from the surrounding area of Santa Fe, in this case he thought was 80 percent. The other 20% is the assumption that they would come from out of the area likely to be nearer to their adult children.

Commissioner Schackel-Bordegary asked in terms of the universe of care facilities in Santa Fe, some that were mentioned tonight; how would he characterize Morningstar in relation to El Castillo downtown or Kingston. She asked where Morningstar falls in terms of cost and demographics, etc. so she could get a sense of how much this proposal is reflective of what is needed in Santa Fe.

Mr. Turner said, "First speaking to general quality, Morningstar will be much newer than those communities and that allows us to incorporate newer technology and generally have much larger units and nicer finishes of what exists. From the pricing perspective we will be very comparable to what exists for a similar level of care, but much nicer." He said that is one of the opportunities we see from a business perspective.

Mr. Turner said, "An important financial consideration is to understand the structure of some of these communities. Many of these communities require large buy-ins up front; tens to hundreds of thousands of dollars. Effectively you are buying down your monthly service fee and some percentage will

be refundable when you move out or pass away."

He said Morningstar is a rental model. There is not a new high-quality offering to what they will be delivering in the area and on a rental basis. He said, "Ours is a rental, not a buy-in and does not require someone to write a $250,000 check."

Commissioner Schackel-Bordegary said that does sound different from different from Ponce de Leon that she is familiar with. She said she is interested in both the economic and social community aspects of this "commercial center". She said we are talking about homes at the latest stages of our lives, so she twinges when she hears the facility referred to as a commercial venture, and yet it is and she recognizes that.

She said she doesn't live in DeVargas Heights and will never be able to afford to do that. She asked if the average Santa Fean could afford this. She said there is such strong support by the Elks Club. She asked if this if for Santa Feans and for her fellow Commissioner Villarreal's mother and could they afford it. She said that is the value for her that she cares about.

Mr. Turner said, "I cannot answer the question of who can afford what, because regardless of income, people save differently and afford themselves different lifestyles as they age. I also can't specify what level of care someone may need as they age. It is certainly more expensive, the more care that you need. To take a step back and think about this more industry wide, the invention of the assisted living industry, which is only about 30 years old, was created to provide access to an environment that was less medical and much more affordable than a nursing home for people who needed its care."

He said, "When you compare what someone would get for what we pay in our community with the cost of moving to a nursing home, it is half to two thirds. I cannot specifically address who can or cannot afford 'what will be provided', but I can say that when compared with paying for that level of service through either homecare or other comparable communities or in a skilled nursing environment and a nursing home environment; it is very affordable on a relative basis."

Mr. Turner said, "Another thing to consider about these communities is while often people have sticker shock and talk about $5000 to $6000; that really includes a lot. That includes three meals a day plus 24-hour snacks and bistro services; transportation; levels of care and really a full suite of services such as laundry, etc. It is not $5000 in rent."

Commissioner Schackel-Bordegary asked if there is Medicaid funding and other subsidies as part of the residents' ability to pay.

Mr. Turner said, "We are not currently planning to have a Medicaid license, but we accept long term care insurance."

Commissioner Ortiz said he had a question for the civil engineer on the drainage plan on page C-4. He asked if the 30 inch culvert concrete pole that would go across the Old Pecos Trail, would still remain.

Oralynn Guerrerortiz, Project Engineer [sworn] said yes sir.

Commissioner Ortiz thought that a really good idea. He knew in many cases on this type of plan we

don't do a good job of maintenance and clearing and that is obviously really important. He said he would appreciate it if she would look downstream at the type of structure that would be affected by this particular development.

Ms. Guerrerortiz agreed. She said, "I have walked it a little but will be more careful about walking the entire thing. The other thing we propose to do is to put in a box culvert; drop in length [inaudible]. That is really deep right now and it is harder to maintain, but by installing with a drop-in they will be able to maintain it a little better and keep it clearer at the surface and hopefully be able to maintain it in the future better than it has been maintained."

Commissioner Ortiz said he appreciated that. He assumed that the ponds will have will rise quite a bit and there is a 24 inch pipe and a 30 inch pipe. He said obviously it will need to hold a lot of water to try to make it match that up flow.

Ms. Guerrerortiz agreed. She said, "We have designed it so we matched the outflow and the outflow should only be 1.5 CFS for the site at that location. There is also another location that will also get 1.5 CFS as far as the development is concerned, but the flow coming from off-site will be able to pass through."

Commissioner Villarreal said there are very appealing pieces. She said, "We know there is an aging population. We know it will be particularly concentrated in this area and beyond and those are real numbers that are happening across New Mexico. The State of New Mexico is probably going to be the highest number of elderly population in the country and they do need facilities like this. I am still not sure about the affordability, because El Castillo is not affordable and not accessible to local people with fixed income that did not save and do not have long term care insurance."

She said Mr. Turner had indicated that market analysis is scientific and there is actually a quantity of numbers that we need to pay attention to. She said she is wondering if a study is done of the current vacancies. She asked Mr. Turner what the current vacancy for Santa Fe is of facilities similar to Morningstar.

Mr. Turner said, "I would have to follow-up with you so the information is current. When we analyzed the market similar products have been highly occupied. The answer to her question about the prior market study is yes, we do consider the occupancy of competing properties."

Mr. Turner said, "One comment I wanted to make about competing properties is we are much like restaurants, having availability in a certain community does not necessarily suggest a demand for the product. Businesses are run differently and sometimes care is compromised or there are other reasons that people choose not to live there." He said he is not making a specific comment about any community in Santa Fe, but that is always a consideration."

He said, "I also think it important that all understand and I am very clear about, that Morningstar does not propose or submit that this is the solution to the issue of the rising ageing population of Santa Fe. This is only one component and it is certainly important to have communities that are focused specifically on a more affordable population and important to have communities that are focused on other populations. This is simply one piece of a broader solution."

Commissioner Villarreal asked if the survey calculated how many facilities exist of this nature.

Mr. Turner said, "We do and I will need to look at the details and get that."

Commissioner Villarreal asked Ms. Baer to elaborate on the number of proposed facilities that have come to the City staff of this type of facility and type of care.

Ms. Baer said she knows of two that are pending, but they are not of this scale. She said they are closer to 40 beds and both of those are on Rodeo Road. One has applied for a lot split in order to come in with a developed plan, but they do not have the development plan application yet. She said the Commission did see the lot split on that.

She said the other one they also don't have the application for yet but she believes they are in the process of scheduling the early neighborhood notification (ENN). She said that would be an adjunct of Montecito; formerly Rainbow Vision and will be a memory care facility only. The first facility she spoke of the owners of that facility have memory care now and are expanding to do assisted living.

Commissioner Villarreal said essentially the Commission is looking at the possibilities of other facilities of varying services and levels of care. She is still struggling with the scenic corridor piece; it's a half baked plan. She said it is a concern and important, but there is no policy around it that establishes a clear boundary and doesn't have governance behind it. She asked how that occurs and how they could prevent this from happening and what they should do now. She is looking at staff thinking they could answer that for her.

Ms. Brennan said, "Ms. Baer could add to this, but again, the Corridor is a commitment that was not fulfilled yet. There is a partial corridor along Old Pecos Trail. Where there are no standards, there are no standards to apply and there are no standards in this case."

Ms. Brennan said, "If the guidance in the General Plan had been embodied in an ordinance that established standards, fixed boundaries, height, etc. that would be different. But there is no such ordinance; there are no standards, the boundary is not drawn and it is an idea that has not yet been embodied in law." She said how and why, Ms. Baer might be able to add to.

Ms. Baer said she couldn't add anything.

Commissioner Villarreal asked how to rectify a situation when there is an idea that is not embodied in law.

Ms. Brennan said, "Mr. Esquibel looked at the corridor that exists as something of a model. It does not control, it does not apply, but he used it for a model. It generally met the standards set in this other established corridor. I think you use things that are available, but there, as we say, is no specific provision or boundary for the corridor that is expressed in a general."

Commissioner Villarreal said she applauds staff for trying to find something that is comparable so they can compare. She asked the Elks Lodge members that are part of the group, how do they decide together to complete the governance behind a scenic corridor and what would be the steps to do that.

Ms. Brennan said, "I think we will engage City Councilors in the process and there would be staff study, probably a number of neighborhood meetings to define those parameters. I am not sure why the corridor that was established was, it was during her tenure at the City, but that work was done for that part sometime between 2008 and now. The work wasn't done for this and I don't know why. It is interesting that it was partially done and stopped at that."

Commissioner Villarreal said as it stands now; it is a scenic corridor in part. She said as a whole it doesn't have what people want or the idealistic view of what it embodies. She said there are non-residential pieces; Calle Medico is huge, there is about 12 acres. The churches are nonresidential, but not considered commercial and they are fairly large. She said looking at the map there are other pieces of nonresidential that are part of the area. She said she doesn't know how she feels about another piece to this; she is still trying to figure out if a 73,000 square foot building makes sense. She said she knows the need is there.

She said she is still waiting for the answer from Mr. Turner about the number of facilities.

Mr. Turner said, "I verified that the market study suggests five properties other than ours that provide similar assisted living care in the Santa Fe area. The average occupancy of the five communities is 89% and includes two communities that have been purchased in the last couple of years; the Montecito and Pacifica. They are both turnaround opportunities and not run well in the past and had either suffered or needed significant improvement and the buildings are aged. Now that that has happened; the occupancy has been trending upward consistently. The numbers are as of the end of October, 2014. There are four properties for memory care that *include* memory care; not all assisted living properties include memory care. The four properties average over 94 percent.

Commissioner Bemis said to piggy back on Commissioner Villarreal's comments about the corridor; the Land Use General Plan says: '*the Old Pecos Trail Scenic Corridor designates Old Pecos Trail between Cordova Road and I 25 as a scenic roadway and recognizes this importance as an unspoiled entry into downtown. The development standards including land uses, density; design control would be developed through a public participation process.*' She said that is what they had tonight; they heard people speaking to this very strongly. She thought for Santa Fe, if they don't save a few things like the corridor they will not be [inaudible]. She said she is sure there is plenty of land to do other things.

Commissioner Villarreal asked if they could get someone to verify the square footage of the convention as a whole for comparison.

Ms. Spears said, "My firm Spears Architects was the local architect for the building. The building is about 70,000 ft.^{2} and smaller than the proposed Morningstar building."

Mr. Rosen said, "A key point is that the volume of the space alone in just this room is approximately a two-story structure. The building footprint we are proposing is approximately 39,800 ft.^{2} on-site. Yes, it is about 73,550 gross square feet, but I think the comparison as far as this building's footprint occupied square footage is not quite a direct comparison. That needs to be looked at when talking about evaluation."

Commissioner Villarreal asked what the actual footprint is of this facility.

Ms. Spears said she does not remember the exact number, but part of this building is also two

stories. She also said she would note that this building is in an entirely different setting.

Chair Harris said in listening to Commissioner Villarreal and wrestling with the notion of how to balance the commercial activities in this corridor and adjacent. He thought she was really asking why didn't the standards get developed and when will that happen. He said he would remind them that just two weeks ago they had a very good session with Mr. Liming's group that talked about development of a new general plan. He said the General Plan says it should be revisited every five years and it's been 16 years. He thought what was described a couple of weeks ago was a community visioning process that he would hope people, no matter how this turns out tonight, would be engaged in. He said that is what the Commission is counting on to revitalize the General Plan and make it more appropriate for 2015.

Chair Harris said Spears was the local architect. He thought her firm had gone a long way in meeting some of the concerns of the neighborhood and stepping the façade vertically as well as horizontally and is commendable. He said he saw details that he found incongruous with the style he thought they tried to achieve.

Chair Harris asked Mr. Rosen if he had considered drawing on the expertise of Santa Fe's architectural community and working out some details. He said there are details that could be improved at very little cost.

Mr. Rosen said, "He would welcome participation by the community and engaging with other architects to improve the product. He said they are always about engagement."

Chair Harris said to summarize some conditions that he heard, Mr. Esquibel said during the field trip that there would be an easement across the proposed B-2 for ease of access for emergency vehicles.

Mr. Esquibel said that was correct. He has noted "to create an access easement for use for both driveways and both parties."

Chair Harris said as Mr. Herdman pointed out and Mr. Esquibel acknowledged, the property line would need to be adjusted in order to meet the setbacks for the Elks Lodge.

Mr. Esquibel said that is correct. He has "a 25 foot setback from the known property line with easements to maintain the working integrity of the development land."

Chair Harris said he brought up noise generation and even though the City standard is 55 DBA during the day he thought 50 should be maximum 24 hours a day. He said the bike racks should be split; some for service personnel as well as at the front door. He said there is a fair amount of parking, but there could be instances; a holiday party etc., where possible to exceed the number of parking places. He asked if there has been discussion about shared parking.

Mr. Fitzgerald said, "We have discussed shared parking in numerous meetings. The Elks are more than willing, based on the [inaudible] to accommodate any overflow. He said in essence that would work both ways. There are times when the Lodge may be overflowing. He said also the Elks would be adding additional parking at the south end of their building.

Chair Harris said the work hours need to be defined for construction of the facility. He proposed

Monday through Friday 8 AM to 5 PM and Saturday work 8 AM to 2 PM, perhaps. He said that is in the Commission's purview and should be considered.

Chair Harris said on the east side of the building he noticed there are five different light standards. He said that is the open side of the property and has more visibility as you move south along the property line and there needs to be consideration on the lighting. All of the lighting should be [inaudible] LEDs. He said there is a great opportunity to implement some sort of water harvesting and "you have an opportunity for collection and you certainly have need with the landscaping shown."

Commissioner Gutierrez said he talked with Mr. Romero if something could be done with Calle de Sebastian. He recommended a deceleration lane into the facility.

Ms. Lisa Martinez said, "For Calle de Sebastian it is a very wide road and as the traffic engineer John Romero pointed out, lends itself to higher speeds. The possibility of horizontal traffic measures could be taken, but I believe that on-street parking is a good thing and narrows the streets. I have the opposite opinion about no parking signs. I think to park on the public streets could be one solution. I would ask that the condition include a discussion of the mechanics of having parking on Calle de Sebastian in the plate of options for parking, because it increases safety."

Chair Harris said he would allow a few members from the public to speak at this time.

James Dyke [previously sworn] said you asked how they came up with the number 84 beds in Santa Fe on the size of the facility. He said, "I want to point out that the facility Morningstar is building in Albuquerque on a similar 3+ acre lot is only 69 units and they have facilities elsewhere as low as 47 units."

He said, "On the issue of the continuing care community, the underlying basis is if this even qualifies for a Special Use Permit. If I understood the City Council verbiage it said *shall include* both the congruent housing *and* a full nursing unit. That should be read as both of those are required within the City of Santa Fe's definition for a continuing care facility. I also want to point out that the state code for licensing all of those levels of nursing care is a different section of the state code than the state code used for licensing assisted living care. In Morningstar's application they are only applying for the assisted living licensing. Compare that to the facility that they are opening in Albuquerque and they have indeed only licensed Albuquerque for assisted living. They have not done any licensing for any level of a nursing care facility."

Mr. Dyke said, "In elder care literature when you look at the definition of *continuing care facility*, the idea is that this is a lifelong facility, continuing the various levels of care that you may need as you age. The Santa Fe City Code was very intelligent in requiring both of those levels, the assisted living level and the nursing care level, because sometimes you are in assisted living and need nursing care for a short period of time when you're recovering from something, then you move back to the assisted care. You want to be able to do all of that within the same facility/community that you are living in. In general, the literature out there about continuing care includes these various levels.

Mr. Dyke said, "To quote from two definitions of continuing care facility: one of them is: '*continuing care retirement community; an aging in place option. This encompasses independent living, assisted living, skilled nursing living and hospice*'. The quote I just read is from Morningstar's webpage. We define a continuing care community to include nursing care."

He said, "The other thing I wanted to quote is out of their application that is oddly enough buried in the traffic report. The traffic report defines a continuing care retirement community. He read: *'it is a community that is aimed at allowing residents to live in one community as their medical care needs change'*. The whole concept of continuing care is not just the one level, the easy level of the assisted living, but it is a hard level as you need additional care, as you age in place at one community."

John Gonzoriak [previously sworn] said, "I want to make a few points and remind you of a few things. Mr. Turner said in his initial presentation that Morningstar does not provide care for and he is not seeking a Medicaid license. Mr. Turner describes his model as rental: *'the Morningstar proposal is high density rental housing with a nurse'*. That is not the same as a nursing unit, which contemplates a medical situation; they do not provide medical care. Therefore, it is a position of the Southeast Neighborhood Association of which I am president that they do not meet the definition of continuing care of the ordinance and it would be a violation of the ordinance to grant them their proposal."

Beverly Spears [previously sworn] said, "The Commission has many reasons to deny the proposal, but should you decide to accept it you should include in the conditions the color of the stucco. The light reflectance would be less than 50%, because this will be a huge very visible building and a darker color will help ameliorate that."

Commissioner Villarreal said she wanted to remind people that the Planning Commission is a recommending body. She said thought it interesting that sometimes it doesn't matter what they think because City Council will ...

Chair Harris explained that there are three applications and each have to be voted on separately but they stop here unless there is an appeal that moves it forward to the Governing Body.

Chair Harris said point of clarification; he has looked at this in Chapter 14 and asked to confirm that there would not be an appeal in a lot split. He said he sees an 'A' for Special Use and for the development plan.

Mr. Esquibel said, "That would fall under the subdivision as far as a summary subdivision goes so an appeal would follow the rules of a subdivision, as well as a development plan. The Special Use Permit will have a 15 day appeal window and the development plan has a 30 day appeal window and I believe the subdivision would have a 30 day appeal window as well."

Ms. Baer added that there has to be a basis for any appeal. She said the basis for an appeal of a lot split would be that it did not meet the regulations or the requirement for a lot split. She said for example if the lot was not of a sufficient size in a particular zoning district; if it didn't comply with some other conditions, for example it did not have proper access and was not addressed in the conditions assigned to the lot split. She said if there were any conditions that it was not meeting per code that would be the basis for an appeal. She said she does not believe she's ever seen a lot split appeal.

Chair Harris said a 15 day appeal for Special Use Permits; 30 day for development plan and lot split from when the findings are filed.

Commissioner Villarreal clarified that an appeal could happen either way; if this is denied it can be appealed and if approved it can be appealed and then that would go to City Council.

Commissioner Schackel-Bordegary said, "Before we vote I wanted say, I appreciate the community so much that there could be a long respectful meeting like this. I am proud of the City and I am glad I am from here and I want to say it is really difficult to sit up here and make this decision. I have gone back and forth all night. I don't like coming down on one side or the other, but I am also troubled at this day and age where we have had our second marathon meeting in a month. It has been so divisive and I don't know the answer to that, but right now I'm not sure what the composition is of the Planning Commission going forward, but I am so proud to serve on this Commission here tonight with my fellow six commissioners who have all asked questions that enhanced all of our understanding and we are missing two of our other brilliant commissioners tonight.

"I don't really have a point except to say...well I do. Things have changed, I am 49; I grew up here. We often look at things from our own perspective and I think that is a feature of our country and our society; we really look out for our own interests. And I am not criticizing. What Santa Fe has going for it is elements of community and if there is any way I can serve in a capacity to help promote Santa Fe's community I want to. I worry though now, I am really worried. You all, this City needs people from all backgrounds and ages up here and I think you need some new blood, but I also think you need perspective on what's gone on in the past and it is obviously really valuable, we can't stay with where we were, Santa Fe.

"The life that I've got to live here is not possible now. It is not possible to make a living here like my family did coming here in 1978. And I don't know why that is but I just urge everyone to consider the greater good of the City. So ultimately my vote is for the City. I am making it based on all of these considerations, because I don't like the scale of this project; I don't like the division in the City; I don't like that new stuff goes in other parts of town either."

Commissioner Schackel-Bordegary said, "So I just want you to know that I am making this decision on behalf of all of Santa Fe. And I know that those of you sitting out there really care about your interest, so that is what I wanted to tell you as we vote on this."

Commissioner Villarreal said Mr. Fabian Trujillo kind of hit it for her. She said, "We say no I don't want things to change, but so many things have changed and its everyone's dual reality and our own reality is real. So one person's may be completely different than someone else's perspective, it is still real. And so that is what makes this challenging is that all of you have guts to be here and patience. And you're probably tired like we are, but we appreciate that you take the time to do that. And we are here as volunteer as well. A thankless job really, but it is hard for her to figure this out because change is gonna happen, but where is that going to happen? When you look at a particular development and someone doesn't want it to be in the neighborhood, where else is it going to be and someone else's neighborhood doesn't want it as well. She said it is just a cyclical thing and that's what we deal with every day and it is also the economic divisions that we deal with too. And that is the heartbreaking part of it all."

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MOTION: At 11:54 p.m., Commissioner Villarreal moved, seconded by Commissioner Ortiz, to suspend the rules and continue the meeting after midnight.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Villarreal and Schackel-Bordegary voting in favor of the motion and no one voting against [5-0].

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MOTION: Commissioner Ortiz moved, seconded by Commissioner Gutierrez, to approve Case #2015-14, 1615 Old Pecos Trail Lot Split, with all conditions of approval as recommended by staff, and with the additional twelve (12) conditions as follows: 1) Construction hours for outside improvements; Monday through Friday work hours from 8 a.m. to 5 p.m. and Saturday 8 a.m. to 2 p.m. hours of operation; no construction on Sunday; all construction vehicles must be on site except for those required for off-site improvements; 2) No parking signs on Calle de Sebastian; 3) 25 foot setback form the property line with easements to be maintained the working integrity of the development; 4) a shared parking agreement creating access for use for both driveways between both parties; 5) off-site analysis of drainage going to box culvert to see what impact occurs off property; 6) stucco color that is light reflective; 7) noise not to exceed 50 DBA at all times for the generator; 8) bicycle racks are to be split, one at the front and the other in the current location; 9) the Elks Lodge to accommodate parking overflow for Morningstar; 10) some sort of water harvesting plan;11) for all exterior fixtures to be lamped with LEDs Lights;12) the development plan should include the right turn deceleration lane for North driveway.

DISCUSSION: The Commission agreed that all conditions of approval would apply to all 3 cases.

Commissioner Ortiz said he has a list of the conditions as part of the motion.

Chair Harris said it would be appropriate for Mr. Esquibel to go down the list of what he spoke to earlier however, on parking he had suggested a condition of a shared parking agreement between the owners of proposed B1 and proposed B2 for ongoing. He said he would expand the construction parking; all construction vehicles must be on site except for those required for off-site improvements. He proposed Monday through Friday work hours from 8 a.m. to 5 p.m. and Saturday 8 a.m. to 2 p.m. and no construction allowed on Sunday.

Mr. Esquibel said there was a reference by Ms. Spears regarding the color of stucco; no parking signs on Calle de Sebastian that had a question raised by Commissioner Schackel-Bordegary; a 25 foot setback from the property line with easements to maintain the working integrity of the development; creating access for use for both driveways between both parties; off-site analysis of drainage going to box culvert to see what impact occurs off property; noise not to exceed 50 DBA at all times for the generator; bicycle racks are to be split, one at the front and the other in the current location; the Elks Lodge to accommodate parking overflow for Morningstar; the development plan should include the right turn deceleration lane for North driveway. There was a comment on the color of stucco.

Chair Harris added some sort of water harvesting plan; for all exterior fixtures to be lamped with LEDs.

Chair Harris asked if the applicant understood and accepted the conditions that are proposed.

Mr. Turner said, "We do understand and accept the conditions as the Commission has articulated."

VOTE: The motion was approved on the following Roll Call vote [4-1]:

For: Commissioner Gutierrez, Commissioner Ortiz, Commissioner Schackel-Bordegary and Commissioner Villarreal.

Against: Commissioner Bemis.

6. **CASE #2015-15. 1615 OLD PECOS TRAIL SPECIAL USE PERMIT. MONTOYA LAND USE CONSULTING, INC., AGENT FOR MVG DEVELOPMENT AND MORNING STAR SENIOR LIVING REQUESTS A SPECIAL USE PERMIT FOR A 104 BED CONTINUING CARE FACILITY. THE PROPERTY IS ZONED R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) AND LOCATED WITHIN THE RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. (DAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Ortiz moved, seconded by Commissioner Gutierrez, to approve Case #2015-15, 1615 Old Pecos Trail Special Use Permit, with all conditions of approval as recommended by staff, and with the additional twelve (12) conditions as follows: 1) Construction hours for outside improvements; Monday through Friday work hours from 8 a.m. to 5 p.m. and Saturday 8 a.m. to 2 p.m. hours of operation; no construction on Sunday; all construction vehicles must be on site except for those required for off-site improvements; 2) No parking signs on Calle de Sebastian; 3) 25 foot setback form the property line with easements to be maintained the working integrity of the development; 4) a shared parking agreement creating access for use for both driveways between both parties; 5) off-site analysis of drainage going to box culvert to see what impact occurs off property; 6) stucco color that is light reflective; 7) noise not to exceed 50 DBA at all times for the generator; 8) bicycle racks are to be split, one at the front and the other in the current location; 9) the Elks Lodge to accommodate parking overflow for Morningstar; 10) some sort of water harvesting plan;11) for all exterior fixtures to be lamped with LEDs Lights;12) the development plan should include the right turn deceleration lane for North driveway.

VOTE: The motion was approved on the following Roll Call vote [4-1]:

For: Commissioner Villarreal, Commissioner Gutierrez, Commissioner Ortiz, and Commissioner Schackel-Bordegary.

Against: Commissioner Bemis.

7. **CASE #2015-16. 1615 OLD PECOS TRAIL SPECIAL USE PERMIT. MONTOYA LAND USE CONSULTING, INC., AGENT FOR MVG DEVELOPMENT AND MORNING STAR SENIOR LIVING REQUESTS DEVELOPMENT PLAN APPROVAL TO CONSTRUCT A 73,550 SQUARE FOOT STRUCTURE ON 3.85 ± ACRES. THE PROPERTY IS ZONED R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) AND LOCATED WITHIN THE RIVER AND TRAILS ARCHAEOLOGICAL REVIEW DISTRICT. (DAN ESQUIBEL, CASE MANAGER)**

MOTION: Commissioner Ortiz moved, seconded by Commissioner Gutierrez, to approve Case #2015-16, 1615 Old Pecos Trail Special Use Permit, with all conditions of approval as recommended by staff, and with the additional twelve (12) conditions as follows: 1) Construction hours for outside improvements; Monday through Friday work hours from 8 a.m. to 5 p.m. and Saturday 8 a.m. to 2 p.m. hours of operation; no construction on Sunday; all construction vehicles must be on site except for those required for off-site improvements; 2) No parking signs on Calle de Sebastian; 3) 25 foot setback form the property line with easements to be maintained the working integrity of the development; 4) a shared parking agreement creating access for use for both driveways between both parties; 5) off-site analysis of drainage going to box culvert to see what impact occurs off property; 6) stucco color that is light reflective; 7) noise not to exceed 50 DBA at all times for the generator; 8) bicycle racks are to be split, one at the front and the other

in the current location; 9) the Elks Lodge to accommodate parking overflow for Morningstar; 10) some sort of water harvesting plan;11) for all exterior fixtures to be lamped with LEDs Lights;12) the development plan should include the right turn deceleration lane for North driveway.

VOTE: The motion was approved on the following Roll Call vote [4-1]:

For: Commissioner Villarreal, Commissioner Gutierrez, Commissioner Ortiz, and Commissioner Schackel-Bordegary.

Against: Commissioner Bemis.

G. STAFF COMMUNICATIONS

Ms. Baer said this will be her last Planning Commission meeting she is leaving the City. She said it has been a pleasure and an honor to work with this Commission. She said they have done an exemplary job and it's been a real treat for her for their support.

Chair Harris said he knows he speaks for everyone. He thanked her for her dedication and intelligence and her clear understanding of the Land Use Code. He said more importantly he wanted to thank her for her clear explanations to the Planning Commission. He said she has done a tremendous job for the City of Santa Fe and they wish her well.

Commissioner Villarreal said she is disheartened to hear the news. She said it is a big loss for the Planning Commission, because they have received all of the information on the cases when they asked for it. She said it is very disappointing when they lose good staff at the City and county.

Lisa Martinez, Director, Land Use Department said, "I also wanted to publicly commend Tamara for the fantastic job she has done with the Planning Commission and the Land Use Department. She will truly be missed. Her level of expertise is amazing and she has learned so much from her in the short time she has been here." She thanked her for that and said she will be missed and we appreciate everything that you have done for us.

Ms. Martinez said she also want to thank Commissioner Pava, who is not here this evening and Commissioner Bemis, both of their positions are proposed to be replaced in the next month or so. She said there will be a presentation made to the City Council at their next meeting on Wednesday with recommendations for three new members; the position for former chair Tom Spray will also be replaced.

She thanked Commissioner Bemis for her service to the Planning Commission and to the City of Santa Fe and the citizens and City staff. She said they greatly appreciate her work.

Commissioner Villarreal said Commissioner Bemis would be missed. She said it was unfortunate that Commissioner Pava was not considered for reappointment, because he is an asset on the Commission.

ITEM # 15-0324

City of Santa Fe
Planning Commission
Findings of Fact and Conclusions of Law

Case #2015-14
1615 Old Pecos Trail Lot Split
Case #2015-15
1615 Old Pecos Trail Special Use Permit
Case #2015-16
1615 Old Pecos Trail Development Plan

Owner's Name – The Benevolent and Protective Order of Elks, Lodge No. 460
Applicant's Name – MVG Development and Morningstar Senior Living
Agent's Name – Montoya Land Use Consulting, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on April 2, 2015 upon the application (Application) of Montoya Land Use Consulting, Inc., as agent for The Benevolent and Protective Order of Elks, Lodge No. 460 (BPOE) and MVG Development and Morningstar Senior Living (collectively, the Applicant).

The property is comprised of 8.62± acres of land located at 1615 Old Pecos Trail improved with a two-story 11,222 square-foot building and related improvements (the Property) and is zoned R-1 (Residential – 1 dwelling unit/acre).

The Applicant seeks (1) to divide the Property into two lots of 3.85± acres of land (Lot B-1) and 4.77± acres of land (Lot B-2) respectively (the Subdivision); (2) a special use permit to operate a 104-bed continuing care facility (the CCF) on Lot B-1; and (3) development plan approval for the construction on Lot B-1 of an approximately 73,550 square-foot building to house the CCF operation (the Project).

After conducting a public hearing (the Hearing) and having heard from staff and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

General

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and members of the public interested in the matter.
2. Under Code §14-2.3(C)(1) the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code §14-2.3(E)(2) and (3)(a), the Commission has delegated to the Summary Committee its authority to hear and decide applications for the division of land into two lots (a Lot Split), except for those powers retained by the Commission.

4. Where a Lot Split is part of another request requiring Commission review, the Commission retains its authority to review and approve or disapprove the subdivision.
5. Pursuant to Code §14-3.7(D), Lot Splits are subject to the procedural requirements, approval criteria and development standards that apply to other subdivisions, except that no preliminary plat hearing is required and certain other exceptions that do not apply in this matter.
6. Code §14-3.7(B) sets out certain procedures required for the review and approval of Lot Splits, including, without limitation:
   (a) A pre-application conference [Code §14-3.7(B)(1)]; and
   (b) An ENN meeting [Code §14-3.7(B)(2)].
7. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.
8. The Commission has authority under Code § 14-2.3(C)(3) to hear and decide requests for special permits pursuant to Code § 14-3.6 when they are part of a development request requiring Commission review.
9. Pursuant to Code §14-3.6(B), the Commission has the authority to hear and decide applications for special use permits; to decide questions that are involved in determining whether special use permits should be granted; and to grant special permits with such conditions and safeguards as appropriate under Code Chapter 14 or to deny special use permits when not in harmony with the intent and purpose of Code Chapter 14.
10. Code §14-3.8(C)(2)(b) requires that a request for a special use permit be reviewed concurrently and approved or denied by the land use board that reviews the development plan.
11. Pursuant to Code §14-3.8(B)(3)(b), a development plan is required prior to new development with a gross floor area of ten thousand square feet or more in a residential district.
12. The Project includes new development with a gross floor area of approximately 73,550 square feet.
13. A development plan is required for the Project.
14. Pursuant to Code §14-6.1(C) Table 14-6.1-1, entitled "Table of Permitted Uses", "Continuing Care Community" is a permitted use in an R-1 district with a special use permit.
15. The Property is zoned R-1.
16. A special use permit is required for the Applicant's operation of the CCF on Lot B-1.
17. Code §14-3.8(B)(1) requires an ENN, notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
18. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(ii)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iv), (v), and (viii)]; and (c) compliance with Code Section 14-3.1(H)(1)(a)-(d) and (I) notice and public hearing requirements.
19. A pre-application conference was held on November 20, 2014.
20. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].

21. Two ENN meetings were held on the Application, the first on December 11, 2014 at the Santa Fe Women's Club at 1616 Old Pecos Trail and the second on January 22, 2015 at the same location.
22. Notice of the ENN meetings was properly given.
23. The ENN meetings were attended by the Applicant, City staff, with approximately 47 members of the public interested in the matter in attendance at the first ENN meeting and approximately 170 at the second.
24. Code §14-3.1(J) provides that applications may be approved with conditions of approval to ensure compliance with the purpose and intent or any section of Chapter 14 and any applicable City land use policy.
25. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Lot Split, special use permit and development plan, all subject to the conditions set out in the Staff Report (Conditions).

The Lot Split

26. Code §14-3.7(C) sets out the approval criteria for subdivisions, including Lot Splits (Subdivision Approval Criteria).
27. The Applicant has complied with the submittal requirements of Code §14-3.7(B)(4)(b).
28. Based upon the analysis contained in the Staff Report and the evidence presented at the Hearing, the proposed Lot Split complies with the Subdivision Approval Criteria.

The Special Use Permit

29. Code §14-3.6(C) sets out the procedures to be followed prior to the grant by the Commission of a special use permit, including:
    (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [§14-3.6(C)(1)];
    (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [§14-3.6(C)(2)]; and
    (c) That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [§14-3.6(C)(3)].
30. Code §14-3.6(D)(1) sets out certain findings that the Commission must make to grant a special use permit, including:
    (a) That the Commission has the authority to grant a special use permit for the Project [§14-3.6(D)(1)(a)];
    (b) That granting a special use permit for the Project does not adversely affect the public interest [§14-3.6(D)(1)(b)]; and
    (c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [§14-3.6(D)(1)(c)].

31. Code §14-3.6(D)(2) authorizes the Commission to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
32. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
33. Pursuant to Code § 14-12.1, a "Continuing Care Community" is, in relevant part, "[a] residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities…[which] shall include: …(1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and (2) a full nursing care unit with beds;…[and which] may include: (1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and (2) an extended care facility…"
34. Based upon the analysis contained in the Staff Report and the evidence presented at the Hearing, the CCF is a Continuing Care Community, in that it will provide private and shared residential suites without individual kitchen facilities to elderly residents in an assisted living unit and a memory care unit, with common meal preparation and dining, common recreation and social areas, and room cleaning, laundry, transportation and other services, together with differing levels of health care services, including full-time nursing care by licensed RNs and LPNs 24 hours a day, 7 days a week, under a license issued by the New Mexico Department of Health.
35. The City of Santa Fe General Plan Future Land Use Map (the Plan) classifies the Property as "Public/Institutional", which "…provides for schools, child care facilities, human service facilities, museums, libraries, fire and police stations, government offices, transit sites, airport, and other facilities that have a unique public character…"
36. The CCF is consistent with the "Public/Institutional" classification of the Property under the Plan.
37. Based upon the analysis contained in the Staff Report and the evidence presented at the Hearing, granting the special use permit for the Project will not adversely affect the public interest in that it will provide a needed service to a growing segment of the City of Santa Fe population in an area of the City with a larger percentage of aging residents; has been sited and designed to avoid adverse visual, traffic, noise and other impacts, including, without limitation, meeting the more restrictive standards of the South Central Highway Corridor Protection District, which are not applicable to the Project; and otherwise complies with all applicable Code requirements. .
38. Based upon the analysis contained in the Staff Report, the evidence presented at the Hearing and the facts set forth in paragraph 37 above, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project, in that the building and related improvements are sited and designed to minimize visual impact, including, without limitation, by using building setbacks and second-story stepbacks that exceed applicable requirements; by varying the massing of the building; by sinking the building to reduce height above grade for compatibility with two-story buildings in the immediate

vicinity of the Property; by utilizing differences in site elevation and landscaping to buffer adjacent residential properties; and by designing the building in the Spanish Pueblo Revival style to integrate it with the design of other buildings in the immediate vicinity.

The Development Plan

39. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the DP Submittal Requirements).
40. The Applicant has complied with the DP Submittal Requirements.
41. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
    (a) That it is empowered to approve the development plan for the Project [§14-3.8(D)(1)];
    (b) That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)]; and
    (c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [§14-3.8(D)(1)].
42. Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraph 37 above, approving the development plan will not adversely affect the public interest.
43. Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraph 38 above, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
44. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.

CONCLUSIONS OF LAW

Under the circumstances and given the information contained in the Staff Report and the evidence submitted during the Hearing, the Commission CONCLUDES as follows:

General

1. The proposed Lot Split, special use permit and development plan were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meetings complied with the requirements established under the Code.

The Lot Split

3. The Commission has the power and authority under the Code to review and approve the Lot Split.

4. The Applicant has complied with all applicable requirements of the Code with respect to the Lot Split, including the Subdivision Submittal Requirements The Special Use Permit
5. The Commission has the power and authority under Code to grant the special use permit applied for.
6. The granting of the special use permit will not adversely affect the public interest.
7. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
8. The special use permit granted herewith is granted for the specific use of the Property and intensity applied for and no change of use or more intense use shall be allowed unless approved by the Commission under a new or amended special use permit or as otherwise permitted by applicable Code.

The Development Plan

9. The Commission has the power and authority under the Code to review and approve the Applicant's development plan for the Project.
10. The Applicant has complied with all applicable requirements of the Code with respect to the development plan, including the DP Submittal Requirements.

WHEREFORE, IT IS ORDERED ON THE 7th OF MAY 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Lot Split is approved as applied for, subject to the Conditions, and to the following additional conditions (collectively, the Additional Conditions):
   (a) That construction hours for outside Project improvements shall be: Monday through Friday, 8 a.m. to 5 p.m.; Saturday, 8 a.m. to 2 p.m., with no work on Sunday; and that all construction vehicles shall be kept onsite, except those required for offsite improvements.
   (b) That "No Parking" signs be installed on Calle de Sebastian.
   (c) That the new property line dividing Lot B-1 from Lot B-2 shall provide for a 25-foot setback for the existing BPOE building with an easement across Lot B-2 to provide access for emergency vehicles and the functioning integrity of the Development Plan.
   (d) That the owners of Lot B-1 and Lot B-2 enter into a shared parking agreement creating access for use for both driveways.
   (e) That an analysis of drainage going to the box culvert be performed in order to evaluate the impact offsite of the drainage improvements.
   (f) That the Project building stucco color be light reflective.
   (g) That generator noise not exceed 50 DBA at any time.
   (h) That bicycle racks be distributed so that one is located at the front and the other is located as shown.
   (i) That the BPOE provide overflow parking to the CCF.
   (j) That the Project and CCF provide for some sort of water harvesting.
   (k) That all exterior light fixtures be lamped with LED bulbs.
   (l) That the Project shall incorporate a right-turn deceleration lane for the north driveway.

2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the special use permit is approved as applied for, subject to the Conditions and to the Additional Conditions.
3. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the development plan is approved as applied for, subject to the Conditions and to the Additional Conditions.
4. The special use permit granted herewith shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Commission, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of one hundred eighty (180) days.

Michael Harris
Chair

5/8/15
Date:

FILED:

Yolanda Y. Vigil
City Clerk

5/8/15
Date:

APPROVED AS TO FORM:

Zachary Shandler
Assistant City Attorney

5/7/15
Date:

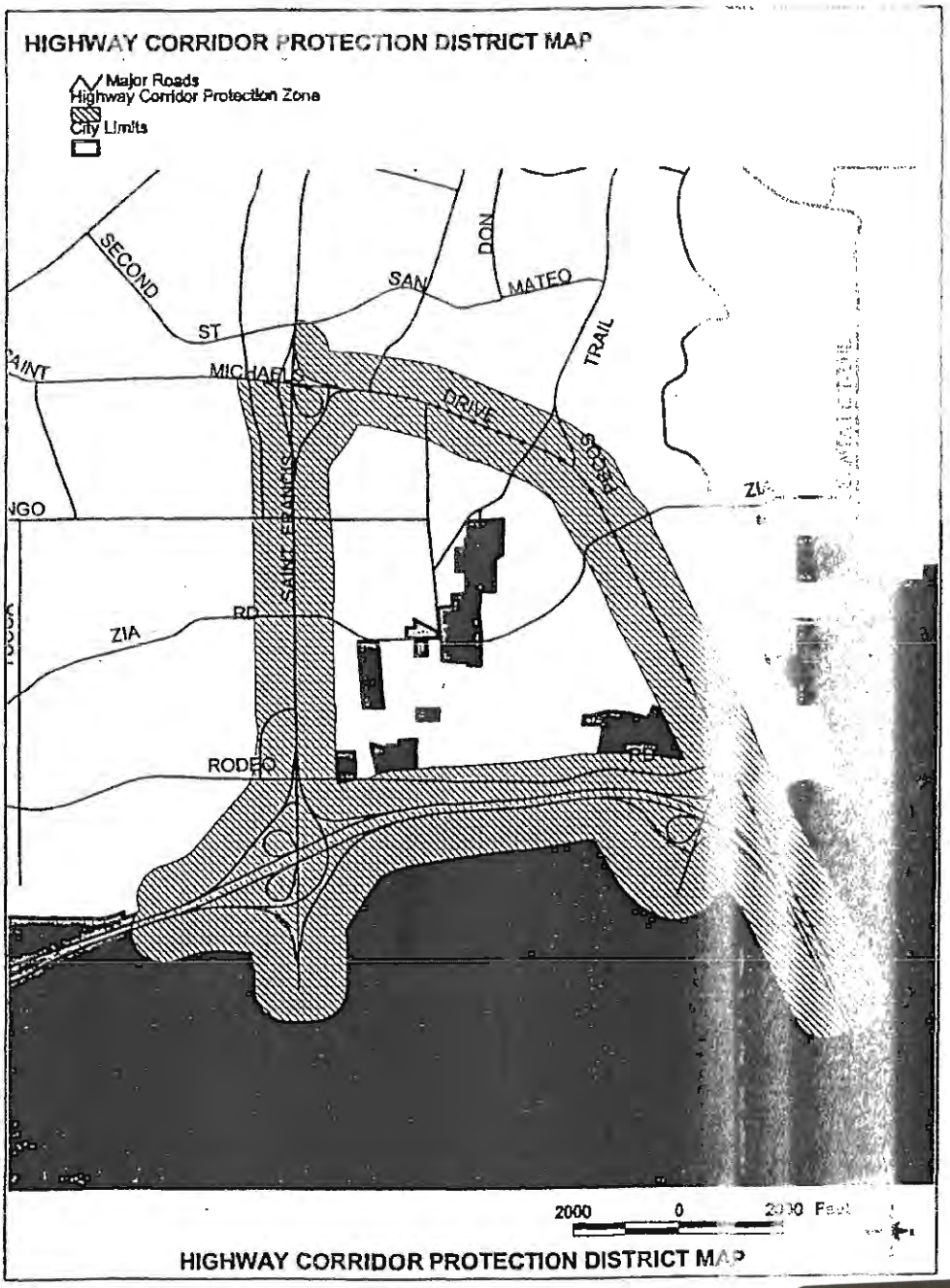
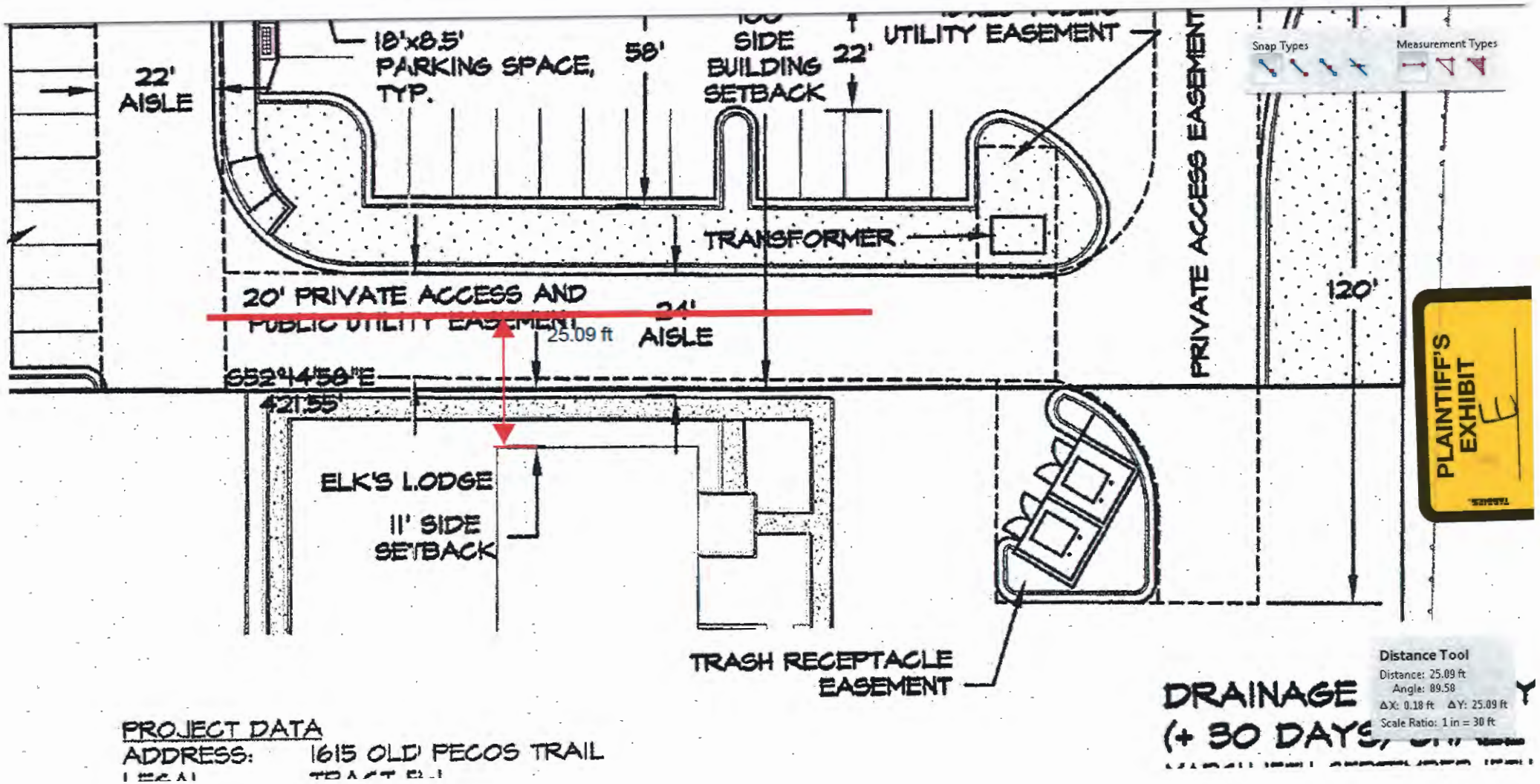


Exhibit G

PLAINTIFF'S EXHIBIT D

Highway Corridor Protection District Map



PROJECT DATA

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Applicant's Response to Appeal of Planning Commission Approval
1615 Old Pecos Trail Lot Split, Development Plan and Special Use Permit
PC Case # 2015-14, 15 and 16

On behalf of on behalf of applicant MVG Development and MorningStar Senior Living (the "Applicant" and/or "MorningStar"), Sommer Karnes & Associates submits the following points supporting the Planning Commission's approval of the Project:

1. The Project meets the two Code requirements for a Continuing Care Community by including congregate care housing and a full nursing care unit with beds, as well as a variety of living accommodations and differing levels of health care services to elderly persons.

2. The Project will be licensed by the State as an assisted living facility.

3. The Project does not require State licensing as a nursing home or intermediate care facility.

4. The Project is consistent with the General Plan land use designation and the zoning district applicable to the Subject Property.

5. The Project is not located within the South Central Highway Corridor District, which implements the Old Pecos Trail Scenic Corridor policy, and in any event, meets or exceeds the standards of that District.

6. The Project will have a beneficial impact on the public interest by generating 254 jobs and $1,149,675 in annual revenue to the City and by meeting all applicable City Code requirements.

7. Substantial evidence in the record supports the findings that the Project will not adversely affect the public interest and that the use and buildings are compatible with and adaptable to buildings and uses in the vicinity.

8. The amount of traffic generated by the Project is relatively low and impacts on the street network will not adversely affect the public interest.

9. With the Planning Commission condition requiring adjustment of the southerly lot line, to which the Applicant has agreed, the Project complies with the City Code requirements for a lot split.

10. The Development Plan complies with all applicable City Code requirements.

The following addresses the appeal of the Planning Commission's approval of the Project by the Southeast Neighborhood Association and others (the "Appeal"). As set forth in the Planning Commission's Findings of Fact and Conclusions of Law (the "Findings"), the Project meets or exceeds all applicable requirements of the City of Santa Fe Land Development Code, SFCC Chapter XIV (the "Code") and in addition will provide substantial benefits to the community. The following demonstrates that issues raised in the Appeal are without merit. We request that the City Council uphold the Planning Commission approval and deny the Appeal.

A. MorningStar's Application for a Continuing Care Community Meets All Applicable City Requirements

The Appeal states that the issues of the appellants relate to alleged adverse impacts and effects of the Project; however the primary challenge alleged in the Appeal has nothing to do with impacts or effects of the Project. The Appeal claims that rather than proposing a continuing care community, as defined by the City Code, the Project is actually a "personal care facility for the elderly" which is prohibited in the R-1 zone. This claim is false because the Project meets the two Code criteria for a continuing care community use.

The Code requires that a continuing care community include two elements:

1. congregate housing in which residents live in rooms without individual kitchen facilities and in which at least one of the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and

2. a full nursing care unit with beds. (§14-12.1)

The Project complies with both of these requirements. As to item 1, the 84 residential rooms will not have kitchen facilities. All of the following services will be provided to residents: common dining, a recreation and social area, room cleaning, laundry and transportation. As to item 2, all of the rooms will be served by a full nursing care unit, with the level of nursing care provided based on the needs of each resident. In addition, the Project includes a 30 unit/bed memory care unit, consisting of 24-hour supervised care in a secure portion of the building. The Project meets both mandatory Code criteria and therefore the use is properly classified as a continuing care community.

The Appeal makes six unsubstantiated and incorrect claims with respect to the use proposed by the Project:

1. that the proposed project is an "assisted living facility" and not a "residential community."

Response: As addressed above, the Project meets the two requirements set forth in the Code for a continuing care community. The Code does not contain any definition of an assisted living facility and, while not germane to the applicable continuing care community use category, the project will be a State-licensed assisted living facility. Such licensing has no bearing on the Code requirements for the proposed use classification of a continuing care community.

2. that the Project does not include a variety of living accommodations.

Response: As addressed above, the Code sets forth only two requirements for continuing care communities: congregate housing with specified amenities and a full nursing care unit with beds. Apart from those standards, the Code does not include any additional requirement with respect to "a variety of living accommodations" –

the standards embody the stated intent for a continuing care community use.

Nonetheless, the Project includes a variety of living accommodations. A review of the Development Plan shows that the project includes a range of room types including studios, 1-bedroom units and 2-bedroom units. The rooms are suitable for individuals, couples and unrelated individuals. The claims in the Appeal are contradicted by the Code requirements and the Development Plan and are baseless.

3. that the proposed project will not offer or provide "differing levels of health care services."

Response: The Code requirement that continuing care communities provide differing levels of health care services is stated in the standards requiring congregate housing with specified amenities and a full nursing care unit with beds. Regardless, the levels of available health care services ranges from provision of meals only, to meals and varying levels of nursing care relating to the needs of the resident, to the secure memory care unit with 24-hour oversight. The level of nursing care is customized to meet the needs of each resident, which is inherently variable and subject to change over time. The level of nursing care is established using a thorough assessment conducted by licensed nurses at move-in, after 60 days, then every six months thereafter and/or upon change in condition. The claim that the Project will not provide differing levels of health care services is entirely conclusory and is contradicted by the Project description contained in the Application.

4. that the Project will not have a "full nursing care unit with beds."

Response: The Appeal represents that a full nursing care unit with beds "requires" specific elements and state licensing and claims that the Project does not meet the definition and therefore cannot be approved. As addressed above, the Project includes a full nursing care unit with beds. The continuing care community will be operated pursuant to a State of New Mexico license for an assisted living facility. The definition of a "full nursing care unit with beds" set forth in the Appeal is inapplicable to the Project.

5. that the Project requires licensing as a nursing home or intermediate care facility pursuant to the New Mexico Continuing Care Act

Response: The Appeal disingenuously attempts to conflate two terms that sound alike. The Project does not require license as a nursing home or intermediate care facility pursuant to the New Mexico Continuing Care Act. (NMSA 1978 Ch. 24, Art. 17)

The Project proposes a use that the Code defines as a "continuing care community." As addressed above, the Project meets the two requirements for that type of use and will operate pursuant to a license issued by the State of New Mexico for an assisted living facility. As such, the Project meets all applicable requirements for the City's approval.

That the Continuing Care Act sounds like a continuing care community does not mean that the Project requires licensing as a nursing home or intermediate care facility pursuant to that Act. The Project does not propose either a nursing home or an intermediate care facility as defined by the State. Rather, vis-à-vis the State, the Project proposes an assisted living facility, which is subject to licensing by the New Mexico Department of Health, Division of Health Improvement pursuant to NMRA §7.8.2 et seq.

In sum, the Project proposes a continuing care community, as defined by the Code. The continuing care community will be licensed by the State of New Mexico as an assisted living facility. The contention stated in

the Appeal that the Project requires licensing by the State as a nursing home or an intermediate care facility is false.

6. that the Project meets the City Code definition of a "personal care facility for the elderly" which is prohibited in the R-1 zone.

Response: Whether or not the Project would also qualify as a personal care facility for the elderly, as defined by the Code, is irrelevant to the pertinent issue of whether the Project qualifies as a continuing care community. As addressed above, the Project meets both requirements of a continuing care community and is thus allowed by the Code pursuant to issuance of a special use permit.

B. The Project Complies with the City of Santa Fe General Plan

The Appeal alleges that the Project violates the General Plan corridor protection area and policy 3.6 regarding the Old Pecos Trail Scenic Corridor (the "Corridor") and requires a General Plan Amendment. In reviewing the Application, Land Use staff determined that the Project is consistent with the General Plan and that no such amendment was necessary, as affirmed by the Planning Commission on April 2, 2015.

The Appeal claims that the General Plan requires that any development in the Corridor be evaluated pursuant to standards to be drafted and adopted by the City and asserts that such standards were never adopted. This claim is false. As called for in the General Plan, in 2010, the City amended the South Central Highway Corridor Protection District (the "District") as part of the City Zoning Ordinance. (Ord. No. 2010-9) The General Plan is a policy instrument, providing the basis for implementing land use regulations, which are contained in the City Code, including the Zoning Ordinance. (General Plan Policy 10.1) By creating the District, which includes design and development standards, the City Council implemented the General Plan policy with respect to the Corridor.

The District encompasses the portion of Old Pecos Trail between I-25 and St. Francis. The District excludes the portion of Old Pecos Trail north of St. Francis, including the Project site. Contrary to representations in the Appeal, creation of the District included a public review process, including public hearings before the Planning Commission and City Council enabling the public to provide input prior to adoption of the District.

In creating the District, the City Council specifically referenced streets designated as special review districts in the General Plan, including Old Pecos Trail and stated its intent to establish a clear sense of visual openness and continuity of development, as seen from major highway entrances to Santa Fe. (§14-5.5.A.2) In doing so, the City Council made a policy decision to exclude the portion of Old Pecos Trail north of St. Francis from the District. Given that the Zoning Ordinance implements the General Plan, by adopting the District, the City Council determined that the Corridor does not apply to the portion of Old Pecos Trail north of St. Francis. As such, the contentions in the Appeal regarding the Corridor do not apply to the Project.

Even though the Project site is located outside of the District, Land Use staff evaluated the Project pursuant to the District standards and concluded that with the 12 recommended conditions of approval, which MorningStar has accepted, the Project meets or exceeds all applicable City standards.

C. The Project is Compatible with and Adaptable to the Surrounding Area

The Appeal asserts that the Planning Commission's findings on the following criteria for granting a special use

permit are not supported by substantial evidence:

1. that granting the special use permit does not adversely affect the public interest, and

2. that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration. (§14-3.6.D)

As stated in the Planning Commission staff report, the Project is estimated to generate 254 total jobs and $1,149,675 in annual total revenues to the City of Santa Fe. There is a growing demand for continuing care communities in Santa Fe and the nation as a whole. The Project will help address this demand and provide local residents with the opportunity to continue living in Santa Fe as they age and their need for care and support increase. These aspects of the Project beneficially affect the public interest. As addressed herein, the Project complies with all applicable Code requirements, which protect the public interest and ensure adaptability of the use and buildings.

D. The Project Will Not Result in Significant Adverse Impacts to the Community

The Appeal includes a laundry list of issues raised by project opponents, but completely lacks evidence supporting the claims or rebutting the Planning Commission's findings for approval of the Project. For example, the Appeal baldly asserts that the project will "result in overflow parking in the surrounding residential neighborhoods." In contrast to this unsubstantiated assertion, the Code contains standards for parking which are designed to ensure that all parking for a new use can be accommodated on-site. The Planning Commission staff report addresses parking for both the existing Elks Club and the Project and concludes, based on review of the Application, that applicable parking standards will be met. (p. 3-4) Furthermore, in an effort to address neighbor concerns, the Applicant and Elks Club agreed to provision of shared parking pursuant to a shared parking plan which takes advantage of the complimentary nature of the two uses and the periodic use of the Elks Club building. The analysis and the parking provisions that go beyond the Code requirements constitute substantial evidence that the parking requirements set forth in the Code will be met. The conclusory allegation in the Appeal concerning parking is without merit.

Similarly, the Appeal observes that the Project will result in increased traffic on Old Pecos Trail, and claims, without any support or evidence, that Old Pecos Trail already suffers from "excessive and unsafe congestion" and presumably no more development using that street should be allowed. In contrast, the City Traffic Engineer analyzed the Project and determined that the traffic volume generated by the Project is not expected to have an adverse impact on the surrounding roadways. In light of the relatively minimal traffic generation for the proposed use, he did not require preparation of a traffic impact analysis (TIA).

Nonetheless, in response to concerns expressed at the ENN meetings, the Applicant commissioned a TIA, which included collection of actual traffic counts on Old Pecos Trail and assessment of impacts at the two Project driveways. The TIA stated that the AM and PM peak hours of traffic generation for a continuing care community is different from the peak hours of Old Pecos Trail, but applied the conservative assumption that the peak hours would coincide. The TIA determined that the Project will result in 12 AM peak hour trips and 13 PM peak hour trips and that the addition of this traffic would not significantly increase traffic delay above the existing traffic levels. Any queues for vehicles exiting the site during peak hours will be accommodated on-site and will not affect traffic on Old Pecos Trail. In addition, to address neighbor concerns, MorningStar deleted the proposed access to Calle de Sebastian. All Project traffic will use Old Pecos Trail.

The TIA used a trip generation rate for a continuing care retirement community, which is consistent with the proposed continuing care community use, as defined by the Code. As addressed above, the Project consists of a continuing care community providing both congregate care and housing and a full nursing care unit with beds. The trip generation rate is proper for the proposed use and the conclusions of the TIA and the City traffic engineer that the Project will not generate significant traffic volumes or result in adverse impacts to traffic operations along Old Pecos trail are supported by substantial evidence.

The Appeal also claims that drivers exiting from the Project headed south on Old Pecos Trail, instead of turning left, will turn right and cut through the DeVargas Heights subdivision via Calle de Sebastian. Apart from the absence of evidence (such as evidence that vehicles from the Elks Club carry out such maneuvers and that such traffic violates a City Code provision), the TIA addresses this issue by noting that such a maneuver would take an additional 2 minutes, far longer than it would take to make the left turn onto Old Pecos Trail.

The traffic generation associated with the Project will be minimal and the Planning Commission's findings that the Project will be in the public interest are supported by substantial evidence in the record.

E. The Lot Split Complies with All City Code Requirements

During the Planning Commission hearing, an issue was raised asserting that the proposed lot split does not comply with the 25' setback requirement set forth in section 14-3.7(C)(5). To resolve this issue, staff recommended, and the Planning Commission adopted a condition of approval requiring that the new lot line be relocated to be at least 25' from the existing Elks Club Lodge building along with an easement across the southerly property to provide for emergency vehicle access.

The Appeal claims that the condition is improper due to a lack of information about adequacy of emergency vehicle access and because the Fire Department had not reviewed the condition. This contention is meritless because the physical improvements shown on the Development Plan would be *exactly the same* as shown in the Application. The only changes would be on paper – the location of the new lot line and the easement. The physical conditions shown on the development plan were reviewed by the Fire Department, Land Use staff and the Planning Commission and were determined to meet all City requirements.

The condition requires that the easement provide for the functioning integrity of the development plan. Thus, the area originally proposed for inclusion in Lot B-1 will be put to the exact same use within the required easement as it would have originally. There will be no physical changes, the fire access will be exactly the same and no parking spaces will be "lost." Pursuant to the condition, the parking spaces along the loop access road from Old Pecos Trail will remain within the continuing care community lot or will be available pursuant to the easement. Given the detail set forth in the condition and the absence of physical changes, the delegation of authority to Land Use staff regarding implementation of the condition is entirely proper.

F. The Development Plan Approval Complies With All Code Requirements

The Appeal claims that the Planning Commission condition requiring a shared parking agreement creating access for use for both driveways violates Code section 14-8.6(B)(4). This argument is meritless because, as shown in the Planning Commission staff report and as addressed above, both parking lots will include sufficient parking on-site to meet the applicable parking standards set forth in the City Code. The Planning Commission imposed the condition, to which MorningStar and the Elks Club agreed, in response to neighbors' concerns that the City parking standards would not be sufficient.

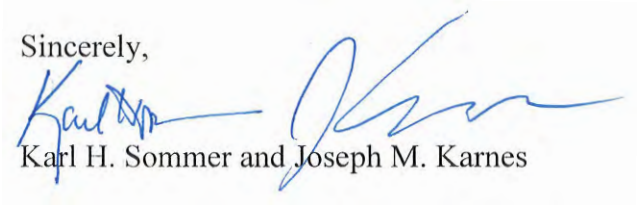
The Project does not require a shared parking plan to achieve consistency with the City's parking requirements and the argument that an agreed upon condition going above and beyond the Code-required parking requirements in an effort to alleviate neighbors' concerns results in a violation of the Code illustrates that those concerns are not really based on the amount of available parking.

G. Conclusion

In response to the concerns expressed at the first ENN meeting, MorningStar made changes to the Project in an effort to address those concerns and agreed to a second ENN meeting. Land Use staff and all involved City departments carried out a detailed review of the Application and its consistency with all applicable General Plan policies and Code requirements. Staff recommended 12 conditions of approval, to which MorningStar agreed, to minimize Project impacts. After a lengthy public hearing providing an opportunity for all interested members of the public to state their concerns, the Planning Commission voted to approve the Project and adopted detailed findings setting forth the basis for approval.

Based on those actions and the information set forth above, MorningStar respectfully requests that the City Council uphold the Planning Commission approval and deny the Appeal on the basis that the Project, as conditioned, meets or exceeds all applicable Code requirements and that the Planning Commission's findings are supported by substantial evidence in the record.

Sincerely,



Karl H. Sommer and Joseph M. Karnes

CRO RECEIVED

NOTICE AFFIDAVIT

14-3.1(H)

Project Information

Project Name: Application for Lot Split, Special Use Permit & Development Plan Requested by the B.P.O.E Lodge No. 460, MVG Development and Morningstar Senior Living

Project Location: 1615 Old Pecos Trail, Santa Fe, New Mexico 87505

Case Number(s): Case #2015-14 ; Case #2015-15 ; and Case #2015-16

Certification

I hereby certify that the attached Notice was mailed to property owners, tenants, and registered neighborhood associations within 300 feet of the proposed project site. Notices were mailed on June 22, **20** 15.

I hereby certify that the attached Notice was sent via email to registered neighborhood associations within 300 feet of the proposed project site. Notices were emailed on N/A, **20**____.

I hereby certify that the subject property was posted with a sign provided by the City on N/A, **20**____. **The sign was placed in a prominent position in public view, according to instructions provided by Land Use Department staff.**

Applicant Printed Name: Southeast Neighborhood Association (SENA) by Frank T. Herdman, Attorney

Applicant Signature:

Notarization

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 23rd day of June, 2015, by Frank T. Herdman.

OFFICIAL SEAL
Paula J. Myers
NOTARY PUBLIC-STATE OF NEW MEXICO
My commission expires: 9/27/2017

Paula J. Myers
Notary Public

My Commission Expires: 9/27/2017

CITY OF SANTA FE
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909

NOTICE OF PUBLIC HEARING BEFORE THE CITY OF SANTA FE GOVERNING BODY

Notice is hereby given that the Governing Body of the City of Santa Fe will hold a public hearing at Santa Fe High School, Toby Roybal Gymnasium, 2100 Yucca Street on **Wednesday, July 08, 2015 at 7:00p.m.**, on the following requests:

Appeal by the Southeast Neighborhood Association (SENA) from the May 7, 2015 Decision of the City Planning Commission to Approve the Application for Lot Split, Special Use Permit and Development Plan Requested by the Benevolent and Protective Order of Elks, Lodge No. 460 (BPOE) and MVG Development and Morningstar Senior Living at 1615 Old Pecos Trail. Land Use Case No. 2015-51 (Zachary Shandler)

Any and all interested parties are invited to attend the public hearing and will be heard prior to the Governing Body taking action. Formal comments may be submitted in writing to the City Clerk's Office prior to the hearing, at City Hall, 200 Lincoln Avenue.

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

June 26, 2015

Zach Shandler, City of Santa Fe Land Use Attorney
200 Lincoln Avenue
Santa Fe, NM 87501

Re: MorningStar Application
PC Case # 2015-14, 15 and 16

Dear Mr. Shandler:

On behalf of on behalf of applicant MVG Development and MorningStar Senior Living, this letter responds to the request that you communicated to me this afternoon that the City Council hearing scheduled on the Appeal filed by the Southeast Neighborhood Association and others for July 8, 2015 be rescheduled to July 22, 2015.

In the interest of facilitating public participation and full consideration of the appeal and the application, my clients are amenable to the requested deferral.

Please let me know as soon as a decision has been made on the hearing date.

Sincerely,

Joseph M. Karnes

CAMPOSBIGGS, CRISTINA X.

From: GONZALES, JAVIER M.
Sent: Thursday, June 25, 2015 9:11 AM
To: CAMPOSBIGGS, CRISTINA X.
Subject: FW: Vote NO on MorningStar

From: Gina Phillips
Sent: Thursday, June 25, 2015 9:10:47 AM (UTC-07:00) Mountain Time (US & Canada)
To: GONZALES, JAVIER M.
Subject: Vote NO on MorningStar

To the Santa Fe City Council,

My name is Elizabeth Gina Phillips. My husband, Gary Lohne and I live at 3823 Old 5anta Fe Trail.

In 2010, we purchase the old home belonging to Judge John Watson and lovingly restored it to it's original footprint because we believe in preserving the land around us as do so many of our neighbors in our surrounding area. Driving down Old Pecos Trail on our way into Santa Fe has always been enchanting which was one of the main factors that brought us to choose this area to live in.

We are very concerned over the approval by the City Planning Commission to grant a Special Use Permit to MorningStar, a company that will build a building that is not only way out of scale for the building site, but to even think of having the construction of such an enormous building on Old Pecos Trail is absolutely out of line with the historic entrance to Santa Fe. It would be a disgrace to destroy the sense of open space and to think of the impact it would have on the traffic on an already congested road.

As residents of this area, we have spoken with several other people that live year round in this area and we are all against the MorningStar Continuing Care Community. The shear scale of the project, high density and lack of vision for preservation of our historic and open space makes MorningStar an appalling mistake if it is allowed to go through.

We urge you to reconsider and understand the ramifications this project will have on our community.

Sincerely,
Elizabeth Gina Phillips
Gary Lohne

CAMPOSBIGGS, CRISTINA X.

From: GONZALES, JAVIER M.
Sent: Thursday, June 25, 2015 8:15 AM
To: CAMPOSBIGGS, CRISTINA X.
Subject: FW: Vote No on MorningStar/Preserve the historic character of the Old Pecos Trail

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From: deborah post
Sent: Thursday, June 25, 2015 8:15:16 AM (UTC-07:00) Mountain Time (US & Canada)
To: IVES, PETER N.; GONZALES, JAVIER M.; MAESTAS, JOSEPH M.; BUSHEE, PATTI J.; LINDELL, SIGNE I.; DOMINGUEZ, CARMICHAEL A.; RIVERA, CHRISTOPHER M.; TRUJILLO, RONALD S.; DIMAS, BILL; ESQUIBEL, DANIEL A.
Subject: Vote No on MorningStar/Preserve the historic character of the Old Pecos Trail

Councilor Peter Ives, Councilor Joseph M. Maestas City of Santa Fe P.O. Box 909 Santa Fe, NM 87501

June 24, 2015

Dear Councilor Ives and Councilor Joseph M. Maestas,

I urge you to reject the "Special Use Permit" for MorningStar, for a 73,550 square foot, two-story building that will house an "Assisted Living Facility" at the corner of Calle De Sebastian and Old Pecos Trail, approved by the City Planning Commission.

This commercial development is in our residential neighborhood. It does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is inappropriate, too big, too dense, too intrusive, adds too much traffic and will affect the Old Pecos Trail as the historic gateway into Santa Fe.

Since 1997, citizens and neighborhood associations have worked tirelessly to prevent commercial development on Old Pecos Trail out of a desire to preserve our only heritage gateway into Santa Fe. Old Pecos Trail must be preserved for future generations to enjoy. The Old Pecos Trail is a critically important cultural resource and was designated as a Scenic Corridor in the City of Santa Fe's General Plan and is our ONLY historic portal.

The original U.S. Route 66 was laid out in 1926, it followed what is currently NM State Highway 84, along the Old Pecos Trail, into Santa Fe and to the Plaza. Old Pecos Trail and its last uncommercialized entry into Santa Fe remains the inspiration for the oldest national tourist route across the United States.

In 1999 the New Mexico Legislators funded $175,000 to purchase acreage at Old Pecos Trail and Old Las Vegas Highway, Rodeo Road and Interstate 25 along with Santa Fe County, the City of Santa Fe, and the Community as the gateway and last uncommercialized entry into New Mexico's State Capital, preserving views of the natural landscape and original character of the old trail.

The Old Pecos Trail leads into the Historic District preserving an historic character to the old trail with the streetscape and architecture of the buildings, past the State Capital, San Miguel Church (the oldest church), La Fonda (the oldest site of historic inns), and the Historic Plaza.

A gateway and uncommercialized entry into Santa Fe is a significant aspect to Santa Fe's historic and cultural contribution to the State's inhabitants and visitors and tourists from around the world to Santa Fe, designated as a UNESCO City of Designs, Crafts and Folk Art.

The Old Pecos Trail should be designated as a PRESERVED AND PROTECTED SCENIC CORRIDOR from its entry into the City of Santa Fe from Interstate 25 at Old Las Vegas Highway and Rodeo Road in Santa Fe County to the Historic Plaza.

Respectfully,
Deborah Flynn Post

Hand Delivered : June 25, 2015

TO : SANTA FE CITY COUNCIL MEMBERS
c/o Dan Esquibel — Land Use Department
200 Lincoln Street
Santa Fe, NM 87504-0909

FROM : Hugo and Monica Steensma
627 Calle de Valdez, Santa Fe, NM

SUBJECT: VOTE NO ON MORNINGSTAR PROJECT — City Council Hearing, July 8, 2015

Dear Council Members,

My husband Hugo and I are permanent residents of the De Vargas area of Santa Fe. As your constituents, property owners, and taxpayers, we wish to register **OUR VERY STRONG OPPOSITION** to the MorningStar Project, a massive, 73,550 sq. ft., commercial, for-profit "continuing care facility", being proposed by a privately held Colorado company, for siting at one of the two main Old Pecos Trail entrances to our large, old, established, & entirely residential neighborhood.

A Special Use Permit was, unfortunately, recently granted for this project by the Planning Commission. We are now writing in strong support of our neighborhood association, SENA, which has appealed approval of this permit to the City Council, as being completely inappropriate for this area, because of the enormous, unprecedented scale of this project, its many potential adverse impacts, and because of its very clearly commercial nature, which would be hugely detrimental to the preservation of the ancient Old Pecos Trail scenic & historic roadway — the ONLY remaining, attractive, non-commercial entrance to Santa Fe!

A commercial development in this proposed location, is thus entirely contrary to the intent of this area's R-1 zoning overlay, and to the long-established concepts of historic preservation and protection of residential neighborhoods from such undesirable and deleterious commercial incursions.

We are also personally very deeply concerned about the numerous, direct, negative impacts this gigantic, highly inappropriate, proposed project would most surely have on our neighborhood, our property values, the Old Pecos Trail traffic volume & spillover into our local streets, and on the local & wider environment.

With regard to the environment, we are particularly concerned about this proposed project's impacts on air quality and on local drainage and resorption, as well as its inevitable noise and visual pollution. In addition, we are especially concerned that this project will, due to the very nature of its purpose, most certainly be a VAST consumer of water from our already threatened city water supplies — all for the profits of a handful of out-of-state developers, with no ties, standing, or inherent investiture in our City!

We must therefore urge you, our elected City representatives, to very carefully consider the many negative aspects of this proposed project, and not be swayed by the false, tax-base

enhancement lures often employed by large water and infrastructure use developments, which very typically strain and increase wear and tear on existing services and resources — and in the end, have repeatedly been shown in many jurisdictions to cost taxpayers more than any presumed economic benefits offered. Using great caution against overdevelopment is especially needed in a region such as ours, with already marginal water supplies, which will only become increasingly problematic with the coming consequences of our changing, damaged and more drought-prone climate.

In further support of our opposition, we note that the City's own, past zoning decisions, as well as its master General Plan — created with active community participation — which recognizes the benefit of concentrating commercial enterprises in previously identified and designated areas, and the City's recognition of the unique and scenic value and inherent traffic problems of the Old Pecos Trail corridor, were very wisely conceived. This Plan and related land use policies were clearly intended to protect the history, environment, and the welfare and safety of our citizens and visitors transiting, recreating, and living here, as well as Santa Fe's great appeal as a tourism destination.

These decisions for the Old Pecos, and other historic and/or scenic areas of Santa Fe, are as valid today as when originally made. We deeply feel that our appointed and elected officials should avoid making exceptions now, which will set precedents to undo the intent and the will of the people to preserve such areas.

To do so opens the door to the prospect of similar, future requests, with great pressure to extend the same exceptions, thereby allowing the continued erosion of the existing, scenic character of the Old Pecos Trail Corridor and surrounds, and perhaps other preserved areas as well — until we may find that we have forever compromised the appeal of a great deal of our truly unique and historically important city as a desirable place to live and work, and as a prime travel and tourist destination, which in turn, contributes very significantly to our local economic base.

For all the above reasons, we therefore must very strongly urge you to think first about protecting the long-term interests of your constituents, the residents and voters here, instead of the short-term objectives of a out-of-state, profit-making entity that is asking you to override the overwhelming and very well-founded opposition of a large community of Santa Fe residents.

We thank you very much for your attention to this matter of great personal and community concern, and we hope that your very careful consideration of the potential for negative impacts of this proposed project on our City in general, and the adjacent neighborhood areas and their residents in particular, will lead you **to grant our community appeal, and deny final approval for this outsize, ill-advised, and destructive project!**

Very sincerely yours,

Hugo and Monica Steensma
627 Calle de Valdez, Santa Fe, NM 8750

730 Camino Pinones
Santa Fe, NM 87505

June 25, 2015

Santa Fe City Councilors
c/o Land Use Department
Santa Fe City Hall
200 Lincoln Avenue, 1st floor
Santa Fe, NM 87501

By Hand

Re: Proposed Morningstar development on Old Pecos Trail

Dear Councilors,

We would urge you reject the proposed Morningstar development on the Old Pecos Trail. The size and placement of this massive development would adversely effect not only the neighborhood but indeed, the impression one gets as you enter the City. There's not another entrance to the City of Santa Fe which is as unsullied as this one and it should remain so.

Morningstar has plenty of other places to put this care facility and the Elks Club could sell this land for low use residential development which would be more appropriate.

Reject this development, please!

Regards,

Cathy and Guy Gronquist

June 23, 2015

Dear Councilors,

One of the aspects of Morningstar Assisted Living that has not been addressed is the extreme visibility of the site. Morningstar is approximately six times the square footage of the Elks Club. It will sit at the same height as the Elks building on this shared ridge. It will be 30 feet tall above final grade not counting rooftop air handlers. The second story of the Elks building is about 1000 square feet. The second story of the proposed Morningstar building will be 35,800 square feet – about 35 times as big! The photo below shows the extreme visibility of the Elks building. Imagine a building with a second floor 35 times as big as the very visible Elks second story!

This photograph was taken from the Conejo Drive public right-of way. A similar view of the Elks building can be seen from the top of Fort Union Drive, from Camino Lejo and elsewhere in southeast Santa Fe.

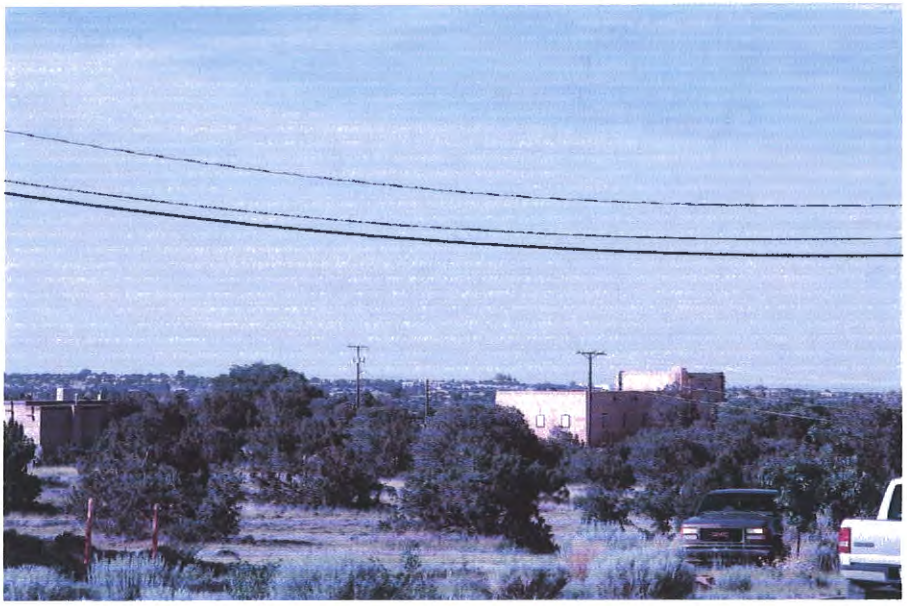
Morningstar

First floor	42,700 sq. ft.
Second floor	35,800 sq. ft.
Total	73,550 sq. ft.

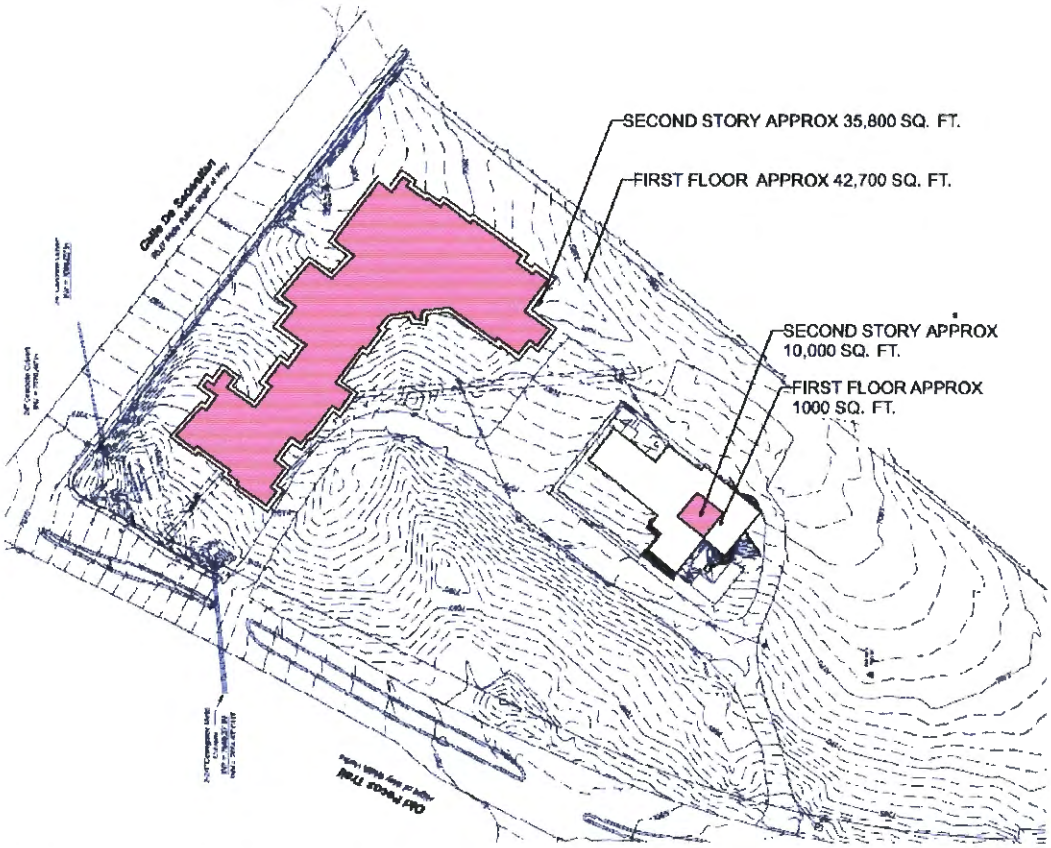
Elks Building

First floor	+/-,10,000 sq. ft.
Second floor	+/- ,1,000 sq. ft.
Total	**+/-11,000 sq. ft.**

Imagine what Morningstar will look like driving south on Old Pecos Trail.



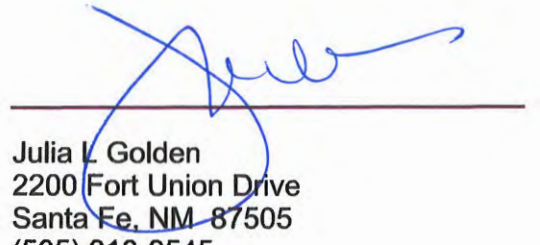
View from Old Pecos Trail right-of-way looking south.



Site plan indicating building footprints and second floor areas.

Morningstar finished floor height is 7079. Elks bldg. finished floor height varies from 7077.3 to 7081.39 (feet above sea level).

I was born in Santa Fe. I live on Fort Union Drive with my husband and two sons. We and all of our neighbors will be adversely impacted by this commercial operation due to noise, traffic, light pollution, emergency vehicles, emergency generator testing, reduced property values, loss of privacy, and loss of rural character and distant views. Please deny this monstrosity the right to build on R-1 land. Do not allow this precedent for commercial development of Old Pecos Trail. Thank you.



Julia L Golden
2200 Fort Union Drive
Santa Fe, NM 87505
(505) 310-9545

June 20, 2015

City of Santa Fe
Land Use Department
P. O. Box 909
Santa Fe, NM 87504-0909

To: Santa Fe City Councilors

Re: NO to the Morningstar Proposal on Old Pecos Trail

This letter is to register my objection to the proposal for the Morningstar project. This project is just another step in the capitalization of care, the aim of which is to make money not give care. Equally, I would like to add, the project is highly inappropriate for the fabric of the neighborhood of Old Pecos trail.

Please, City Councilors, take into account the opinions of those people that you represent.

Charles R. Adams
865 Don Diego Avenue
Santa Fe, New Mexico 87505

June 20, 2015

City of Santa Fe
Land Use Department
P. O. Box 909, Santa Fe, NM 87504-0909

To: Santa Fe City Councilors

Re: Objection to the Morningstar Proposal on Old Pecos Trail

This letter is to oppose the proposal for the Morningstar project which is highly inappropriate for the neighborhood of Old Pecos trail, inappropriate in size and scale, inappropriate in type of activity. Frankly I feel it is inappropriate in the way it proposes to execute its stated mission of care. It's just another developer's greed based scheme. We don't want it.

I ask that the City Councilors take into account the opinions of those people that they represent.

Jane Quillien
865 Don Diego Avenue
Santa Fe, New Mexico 87505

June 20, 2015

Dear Councilors,

I am writing to you regarding the appeal by the Southeast Neighborhood Association regarding the planned commercial development of Old Pecos Trail. Many, many people spoke at the April 2nd meeting of the Planning Commission about why a 73,550 square foot commercial operation functioning 7 days a week, 24 hours a day was inappropriate for the R-1 zoned residential area along historic Old Pecos Trail. Old Pecos Trail is the last unspoiled non-commercial entrance into Santa Fe. The churches (Baptist and Methodist) and the social clubs (Women's Club and Elks Club) are relatively small, non-commercial local institutions that have only occasional use and, unlike Morningstar, are compatible with their residential surroundings.

The land that is in question for the construction of Morningstar Assisted Living Facility is part of a ridge of high ground which is presently covered with pinon trees and not so noticeable. Once that land is bulldozed and leveled and a 30 foot tall structure is built, it will be an ENORMOUS eyesore!

It was interesting that two people at the Planning Commission hearing who were in favor of Morningstar mentioned the brutal cutting of St. Francis Drive through Westside neighborhoods as a precedent for neighborhoods having change thrust upon them in the name of progress. However that was more than half a century ago (it would not happen today) and it was a public works project to directly benefit citizens, not to provide profits for out-of-state developers. Because the land in question sits on high ground, it has fabulous views and is of value for more appropriate uses.

Santa Fe has about seven assisted living institutions with various expansions and new institutions in the planning stages. Morningstar is not important to the City's well being. Or it could be built in a more suitable location. Aside from the fact that it is illegal to build this type of facility in R-1 zoning, it makes no sense whatsoever to diminish the character of the Old Pecos Trail entrance into Santa Fe and to degrade the character of desirable old Santa Fe neighborhoods to accommodate out-of-state developers and allow them to build a huge monstrosity.

Please protect the Old Pecos Trail entrance understanding that our most precious resource in Santa Fe is the authenticity, character and culture that we have created and nurtured over the centuries.

Thank you for your service to our city and all of its citizens.

Respectfully,

Beverley Spears
1897 Conejo Drive
Santa Fe, NM 87505

Please vote no on MorningStar Special Use Permit

To the Mayor and members of the Santa Fe City Council:

If MorningStar truly wants to build in Santa Fe, could they not find a location that is properly zoned for an assisted living facility? There are other locations available without having to undermine the intention of the citizens of Santa Fe to preserve the scenic and historic Old Pecos Trail corridor to the capitol and downtown Santa Fe. The scale of this huge building and the disturbance of this commercial enterprise represent a serious threat to the integrity of the Old Pecos Trail and the surrounding neighborhoods.

Attached is a four page document outlining more reasons to not approve the Special Use Permit.

I urge you to please vote against this Special Use Permit. Do you really want to leave this monstrosity of a building as a legacy of your term on the City Council?

Haila Harvey

2152 Calle de Sebastian

Santa Fe, NM 87504

MorningStar's development plan appeared before the Planning Commission on April 2, 2015.

The Southeast Neighborhood Association has appealed the case. The MorningStar development plan is **scheduled to appear before the City Council on Wednesday, July 8, 2015.**

Do not Approve MorningStar's request for a Special Use Permit

MorningStar should not be approved because:

- MorningStar DOES NOT HAVE "a full nursing care unit with beds" required in the definition of a Continuing Care Community to qualify for a Special Use Permit.
- It is a threat to the Old Pecos Trail Scenic Corridor and to the public interest.
- The 24/7 facility is oversized and incompatible with the residential neighborhood and vicinity.

Part 1 / Protect and Save Old Pecos Trail (saveoldpecostrail.org)

The current threat to the protection of the Old Pecos Trail Scenic Corridor is from MorningStar Senior Living, a Colorado company, that wants to build a facility on Elk's Lodge property on Old Pecos Trail between St. Michael's and Cordova Road.

The 3.85 acre parcel is zoned R-1 (one-home-per-acre). MorningStar Senior Living and MVG Development have applied for a Special Use Permit (to override residential zoning) to build a two-story, 73,550 sq. ft. facility (larger than the Convention Center) on a ridge in an established residential neighborhood. The development will operate 24/7. A commercial development of this size should be situated in a commercial zone, as are all other similar facilities. Approval of MorningStar's application puts all residential neighborhoods at risk.

The MorningStar development undermines the integrity of Santa Fe's 1999 General Plan and city codes and ordinances. Allowing MorningStar to build on the Old Pecos Trail Scenic Corridor would set a precedent and domino effect that forever threatens the beauty and integrity of the Corridor. The Old Pecos Trail Scenic Corridor is the heritage entrance into Santa Fe, a unique American city, the oldest state capital in the U.S. and a UNESCO "City of Crafts and Folk Art."

Protect Old Pecos Trail — Do not grant MorningStar a Special Use Permit.

1. **Old Pecos Trail is <u>our last noncommercial, scenic entry into Santa Fe</u>.**

   MorningStar Senior Living and MGV Development, A Colorado development partnership, seeks a Special Use Permit to build a 104-bed, 73,550 square foot private senior care facility at the corner of Calle de Sebastian and Old Pecos Trail. <u>This request to override R-1 zoning should be denied because:</u>

   - The Old Pecos Trail, with its panoramic views of the Sangre De Cristo and Jemez Mountains and its historic connection to the Old Santa Fe Trail, is iconic and irreplaceable. Its rural character and scenic view corridors speak loudly of the qualities that make Santa Fe unique among American cities.
   - The scenic corridor is a vital part of our community's legacy for future generations and visitors to enjoy.
   - For almost two decades, Santa Feans have worked to protect and preserve the Old Pecos Trail Scenic Corridor as a gift for future generations, but it continues to be threatened with inappropriate development.

2. **Old Pecos Scenic Corridor is designated in Santa Fe's 1999 General Plan:**

   "Old Pecos Trail Scenic Corridor
   The Old Pecos Trail Scenic Corridor designates Old Pecos Trail, **between Cordova Road and 1-25**, as a scenic roadway and recognizes its importance as an unspoiled entryway into downtown. Development standards, including land uses, density, and design controls, **will be developed through a public participation process**."

   "Corridor Protection Areas
   This classification is designed and will be planned to **provide a distinct physical boundary separation to minimize the effect of noise, artificial light, air pollution**, etc. It will also provide a visual separation between urban and surrounding rural and highway uses. **Residential use is limited to one residence per ten acres or one unit per existing legal parcel if smaller than ten acres.** Agricultural operations compatible with surrounding urban uses, nurseries, parks and recreational opens space, campgrounds, and cemeteries would also be appropriate. Policies and design guidelines shall be developed to mitigate development within and adjacent to the Corridor Protection Area such as screening with topography and transfer of development rights."

Part 2 / MorningStar does not fit into City Code

MorningStar DOES NOT QUALIFY for a "Special Use Permit" to override one-home-per-acre zoning (R-1).

1. **MorningStar DOES NOT meet the required Code definition of a Continuing Care Community** in several ways:
   - MorningStar **does not** provide "Continuing" senior care. (If you require other than the limited services of Assisted Living/Memory Care, MorningStar will no longer be able to meet your needs.)
   - MorningStar **does not** have the required "full nursing care unit with beds."

     (**Note:** At the 2nd ENN (Early Neighborhood Notification) meeting at the Woman's Club, MorningStar's representative Matt Turner stated there would not be a full nursing care unit with beds in response to that question. In MorningStar's corporate handout, it says nothing about providing a full nursing care unit with beds. From the 4/2/2015 Planning Commission minutes Matt Turner of MorningStar gave this answer when Chair Harris asked if in his opinion the proposed Morningstar would be a full nursing care unit with beds. Mr. Turner said, "We would. All care is delivered in licensed beds and the care is delivered by full-time licensed persons." "Licensed" beds is an "Assisted Living Facility" license from the State of NM. Full-time licensed persons could be any licensed person. He obviously is now trying to dance around the obvious fact that they do not have a separate NURSING UNIT that is required under Santa Fe Code.)
   - However, MorningStar **does fit** the code definition of a **Personal Care Facility for the Elderly** which is not eligible for a Special Use Permit in R-1.
   - Since the MorningStar building **WILL NOT have "a full nursing care unit with beds"** their State license will be for an "Assisted Living Facility" and not for a "Nursing Facility" (that requires a higher level of care).
   - A Special Use Permit **requires congregate housing AND a full nursing care unit with beds.** The "AND" means *in addition to* meaning that a "full nursing care unit with beds" requires a separate unit with beds where residents receive full nursing care apart and separate from the "congregate" housing.
2. **MorningStar IS NOT Public/Institutional** — Repeatedly, MorningStar presents themselves as Public/Institutional, to make them look warm and fuzzy, as a reason to be granted a Special Use Permit. MorningStar is not. There is not a public function to it. It is a private commercial development operating 24/7. It does not fit Public/Institutional in the City's General Plan or into categories like Human Services Establishment. MorningStar did not apply for a Special Use Permit under this category.
3. **MorningStar IS NOT compatible with or adaptable to adjacent properties** — not in any way. MorningStar must meet these criteria to be granted a SUP. It wants to build a 104-bed, 73,550 sq. ft., 24/7, commercial facility in R-1 zoning on 3.85 acres (R-1 would allow 3 homes) in a residential neighborhood on the historic Old Pecos Trail while existing senior facilities have respected zoning requirements. The building is inappropriate and out of character. **Please note** that MorningStar is a gigantic commercial operation with staff, visitors and traffic coming and going 24/7. There is nothing similar in the vicinity. It is inappropriate to even request a Special Use Permit on R-1 property for commercial property of this size — an affront to the neighborhood and Old Pecos Trail.
4. **MorningStar IS NOT in the Public Interest** — MorningStar is a commercial enterprise. There is not a public function to it. The interested parties are only the Elks Lodge and MorningStar. **This is of special interest to only these two groups, and not in the Public Interest.** (The City of Santa Fe's interest/gain is the same if MorningStar builds in appropriate zoning as all other similar facilities have done.)
5. **MorningStar Claims Need** — Over and over again the two interested parties, The Elks Lodge and MorningStar, claim need. Is there really a "need" to put this facility in a R-1 neighborhood when it could be located in appropriate commercial zoning? **Is it really FAIR to reinterpret/misinterpret City Code** in order to issue a Special Use Permit to override R-1 zoning when existing senior facilities are playing by the rules? Two existing facilities located in appropriate zoning are planning assisted living and memory care additions. There are three additional facilities planned (The Legacy at Santa Fe/Aldea, Caja del Rio near the Santa Fe Humane Society and a Del Webb project off Cerrillos Road and Governor Miles) all in appropriate zoning.

Part 3 / MorningStar is too big for 3.85 acres of R-1 land; The MorningStar 24/7 facility is unlike anything in the vicinity.

The MorningStar commercial development is not just a little too out of place, it is dramatically out of scale with its surroundings. 73,550 sq. ft. on less than 4 acres on R-1 property operating 24/7 next to homes in a R-1/R-2 neighborhood should have never been considered.

1. **MorningStar is too big.** The first big commercial structure coming into beautiful Santa Fe on the Old Pecos Trail will be an elderly assisted living/memory care facility. If this facility gets built, a domino effect on Old Pecos Trail to Cordova Road will change the character of Santa Fe forever.

2. The 3.85 acres is zoned R-1 (one-home-per-acre). **The land is residential, not commercial.**

3. The oversized, large-scale building is **not adaptable or compatible** with the neighborhood or vicinity.

4. **Open and Operating 24/7** is unlike ANYTHING in the vicinity. The clubs and churches located on Old Pecos Trail are very part time and are of a different character. Even the smaller downtown Convention Center is not open 24/7.

5. **Inappropriate development** destroys the quiet residential character of the neighborhood. As a protected highway corridor, Old Pecos Trail, as well as the surrounding neighborhoods, would be changed forever.

6. **Density and Intensity are inappropriate.** A 73,550 sq. ft. building right next to 1300-2000 sq. ft. homes!

7. **Overfill, not infill.** The monstrous size of this building does not meet the city's infill intent that supports compatible use and scale.

8. **Traffic Problems.** Traffic will spill heavily onto Calle de Sebastian and San Mateo, not to mention directly onto the *one-lane* Old Pecos Trail already backed up from current converging roads.

9. **Property Values at risk.** People in neighboring homes will not want to live next to a 24 hour/7 days a week facility that has noisy mechanicals, deliveries, ongoing construction, repairs and remodeling, non-stop traffic, light and noise — just to name a few.

10. **Noise, light and traffic pollution** are not compatible with the other structures used in the area. Neighbors will be adversely affected. For example, neighbors will hear generators all the time.

11. **Negative impact on quality of life.** The quiet surrounding neighborhood will be exposed to continuous lights, noise, smells, blocked views and reduced safety of children/bicyclists/pedestrians.

12. **Negative effect on Tourism.** Protect our historic corridor. Hotels use Old Pecos Trail as the scenic route to their establishments. Santa Fe residents use it as well. Santa Fe is ranked as a top travel destination. Why do this to our city? There are plenty of other more appropriate places MorningStar can build their facility.

13. **What if MorningStar's business model fails?** The Assisted Living/Memory Care elderly care option may become overbuilt. Private pay facilities such as MorningStar are very expensive. MorningStar's representative Matt Turner stated at the Planning Commission meeting that the cost to each resident will be from $5000-$6,000 per month. If MorningStar's business model is unsuccessful because of cost or alternative aging options that include full service continuing care, how is this inappropriately large building going to be integrated into a residential neighborhood?

RECEIVED
JUN 25 2015
Land Use Dept.

To the Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The Morningstar facility should get rezoned for this type of facility. A special use permit is not appropriate for this neighborhood. The appropriate zoning should be as a minimum Commercial.

2) I have tried to get property in Albuquerque rezoned, but the city council members were totally against it. I wanted to rezone from Office Residential to Community Commercial Residential. I wasn't going to change the exterior size of the building I owned and the property was in a neighborhood that wasn't a residential neighborhood.

3) The neighborhood is primarily an R-1 zoning and having this facility will substantially lower real estate values for the surrounding houses. The residents of the neighborhood have worked all their lives and now will lose the investments they have made in their houses.

4) The quality of life will be adversely affected by this development. What was once a quite neighborhood will now become a noisy neighborhood with increased traffic and unwanted after hours visitors.

5) The premise of providing employment by this development is a false one. Whatever jobs are created will be part time subsistence jobs. These employees cannot be part of the community on the wages paid to them and will commute from outside of the Santa Fe area. A few managerial positions will be salaried, but from experience these positions will be hired from out of state.

6) The whole premise of this project is designed to exploit the lack of real economic development in Santa Fe. The developer will make a short term profit but at the expense of the local community.

7) There are other areas in Santa Fe that are commercially zoned and if this type of development was done in that neighborhood, no one would squawk.

8) Using the "costs vs benefits" approach, it appears that there are no real benefits to the surrounding community. The developer has insinuated that when the local residents are too old to take care of themselves, they could be housed at this place. But the project costs are in excess of $5k per month and that is too expensive for most of the locals.

9) I am totally nonplussed as to why the city council of Santa Fe is in favor of this? It is almost impossible to get property rezoned in Albuquerque and this misuse of the "Special Use Permit" appears to be an egregious kowtowing to the developer by the city council.

10) The extraños have come to Santa Fe and the city council listens more to them than the locals. That's not right.

I urge you in the strongest possible terms to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

James Jaffe
612 Calle De Valdez
Santa Fe, New Mexico 87505

RE: Morning Star on OPT

Councilors
c/o
Land Use Department
Santa Fe City Hall
200 Lincoln Ave., 1st Floor

Dear City Councilors,

Our Darling City Different is in NO WAY served by allowing the Morning Star Development to proceed on Old Pecos Trail. Perhaps somewhere else in the city but not in the Old Pecos Trail Corridor.

It's not just the visual integrity that is at risk. It's not just the traffic problem. It's just the worst place to build said project. The location is not suited for this kind of project period! Special permits can't even make this the correct location.

I want to know just HOW it could get this far with all of the neighbors objections.

Please advise,

Carolyn Sue Albin

514 Camino Pinones
Santa Fe, NM 87505

505-983-3832
carolynalbin@mac.com

Subject: "PLEASE PROIDE A COPY OF THIS LETTER TO THE MAYOR AND EACH CITY COUNCILOR PRIOR TO THE JULY 8TH CITY COUNCIL MEETING!"

From: Danyelle Scott (scott.danyelle@yahoo.com)

To: daesquibel@santafenm.gov;

Date: Friday, June 26, 2015 1:30 AM

"To Mayor Gonzales and City Councilors"

Vote NO on Morningstar!

Danyelle and Christa Scott
1810 Calle de Sebastian, B2
(De Vargas Heights Townhomes)
Santa Fe, NM 87505

We are writing because we are very concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, for a 73,550 sq. ft., two story building, at the corner of Calle de Sebastian and Old Pecos Trail. This type of massive development does not belong on this site, which was zoned R1 for a reason. We look to our Planning Commission, and City Council, to make the best decisions for us in matters such as this, and trust that you will consider the importance of the scenic and historic Old Pecos Trail corridor. We urge the City Council to reject this application at the July 8, 2015 hearing for the followig reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community"! It's scale, size, and proposed use, is inappropriate in every way at the proposed site!
2) The MorningStar "Continuing Care Community" will have a permanent negative impact on the quality of life of a great number of families, that have chosen to live in this area as it is quiet, safe, with views free of huge commercial buildings, not to mention a substantial decrease in property values!
For these reasons and other reasons not fully stated here, I ask you and the rest of the Governing Body to deny MornigStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codifies, deliberated on, and implemented.

We provide the introduction to the ordinance for your consideration:
"INTENT
The Old Pecos Trail South Historic and Scenic Corridor Protection District (OPTS) protects Old Pecos Trail between I-25 and St. Michaels Drive at Arroyo Chamiso Road as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe

road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."
Because openness, quiet, and continuity adjoining the Old Pecos Trail South are considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:
A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.
B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.
C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.
D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.
E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.
F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request."

We urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish heir quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

We strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8, 2015 hearing at the Santa Fe High School Auditorium.

NEW MEXICO STATE LAW AND CITY OF SANTA FE LAND USE CODE:

Excerpts relating to ELDER CARE FACILITIES

This summary cites relevant state law and City Code

"CONTINUING CARE COMMUNITY" – City Code

- City Code: Article 14-6 PERMITTED USES AND USE REGULATIONS 14-6.1 LAND USE CATEGORIES; TABLE OF PERMITTED USES

Table 14-6.1-1-Table of Permitted Uses

CATEGORY of Specific Use

RESIDENTIAL:

-- CONTINUING CARE COMMUNITY:

R-1: special use permit;

C-1 permitted by right;

HZ permitted by right

14-6.2 USE-SPECIFIC STANDARDS

(A) Residential Uses

(1) Continuing Care Community

(a) Density

Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.

(b) Compliance with state and federal law

Continuing care communities must comply with all applicable *state* and federal laws and regulations.

- City Code: Article 14-12.1 DEFINITIONS

CONTINUING CARE COMMUNITY: "A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities as follows:

(A) a continuing care community **shall** include:

(1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; **and**

(2) **a full nursing care unit with beds**;

(B) a continuing health care community **may** include:

(1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and

(2) an extended care facility; and

(C) a hospital is not a continuing care community."

Table: NEW MEXICO STATE LAW AND CITY OF SANTA FE LAND USE CODE: ELDER CARE FACILITIES

New Mexico legislative framework					
State of New Mexico law	**"Continuing Care Act"** Chapter 24, Article 17 NMSA 1978	NMAC 7.8.2 Title 7 Health -- Ch. 8 Residential Health Facilities Part 2 Assisted Living Facilities For Adults		NMAC 7.9.2 Title 7 Health -- Ch. 9 Nursing Homes & Intermediate Care Facilities Part 2 Requirements For Long-Term Care Facilities	
New Mexico state agency	*Department of Aging & Long-Term Services*	*Department of Health*			
Contract/ license	**CONTINUING CARE CONTRACT** financial guarantees, priority access to nursing care	**ASSISTED LIVING FACILITY LICENSE**		NURSING FACILITY LICENSE	HOSPITAL LICENSE
		Assisted living	**Memory care**	Intermediate nursing / Skilled nursing	**Hospital**
Type of care	*Continuing care: independent + personal care + nursing care*	***Personal care (not nursing care) = assistance with activities of daily living***		***Nursing care (Higher requirements for staffing, training and hours of care)***	

→ → → ***CONTINUUM OF CARE of a CONTINUING CARE COMMUNITY*** → → →				
Independent living →	Assisted living →	Memory care →	Nursing facility	Hospital
			Priority access required: Onsite, or at a site designated by the continuing care contract	

Some examples of elder care facilities in Santa Fe				
Continuing Care Community	INDEPENDENT LIVING	ASSISTED LIVING	MEMORY CARE	NURSING CARE
El Castillo ↙	El Castillo ✓	El Castillo ✓	El Castillo ✓	El Castillo ✓ ↙
Kingston NO	Kingston ✓	Kingston ✓	Kingston ✓	NO

City of Santa Fe Land Use Code		
City Land Use Code Article 14-12.1 DEFINITIONS	**CONTINUING CARE COMMUNITY:** "A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities as follows: (A) a continuing care community **shall** include: (1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; **and** (2) **a full nursing care unit with beds**; ✍ (B) a continuing health care community may include: (1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and (2) an extended care facility; and (C) a hospital is not a continuing care community."	**PERSONAL CARE FACILITY FOR THE ELDERLY:** "**A** residential facility for twenty-six or more persons sixty years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities*, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel." * A "**personal care facility for the elderly**" is the term that the City Code uses for a facility that provides assistance with" activities of daily living." It corresponds to an "**assisted living facility**" ✍ under New Mexico law.
ZONING/ SPECIAL USE PERMIT	**Table 14-6.1-1-Table of Permitted Uses** CATEGORY of Specific Use: RESIDENTIAL: -- CONTINUING CARE COMMUNITY C-1 permitted by right; HZ permitted by right **R-1 Requires special use permit** **14-6.2 USE-SPECIFIC STANDARDS:** (A) Residential Uses (1) Continuing Care Community (a) Density Independent *dwelling units* are subject to the ***density*** ✍ standards **of** the district in which the *continuing care community* is located. (b) **Compliance with state** and federal **law** ✍ *Continuing care communities* must comply with all applicable ***state*** and federal laws and regulations. [i.e., with the NM "Continuing Care Act"]	**R-1 not permitted;** ✍ C-1 permitted by right; HZ permitted by right

Please provide a copy of this letter and its attachment to the Mayor and each City Councilor before the July 8th City Council meeting

To: Mayor Gonzales and City Councilors
c/o: City of Santa Fe Land Use Department
From: Kris Rodgers, 1810 Calle de Sebastian, A-2, Santa Fe NM 87505
Re: City Council hearing on July 8, 2015, re MorningStar's proposed assisted living facility
Date: June 24, 2015

NO to MorningStar's proposed assisted living facility

Dear Mayor Gonzales and City Councilors,

I am writing to you as the owner of a townhouse in the De Vargas Heights Townhouses at 1810 Calle de Sebastian. I ask you to respect our City Land Use code and not approve the MorningStar proposal.

I. **The proposed assisted living facility is not compatible with the abutting low-density (R-2) residential property of 54 townhouses.**

Our property, zoned R-2 (two dwellings per acre) abuts the land where MorningStar's proposed assisted living facility would be built.

• ***Noise:*** We will be subjected to unacceptable noise levels if the facility is built:

Where would its back-of-the-house operations be located? About 60 feet from the coyote fence separating our property from the proposed facility. They would include trash collection, a back-up generator (diesel fuel, requiring weekly testing), emergency vehicle access, and deliveries.

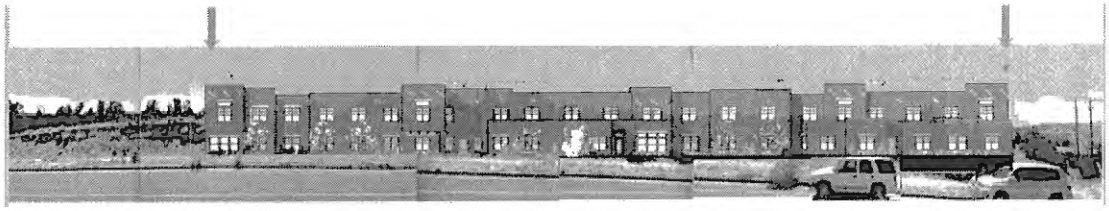
Deliveries of food alone would amount to 2,184 meals delivered a week if the facility were operating at full capacity:

104 licensed beds x 3 meals/day = 312 meals/day;
312 x 7 days a week = 2,184 meals delivered per week.

These are levels of a commercial, business operation. How can the city possibly allow this in an existing, low-density residential neighborhood?

• ***Light pollution***: We will also be subjected to light overspill from the facility's exterior lighting if the facility is built, because the finished level of the facility will tower over our houses and backyards.

• ***Scale, density:*** The proposed two-story building would be huge. It simply does not belong in a low-density residential neighborhood.



This is what the proposed facility would look like when viewed from Calle de Sebastian (green arrows indicate furthest extent of building envelope)

For these and other reasons, the proposed facility is not

> "... compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration." (Article 14-2.3(D)(l)(c))

II. MorningStar is an "assisted living facility" (a "personal care facility for the elderly" under the City Code's definitions). It is not a "continuing care community." It thus does not qualify for a special use permit as a continuing care community in this R-1 zone.

Why is this so? There is a great deal of confusion about various types of elder care facilities, levels of care, and what constitutes "continuing care." But understanding the distinctions is crucial in this case. The City Code's requirements apply but they interact with New Mexico state law.

Here are the **State of New Mexico** requirements:

• A nursing facility requires a nursing facility license. (NMAC 7.9.2) It provides full, 24-hour continuous nursing care. It must meet strict, extensive requirements as to staff qualifications, training, and required hours of care per patient. There are two types of nursing care, intermediate and skilled.

• An assisted living facility requires an assisted living facility license from the state. (NMAC 7.8.2) It provides assistance with "activities of daily living," also known as "personal care."

(A memory care facility is a subcategory within assisted living. It also requires an assisted living facility license from the state and must meet additional requirements concerning the needs of people with dementia.)

New Mexico state law expressly forbids an assisted living facility to "admit or retain individuals that require twenty-four (24) hour continuous nursing care." (NMAC 7.8.2)

• A continuing care community must comply with New Mexico's "Continuing Care Act," which provides for a "continuing care contract," requiring stringent financial guarantees and priority access to nursing care. Continuing care means a facility is bound by a contract to serve a person's needs, progressing through a "continuum of care" from independent living to assisted living and memory care, if needed, through to nursing care, if needed, either on site or through guaranteed priority access offsite. A continuing care community must thus have not only an assisted living facility license but also a nursing facility license for its onsite care.

Here are the **City Code**'s requirements:

First, the Code's definition:

> **CONTINUING CARE COMMUNITY:**
> "A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities as follows:
>
> (A) a continuing care community **shall** include:
>
> (1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; **and**
>
> (2) **a full nursing care unit with beds**;
>
> (B) a continuing health care community **may** include:
>
> (1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and
>
> (2) an extended care facility; and
>
> (C) a hospital is not a continuing care community." **(Article 14-12.1)**

The City Code thus echoes state law in stipulating that a continuing care community must make provision for nursing care.

However, that is not what MorningStar intends to provide, as stated in its ENN application:

> "The proposed facility will cater to two communities:
>
> ***Assisted Living (A.L)***: Residents can still maintain their independence in some areas, while requiring help with other activities of daily living. Different care levels are offered, customized to individual needs. They commonly offer a range of amenities, together with wellness programs. A 24-hour care staff is available.
>
> ***Memory Care (MC)***: Residents with memory impairment (Alzheimer's and other forms of dementia) will have a secured and safe environment with a variety of therapeutic approaches as well as recreational and purposeful activities."

MorningStar would be seeking a state of New Mexico assisted living facility license, which covers assisted living (as well as memory care) only. It would not be applying for a nursing facility license.

A licensed assisted living facility on its own is barred in state law, as mentioned above, from admitting or retaining individuals that require twenty-four (24) hour continuous nursing care.

CONCLUSION: MorningStar's proposed facility is not a continuing care community. It does not include "a full nursing care unit with beds." It would not have the required state nursing facility license.

> The mere fact of having nurses on staff does not mean a facility meets the numerous, and strict, requirements necessary to obtain a nursing facility license. MorningStar's **"licensed beds"** would be **"assisted living" beds**, not **"nursing" beds**.

Under the City Code, a continuing care community must meet use-specific standards to be eligible for a special use permit in a low-density R-1 residential zone:

> **14-6.2 USE-SPECIFIC STANDARDS:**
>
> (A) Residential Uses
>
> (1) Continuing Care Community
>
> (a) **Density**
>
> Independent *dwelling units* are subject to the *density* standards of the district in which the *continuing care community* is located.
>
> (b) **Compliance with state** and federal **law**
>
> *Continuing care communities* must comply with all applicable *state* and federal laws and regulations. [i.e., with the NM "Continuing Care Act"]

• ***Density:*** Even if MorningStar were a continuing care community, which it clearly is not, it would have to limit the number of its independent dwelling units to about three in order to meet the City Code's density standards.

The obvious solution for MorningStar would be for it to seek a suitable location with the proper zoning elsewhere in the city – just as other assisted living and memory care facilities have done – see below.

• ***Compliance with state and federal law***: This means a continuing care community must comply with the New Mexico "Continuing Care Act," which provides for a "continuing care contract," requiring stringent financial guarantees and priority access to nursing care (as mentioned above).

III. The proposed assisted living facility at this location would violate the City Code on zoning for elder care facilities

All of Santa Fe's existing elder care facilities, without exception, are located in non-residential zones.

Why should the City give MorningStar preferential treatment?

Here is a list of the existing facilities and their locations and zones:

El Castillo LifeCare Community / Zoned BCDALA (Business Capital District)
250 East Alameda Street
Continuing care: Independent living assisted living, memory care, nursing care

Pacifica Senior Living Santa Fe / Zoned BIP (Business Industrial Park)
2961 Galisteo Road
Assisted living and memory care

Ponce De Leon (Brookdale Senior Living) / Zoned C2 PUD (General Commercial)
640 Alta Vista Street
Independent living and assisted living

Kingston Residence of Santa Fe / Zoned R29 PUD (Multiple - Family)
2400 Legacy Court
Independent living, assisted living, memory care

Sierra Vista Retirement Community / Zoned C1 (Office and Related Commercial)
402 Rodeo Road
Assisted living and memory care

The Montecito of Santa Fe / Zoned C1 PUD (Office and Related Commercial)
500 Rodeo Road
Assisted living and memory care

Not a single one is located in a low-density residential zone.

Additional senior facilities are apparently being proposed. Again, not a single one is applying to locate in an established low-density residential zone:

Bee Hive Homes of Santa Fe
3838 Thomas Rd

The Legacy at Santa Fe
Avenida Aldea and Camino Botanica

A senior living center on Caja del Rio (near the Santa Fe Humane Society)

A Del Webb project off Cerrillos Road and Governor Miles Avenue

Why, then, should the City give preferential treatment to MorningStar? What makes MorningStar so special that it should not play by the rules?

IV. The proposed facility would "adversely affect the public interest" (Article 14-2.3(D)(l)(b)). **It would violate the land use framework of the City's General Plan.**

To mention just a few of the many adverse impacts – and broken promises by the City if this proposal were to be approved:

• ***Detriment to Santa Fe's existing residential neighborhoods:*** If this proposal is approved, the City will demonstrate that it has no regard for respecting established low-density residential neighborhoods and no regard for adhering to the City's land use code.

> **What does the General Plan say?**
> "**Protection and Conservation of Neighborhoods**. Future Land Use ... envisages Santa Fe as a network of neighborhoods with individual identities but integrated into the overall fabric of the community. **Limitations are imposed on the size and scale of development to prevent encroachment of large-scale commercial uses in neighborhoods** ..."

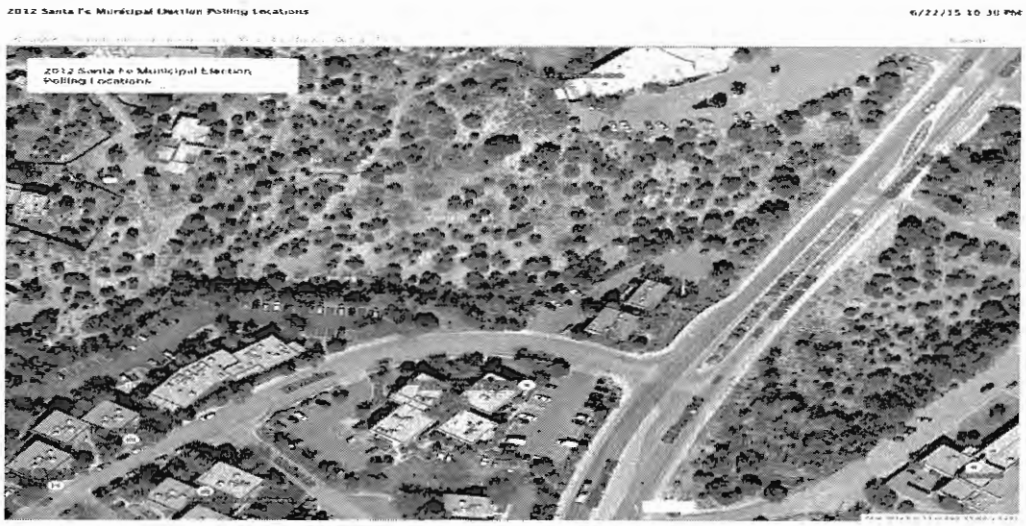
• ***Traffic:*** MorningStar touts its planned commercial, high-density development on the Old Pecos Trail arterial as a plus. *In MorningStar's own words, "This site presents easy access from a major arterial."*

We do not. The streets in the immediate vicinity of the property already present a hazard for traffic.

In reality, a left turn from Calle de Sebastian south on to Old Pecos Trail is already difficult at best.

Traffic exiting the Elks Club desiring to go south on Old Pecos Trail would in all likelihood choose to turn right on to Calle de Sebastian (bordered by R-1 homes) then right onto Zia, and then left on to Old Pecos Trail. This would turn this residential street into a thoroughfare.

Traffic exiting from the Elks Club desiring to head south on Old Pecos Trail has to cross northbound traffic and share a turning lane into the Elks Club with southbound traffic desiring to turn into the Elks Club (see image).



What does the General Plan say?
Minimal Impacts on Congested Streets. This document respects Santa Feans' desire for narrower streets and locates development to minimize traffic along already congested north-south arterials such as Cerrillos Road and St. Francis Drive. ...

Commercial and Higher Density Residential Development Located away from Arterials. The purpose is two-fold: to avoid strip-commercial development and to create neighborhoods away from the noise, pollution, and traffic of arterial streets.

• ***Old Pecos Trail Scenic Corridor***: On the east side of Old Pecos Trail, there is not a single commercial facility all the way from the Pecos Trail Inn, near the corner of Calle Espejo, to the south, to the dry cleaner's, near the corner of East Coronado Road, to the north.

To approve MorningStar's proposed facility is to:

- open the door to further commercial development along this historic, scenic corridor
- pre-empt the public participation process in relation to preserving the Old Pecos Trail Scenic Corridor foreseen in the General Plan

What does the General Plan say?
Old Pecos Trail Scenic Corridor: "The Old Pecos Trail Scenic Corridor designates Old Pecos Trail, between Cordova Road and 1-25, as a scenic roadway and recognizes its importance as an unspoiled entryway into downtown. Development standards, including land uses, density, and design controls, will be developed through a public participation process."

• ***Water in a time of water scarcity***: MorningStar's application shows no evidence of a desire to conserve or harvest our precious water. Its proposed landscaping plan shows no regard for protecting existing "significant trees" (slow-growing junipers and piñons) or planting for drought-resistance.

➔ For more information, please see also:

- A table, included below: NEW MEXICO STATE LAW AND CITY OF SANTA FE LAND USE CODE: ELDER CARE FACILITIES. It provides a summary of relevant definitions and requirements under state law and the City Code.
- Attachment 1: Excerpts from STATE LAW AND CITY CODE.
- Attachment 2: MorningStar's self-portrait

I believe that these documents will help you to make an informed decision on the merits of this case.

I will be very grateful for your taking the time to read them.

§ 24-17-3. Definitions ...

B. "community" means a retirement home, retirement community, home for the aged or other place that undertakes to provide continuing care;

C. "continuing care" means furnishing, pursuant to a contract that requires entrance or advance fees and service or periodic fees, independent-living and health or health-related services. ... These services may be provided in the community, in the resident's independent living unit or in another setting, designated by the continuing care contract, to an individual not related by consanguinity or affinity to the provider furnishing the care. The services include, at a minimum, priority access to a nursing facility or hospital either on site or at a site designated by the continuing care contract;

D. "continuing care contract" means an agreement by a provider to furnish continuing care to a resident; ...

H. "priority access to a nursing facility or hospital" means that a nursing facility or hospital services the residents of independent living units or that there is a promise of such health care or health-related services being available in the future;

K. "type A" agreement means an extensive entrance-fee contract that includes housing, residential services, amenities and unlimited specific health-related services with little or no substantial increase in monthly payments, except to cover normal operating costs and inflation adjustments;

L. "type B" agreement means a modified entrance-fee contract that includes housing, residential services, amenities and a specific amount of health care with no substantial increase in monthly payments, except to cover normal operating costs and inflation adjustments. After the specified amount of health care is used, persons served pay either a discounted rate or the full per diem rates for required health care services; and...

§ 24-17-5. Contract information

(23) if the community includes a nursing facility, describe the admissions policies and what will occur if a nursing facility bed is not available at the time it is needed;

(24) in the event the resident is offered a priority for nursing facility admission at a facility that is not owned by the community, describe with which nursing facility the formal arrangement is made and what will occur if a nursing facility bed is not available at the time it is needed;

(25) include the policy and procedures for determining under what circumstances a resident will be considered incapable of independent living and will require a permanent move to a nursing facility. The contract shall also state who will participate in the decision for permanent residency in the nursing facility and shall provide that the resident shall have an advocate involved in that decision; provided that if the resident has no family member, attorney, guardian or other responsible person to act as the resident's advocate, the provider shall request the local office of the human services department to serve as advocate;

Note: The **New Mexico Aging and Long-Term Services Department** publishes a **"Consumer's Guide to Continuing Care Communities."** <http://sclonm.org/wpcontent/uploads/2012/05/Continuing_Care_Consumer_Guide.pdf>

CONCLUSION: Morning5tar's proposed facility is *not* a "continuing care community."

LICENSED NURSING FACILITIES – **State of New Mexico** (NMAC 7.9.2 -- TITLE 7 HEALTH -- CHAPTER 9 NURSING HOMES AND INTERMEDIATE CARE FACILITIES -- PART 2 REQUIREMENTS FOR LONG TERM CARE FACILITIES) <http://164.64.110.239/nmac/_title07/T07C009.htm>

7.9.2.7 DEFINITIONS

K. "INTERMEDIATE CARE FACILITY" means a nursing home, which is licensed by the Department as an intermediate care facility to provide intermediate nursing care.

L. "INTERMEDIATE NURSING CARE" means a basic care consisting of physical, emotional, social and other rehabilitative services under periodic medical supervision. This nursing care requires the skill of a licensed nurse for observation and recording of reactions and symptoms, and for supervision of nursing care. Most of the residents have long-term illnesses or disabilities which may have reached a relatively stable plateau. Other residents whose conditions are stabilized may need medical and nursing services to maintain stability. Essential supportive consultant services are provided in accordance with these regulations.

CC. "SKILLED NURSING FACILITY" means a nursing home which is licensed by the Department to provide skilled nursing services.

DD. "SKILLED NURSING CARE" means those services furnished pursuant to a physician's orders which:

(1) Require the skills of professional personnel such as registered or licensed practical nurses; and

(2) Are provided either directly by or under the supervision of these personnel. ...

7.9.2.51 NURSING STAFF

(a) A skilled nursing facility or facility that offers intermediate and skilled nursing shall maintain a nursing department minimum staffing level of two and a half (2.5) hours per patient day calculated on a seven (7) day average.

(b) An intermediate care facility shall maintain a nursing department minimum staffing level of two and three-tenths (2.3) hours per patient day calculated on a seven (7) day average.

7.9.2.50 NURSING SERVICES:

A. DEFINITIONS:

(1) Nursing personnel: means nurses, nurse aides, nursing assistants, and orderlies.

(2) Ward clerk: means an employee who performs clerical duties of the nursing personnel.

B. DIRECTOR OF NURSING SERVICES IN SKILLED CARE AND INTERMEDIATE CARE FACILITIES:

(1) Staffing requirement: Every skilled care facility and every intermediate care facility shall employ a full-time director of nursing services who may also serve as a charge nurse. The director of nursing services shall work only on the day shift except as in an emergency or required for the proper supervision of nursing personnel.

(2) Qualifications: The director of nursing services shall:

(a) Be a registered or licensed practical nurse; and

(b) Be trained or experienced in areas such as nursing service administration, restorative nursing, psychiatric nursing, or geriatric nursing. ...

C. CHARGE NURSES IN SKILLED CARE FACILITIES AND INTERMEDIATE CARE FACILITIES:

(1) Staffing requirement:

(a) A skilled nursing facility shall have at least one charge nurse on duty at all times.

(b) An intermediate care facility shall have a charge nurse during every tour of duty.

(2) Qualifications: Unless otherwise required under this paragraph, the charge nurses shall be registered nurses or licensed practical nurses, and shall have had training, or be acquiring training, or have had experience in areas such as nursing service administration, restorative nursing, psychiatric nursing, or geriatric nursing.

7.9.2.51 NURSING STAFF: In addition to the requirements of Section 7.9.2.50 NMAC, the following conditions shall be met:

A. ASSIGNMENTS: There shall be sufficient nursing service personnel assigned to care for the specific needs of each resident on each tour of duty. Those personnel shall be briefed on the condition and appropriate care of each resident prior to beginning hands-on care of residents....

E. TWENTY-FOUR (24) HOUR COVERAGE: All facilities shall have at least one nursing staff person on duty at all times.

F. STAFFING PATTERNS: The assignment of the nursing personnel required by this subsection to each tour of duty shall be sufficient to meet each resident's needs and implement each resident's comprehensive care plan.

(1) Nursing department personnel means, the director of nursing, the assistant director of nursing, nursing department directors, licensed nursing personnel, certified nursing assistants, nursing assistants who have completed 16 hours or more of orientation and demonstrated competency and restorative nursing assistants.

(2) The director of nursing, the assistant director of nursing, and nursing department directors may be counted towards the minimum staffing requirements only for the time spent on the shift providing direct resident care services.

(a) A skilled nursing facility or facility that offers intermediate and skilled nursing shall maintain a nursing department minimum staffing level of two and a half (2.5) hours per patient day calculated on a seven (7) day average.

(b) An intermediate care facility shall maintain a nursing department minimum staffing level of two and three-tenths (2.3) hours per patient day calculated on a seven (7) day average. ...

(c) ... These are daily averages that will vary from shift to shift so that actual staffing might approximate:

2.3 Hours Per Patient Day	2.5 Hours Per Patient Day
Day Shift 1 staff for 8 patients	1 staff for 7 patients
Evening Shift 1 staff for 10 patients	1 staff for 10 patients
Night Shift 1 staff for 13 patients	1 staff for 12 patients

CONCLUSION: MorningStar's proposed facility is *not* a "nursing facility."

"PERSONAL CARE FACILITY FOR THE ELDERLY" – City Code

- City Code: Article 14-6 PERMITTED USES AND USE REGULATIONS 14-6.1 LAND USE CATEGORIES; TABLE OF PERMITTED USES

Table 14-6.1-1-Table of Permitted Uses

CATEGORY of Specific Use

SERVICE ESTABLISHMENTS

-- PERSONAL CARE FACILITY FOR THE ELDERLY

R-1 not permitted; ~~C~~

C-1 permitted by right;

HZ permitted by right

- City Code: Article 14-12.1 DEFINITIONS

PERSONAL CARE FACILITY FOR THE ELDERLY: "A residential facility for twenty-six or more persons sixty years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel."

ASSISTED LIVING FACILITIES – State of New Mexico (NMAC 7.8.2 – TITLE 7 HEALTH CHAPTER 8 RESIDENTIAL HEALTH FACILITIES PART 2 ASSISTED LIVING FACILITIES FOR ADULTS) <http://164.64.110.239/nmac/_title07/T07C008.htm>

7.8.2.6 OBJECTIVE: ...

B. Establish requirements for the construction, maintenance and operation of licensed assisted living facilities that will provide a safe, humane and homelike environment for adults who need assistance or supervision with activities of daily living but who do not need acute care, continuous nursing care, skilled nursing care or care in an intermediate care facility for the mentally retarded.

7.8.2.7 DEFINITIONS:

B. "**Activities of daily living**" (ADLs) means the personal functional activities required by a resident for continued well-being, which include, but are not limited to:

(1) eating;
(2) dressing;
(3) oral hygiene;
(4) bathing;
(5) grooming;
(6) mobility; and
(7) toileting.

U. **"Continuous nursing care"** means services which are provided to a resident whose medical needs are of such complexity that the services of a nurse are required to assess, regularly reevaluate, care plan and intervene as ordered by a physician.

(1) This includes services which are provided to a resident whose condition requires twenty-four (24) hour monitoring of vital signs and the assessment of cognitive or physical status on a daily basis.

(2) These services are provided by health care professionals, as ordered by a physician or physician extender.

(3) The required services shall be medically complex enough to require ongoing assessment, planning and intervention by licensed personnel for safe and effective care on a daily basis and consistent with the nature and the severity of the resident's condition.

7.8.2.16 STAFF QUALIFICATIONS ... [minimal]

7.8.2.19 STAFFING RATIOS ... [minimal]

7.8.2.20 ADMISSIONS AND DISCHARGE: ...

B. Restrictions in admission. The facility shall not admit or retain individuals that require twenty-four (24) hour continuous nursing care, refer to Subsection U of 7.8.2.7 NMAC Definitions.

CONCLUSION: MorningStar is a "personal care facility for the elderly" under the City Code – not permitted in R-1. Rather, it is an "assisted living facility," providing assistance with activities of daily living, under New Mexico law.

OTHER TYPES OF FACILITIES - City Code

- "HUMAN SERVICES ESTABLISHMENT"

- Article 14-12 DEFINITIONS – HUMAN SERVICES ESTABLISHMENT:
"A facility, which may or may not be a lodging facility, operated by a organization that provides aid to more than twenty-five persons in need of counseling, food, clothing, lodging, financial or legal assistance, out-patient health services, vocational and educational training and related services. Lodging may be provided on an emergency or transitional basis and consist of dormitory rooms or individual lodging units containing sleeping facilities with or without kitchen or living room facilities available for daily, weekly or monthly stays."

- Article 14-6 PERMITTED USES AND USE REGULATIONS 14-6.1 LAND USE CATEGORIES; TABLE OF PERMITTED USES

Table 14-6.1-1-Table of Permitted Uses

CATEGORY of Specific Use

HUMAN SERVICES ESTABLISHMENT -- Table 14-6.1-1

R-1: not permitted

Permitted as P* in these zones: C-2, BCD, I-1, SC-1, SC-2, SC-3, MU***

P*: *Special use permit required if located within 200 feet of residentially-zoned property; otherwise permitted. (Ord. No. 2013-16 § 29)

Subject to Use-Specific Regulations 14-6.2(B)(4)

Article 4-6.2(B)(4)

(B) Public, Institutional and Civic Uses

(4) Human Services Establishments

Open space is required as provided in Section 14-7.5 for each lodging unit that contains kitchen facilities.

CONCLUSION: MorningStar's proposed facility is *not* a "human services establishment." And a "human services establishment" is not permitted in an R-1 residential zone.

- "HOSPITALS AND EXTENDED CARE FACILITIES"

- Article 14-12 DEFINITIONS – EXTENDED CARE FACILITY:
"A facility that provides health-related care and services on a regular basis to persons who do not require the degree of care and treatment that a hospital is designated to provide, but who, because of their mental or physical condition, require extended care and services that can be made available to them only through an institutional facility that provides at least two and three quarters hours of nursing care to each person daily. Extended care facility includes nursing homes and convalescent homes."

- Article 14-6 PERMITTED USES AND USE REGULATIONS

14-6.1 LAND USE CATEGORIES; TABLE OF PERMITTED USES

Table 14-6.1-1-Table of Permitted Uses

CATEGORY of Specific Use

-- EXTENDED CARE FACILITY -- Table 14-6.1-1 --

R-1: special use permit; C-1: permitted by right; HZ: permitted by right

CONCLUSION: MorningStar's proposed facility is *not* an "extended care facility."

ESQUIBEL, DANIEL A.

From: Charlene Cerny <charlene.cerny@gmail.com>
Sent: Tuesday, June 23, 2015 6:16 PM
To: ESQUIBEL, DANIEL A.
Cc: IVES, PETER N.
Subject: MorningStar Development

Dear Mr. Esquibel,

As I am unable to attend the meeting on July 8, I wanted to write you and express my concerns about this project.

For the record, I live in DeVargas heights South about a mile away from the proposed development, so I would not be personally affected by the development, except perhaps for increased traffic on Old Pecos Trail.

My primary objection to this development is its huge size for the size of the lot, its location at the entrance to a residential neighborhood, and the fact that the facility is not in fact a continuing care facility.

It is my sincere hope that our City Councillors will encourage this company to seek another, more appropriate site for their facility.

Sincerely,
Charlene Cerny
2275 Calle Cacique, Santa Fe

Mistyped on my iPad

ESQUIBEL, DANIEL A.

From: James Rudolph <jbobrudolph1424@gmail.com>
Sent: Wednesday, June 24, 2015 8:44 AM
To: ESQUIBEL, DANIEL A.
Subject: Respectfully request a NO vote on MORNINGSTAR project

Dear Mr. Esquibel,

Please provide a copy of this communication to the Mayor and the City Councilors prior to the July 8th City Councilors' meeting. Thank you.

To Mayor Gonzales and the City Councilors:

Doubtless you have already heard many times over the arguments made by those concerned about the proposed and so-called continuing care facility to be built on the corner of Old Pecos Trail and Calle de Sebastian. The most salient of these arguments include the out-of-scale nature of the project for the quiet residential community in which it would be located (with all the associated problems of traffic, light, noise, and commercialization of the neighborhood), and the arguable marring of the historic Old Pecos Trail corridor as one enters the city from the south. I am certain others are able to present these critical concerns more persuasively than I, so instead I would briefly highlight two particular issues about which I, as a homeowner in the DeVargas Heights Town Home Development, with my home adjacent to the coyote fencing on the east side of the current Elks Lodge property, feel especially strongly.

1) ***The dangerousness of increased traffic on Calle de Sebastian***. The sight lines when exiting the town home development are troubling. The rise that exists looking left toward Old Pecos Trail, and the road curvature on the right as Sebastian winds around toward Zia, make it difficult to identify oncoming vehicles in either direction when exiting the development. As the current traffic is relatively modest, the chances of a collision are commensurately reduced. However, with an increase in traffic on Sebastian, which will undoubtedly occur when staff, visitors, and others (e.g., delivery vehicles) leave the care facility and wish to access St. Michael's Drive, I-25, or other points south of the facility (i.e., it seems highly unlikely that drivers will attempt to cross busy Old Pecos Trail when exiting the care facility and instead will want to take a right on Sebastian and wind around to Zia), the risk of collisions will rise considerably as a simple function of volume. It is pertinent to note that many of the homeowners in the town home development are older, with eyesight and reaction times less acute than would be true of younger drivers. The combination of poor traffic sight lines, increased traffic volume, and sub-optimal driver characteristics seems potentially, if not inevitably and repeatedly, lethal.

2) ***The Reliability of Zoning Classifications***. When my partner and I were looking into purchasing our current home in 2013, we purposely checked into the zoning classification of the Elks' property, understanding that as such fraternal organizations appear to be dying out, there existed a good possibility, perhaps even a likelihood, that the Elks would need to sell at some point down the road. We were satisfied that, given the zoning classification of the property, it appeared low density residential housing would replace the Elks Lodge were the organization to sell. It never occurred to us, as it would not have been reasonably foreseeable, that a high density, commercial project like Morningstar's would be allowable. It just seems so clearly inappropriate and out of scale for the space and neighborhood, who could have reasonably anticipated it? Clearly not us, and this feels very much like the rules were changed midstream, that what we thought was sufficient due diligence on our part may have been little more than an exercise in futility, and that this is simply, in the end, unfair.

Thank you for your consideration of my concerns.

Sincerely,

James Rudolph
1810 Calle de Sebastian #F-2
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Kittylking <kittylking@aol.com>
Sent: Tuesday, June 23, 2015 5:06 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

Dear City Councilor:

I am writing to ask you to reject MorningStar's proposed development on 3.85 acres of the Elk's Club property on Old Pecos Trail at its convergence with Saint Michael's Drive and Arroyo Chamiso. The proposal sets up a series of plans and landscaping which will change the historic value and the beauty of the environment in the southeast corridor of Santa Fe. It allocates a massive, 73,550 sq. foot building of two stories and superfluous replanting in a simple uncluttered, one story building environment. This is not the project to inject into this area of Santa Fe, especially since it demands a change in zoning laws from R-2 to R-1, for an 84 unit facilty. A special Use Permit (SUP) requires that MorningStar have a public / institutional function which MorningStar doesn't have. In fact MorningStar will have a low number of medical professionals and will not provide continuing care for the elderly.

I do think it is appropriate to develop over time with all of the Santa Fe Public a consideration of the kinds of development which Santa Fe is interested in and to come to an agreement about the kinds of business opportunities that the Council should consider. I think the MorningStar request stretches the resources of the community without bringing an appropriate value into the community. I believe the kinds of impact, environmental and social upheaval will have a very negative impact on the surrounding neighborhoods.
Instead of growing from the core of the community, it represents a huge outside transplant with considerable demands in an already stretched and perhaps not so harmonious atmosphere. In this stage of its growth, Santa Fe must continue to honor its historic past,but choose the right ways in which to move forward.

Thank you for considering my suggestions,

sincerely,

Katharine L. King
1208 Galisteo Parkway
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Kathy Howard <kathy.howard@att.net>
Sent: Wednesday, June 24, 2015 8:07 AM
To: ESQUIBEL, DANIEL A.
Subject: Vote "NO" on MorningStar Project

To the Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I provide the introduction to the ordinance for your consideration:

INTENT

The Old Pecos Trail South Historic and Scenic Corridor Protection District (OPTS) protects Old Pecos Trail between I-25 and St. Michaels Drive at Arroyo Chamiso Road as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

Because openness, quiet, and continuity adjoining the Old Pecos Trail South are

considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.

B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Storm Water Management Plan.

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.

D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.

E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.

F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Kathleen L. Howard

3887 Old Santa Fe Trail

Santa Fe, NM 87505

988-2918

ESQUIBEL, DANIEL A.

From: ELAINE COLEMAN <deardiaryreadings@me.com>
Sent: Wednesday, June 24, 2015 7:28 AM
To: ESQUIBEL, DANIEL A.
Subject: Say NO to Morningstar

To the Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

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considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.

B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.

D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.

E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.

F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Please do what is best for the integrity of our City.

Sincerely,
Elaine P. Coleman

Elaine Pinkerton Coleman

deardiaryreadings@mac.com
www.elainepinkerton.wordpress.com

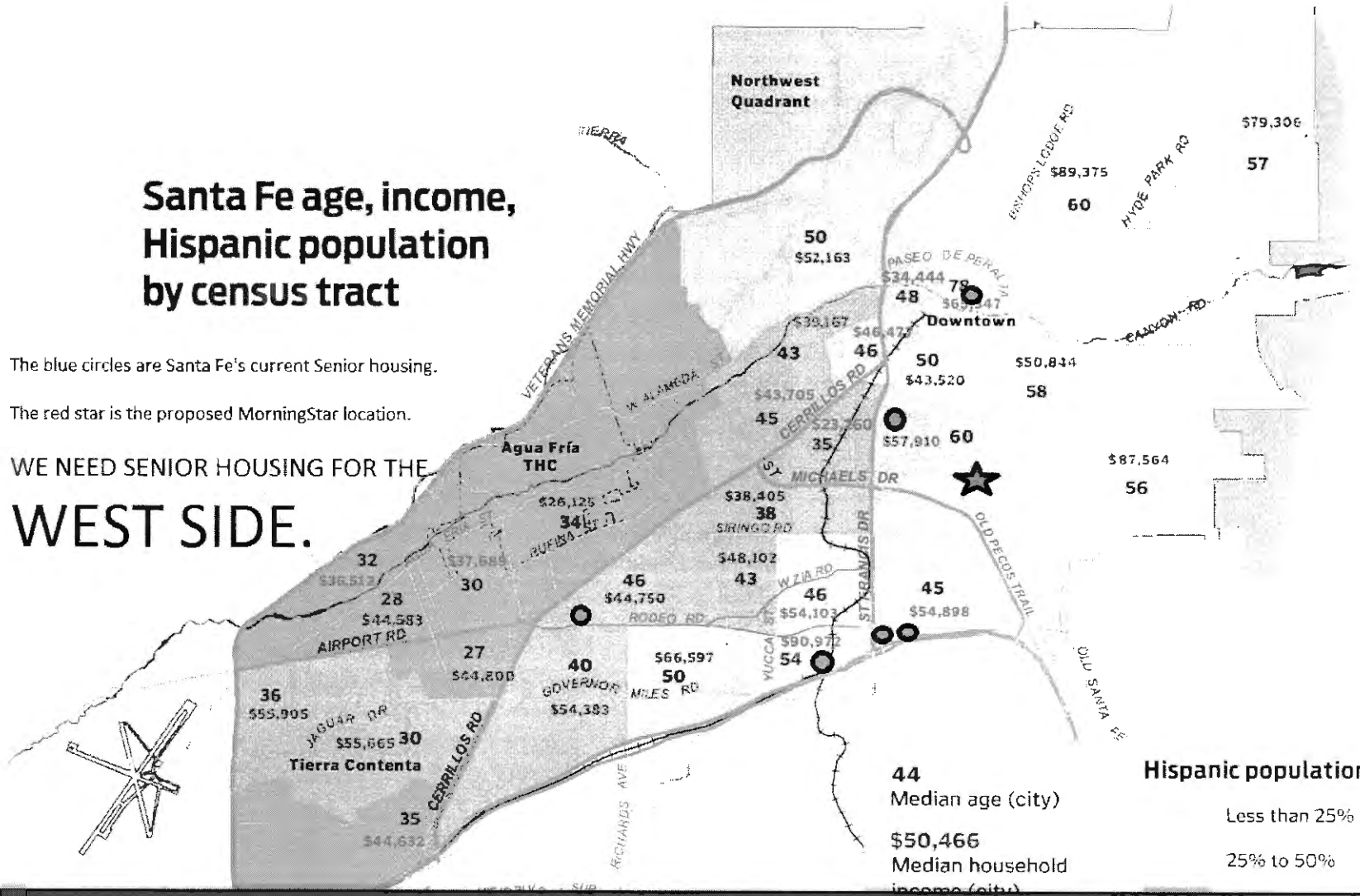
Santa Fe age, income, Hispanic population by census tract

The blue circles are Santa Fe's current Senior housing.

The red star is the proposed MorningStar location.

WE NEED SENIOR HOUSING FOR THE

WEST SIDE.



ESQUIBEL, DANIEL A.

From: Steve Lipscomb <stvlips@gmail.com>
Sent: Thursday, June 25, 2015 4:01 PM
To: ESQUIBEL, DANIEL A.
Subject: VOTE NO ON MORNING STAR

Follow Up Flag: Follow up
Flag Status: Completed

Holy yikes! ...

Really?! I find it hard to believe that the city (particularly the counselors) would seriously consider this development in this area. It fundamentally violates the public trust. There are certainly times to allow variances in zoning codes, but not just because there is someone who wants to develop something that is the exact opposite of what the zoning is. Approval of the Morning Star development would fundamentally violate the public trust. What is the use of having a Planning Commission to advise the counsel if they think a project this extreme and out of whack with public expectation and understanding gets a thumbs up. Those people will not be standing for reelection in front of an electorate that feels betrayed by its representatives ...

Please give this project exactly the time it deserves for consideration (very little) and vote it down so we can move on to the important issues that face our city.

Thank you to all members of the City Council for your continued work and diligence on behalf of our citizens.

Regards,

Steve Lipscomb

3869 Old Santa Fe Trail
Zip: 87505

Georgia R. H. Larson
1810 Calle De Sebastian, E-2, Santa Fe, NM 87505
505.428.0586; larsongeorgia47@gmail.com

6.25.2015

Mr. Daniel Esquibel
Land Use Senior Planner
City of Santa Fe
Current Planning Division

daesquibel@santafenm.gov

RE: Vote **No** on MorningStar –
Special Use Permit Request To Allow A 104 Bed, 84-unit Continuing Care Facility on the site currently owned by the Elks Lodge, Santa Fe – MorningStar Senior Living (a for-profit, Colorado Company) Application for a Special Use Permit.

Dear Mr. Esquibel.

Good morning.

I am sending you this letter to express my concerns, which I know are similar to those of countless neighbors and other concerned community members, and I appreciate the opportunity to share them in writing, as well as verbally at the Planning Commission meeting, and previous meetings. My intent is to urge the City Council to reject the application which will be coming up at the July 8, 2015 hearing.

My major concerns are as follows:

How can previous planning decisions and rules and regulations be so easily overturned, if in fact they are? It appears that previous plans for the neighborhood were well thought out and planned accordingly, especially in relation to density of homes, the fact that it is a residential neighborhood, and that it can only bear a certain amount of traffic. As we all know by now, the present zoning for the 3.3 acres is R-1 (one residence per acre).

When I purchased my current home, in March of 2014, I reviewed the zoning of the adjoining property carefully, in what I thought was a prudent way to inform myself of what could be expected in potential future development. The thought that it could be turned into C-1, bringing in considerable additional amounts of traffic, noise, light pollution, strain on natural resources, water, trash, utility issues, etc. from a gigantic 73,550 sq. ft. commercial

development, approximately the size of the Santa Fe Convention Center, did not enter into my mind as a remote possibility. After having lived in Sana Fe for several years, I made the necessary financial commitment to purchase a Santa Fe home.

I feel the proposed development is out of character for the neighborhood. It will negatively affect the quality of life and most likely property values. The safety of pedestrians, bicyclists, and drivers in the area of Calle De Sebastian and surrounding neighborhoods must be considered.

I believe that additional careful review of the protections and requirements mentioned in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-49" amendment proposed in 2006 is in order.

Like many others in Santa Fe, I have noticed numerous other sites around town which would be more suitable for such a development, if in fact a development of this nature is even needed. It appears that presently existing developments of this nature are not even enjoying full occupancy.

It appears to me that the quality of the area enjoyed at this time will be shattered if the request for zoning and development is approved.

Thank you for your consideration of the concerns of a local homeowner, and resident of a neighborhood which would be drastically changed and impacted by such a development.

Best wishes,

Georgia R. H. Larson

ESQUIBEL, DANIEL A.

From:	Charles Koenig <chaskoenig@att.net>
Sent:	Wednesday, June 24, 2015 2:08 PM
To:	ESQUIBEL, DANIEL A.
Cc:	Charles Koenig; Jim Dyke; Jan Brooks; Haila Harvey; Peggy Bowen; Faith Bowie; Jerry Christopher; Scott Geister; John Stanke; Kris Rodgers; Beverly Spears; Joanne Birdwhistell; Kenneth Pin; Charles Goodman; Gary Ebersole; Bee Zollo; John Kennedy; Frank Herdman; nyla rasmussen; Larry Rasmussen
Subject:	SENA to City Council: VOTE NO! ON MORNINGSTAR
Follow Up Flag:	Follow up
Flag Status:	Completed

Hello Dan....Please include my comments below in the mayoral and city council packets you are preparing or the 7-8-15 hearing. My understanding is that tomorrow is the last day for submissions to the packets for inclusion.
Thank you,
CK

Dear Mayor Gonzales and City Councilors,
I am the treasurer of SENA, and yes, a NIMBY. I regret so much having to be both.....why?
o First, as treasurer....Our campaign to saveoldpecostrail.org began last December when our neighborhood first became aware of the Elks/Morningstar collaboration to build an assisted living facility on Old Pecos Trail. Contrary to what Dave Fitzgerald, Elks president, says as reported in The New Mexican on 6-22-15, neighbors were NOT taken into consideration (not notified) when the Elks began exploring the sale of a portion of their property in late 2013. Had we known the property was available, we would have taken steps to acquire the property as a pocket park or open space. (In fact, much later, one of our board members offered the Elks her strategic planning services and was declined.) In the same article, Fitzgerald maintains that he and his fellow lodge officers have no personal gain or interest in the transaction, as reported by Robert Nott. Of course they do! The sale, allegedly at $1.4million, would take financial pressure off members who struggle to keep ELK property taxes (public record) and insurances current. Fitzgerald goes on the say that the Elks do not have a contingency plan for the property if their appeal is declined. Of course they do....other buyers, including next door, and across Sebastian and throughout the corridor and neighborhood.
At both ENNs neighbors were assured by Matt Turner at Morningstar that they were **not** building a "skilled nursing facility" (a requirement of the code for a SUP for a continuing care facility) and that what they **were** building included a "24 hour bistro"! The development plan, lot split application and SUP all went to the Planning Commission on 4-2-15 where all three were approved, contrary to ordinance! Among Santa Fe neighborhoods, it is becoming apparent that ordinances including zoning regulations, having the force of law, were made to be broken, with appeals considered and approved for developers with little regard for the concerns of existing communities. General plan components and resolutions, not having the force of law, are more frequently and readily tossed aside in favor of contrary and contentious development. (I write this on the afternoon prior to the El Rio-Blue Buffalo appeal hearing)
Because our Land Use Dept did not disallow or re-direct through their actions and recommendations this blatant attempt to violate an existing serene community, we have had to reinvigorate our rather dormant neighborhood association, hire counsel, rally and publicize our concerns, raise money (better put to philanthropic use elsewhere) all using up massive amounts of volunteer and professional time and resources.

o Second, as a NIMBY....I live directly across Sebastian from the Elks, on the same ridge, and enjoy the same

ambiance and views as the Elks. I bought my one-half acre six years ago, moving into town from low density Lamy. I did my due diligence then, and discovered that the Elks property was zoned R-1, assuring me that my new, low density location would be preserved. if also the Women's Club and the Baptist church properties were not over-developed.
Little did I discover then that an approved SUP on the Elk eight+ acre site might allow for certain types of higher density developments. An assisted living facility of the proposed Morningstar size and scale shoe-horned into 3.8 acres is grossly incompatible with the surrounding densities of only residential buildings. The height of my home, on our shared ridge, is used in the Morningstar development plan as the maximun height of the facility, not including all the accompanying rooftop supporting mechanisms. Because the ridge slopes downward toward the Elks, their allowed height would create a mass inappropriate for any section of Sebastian. My view of the Ortiz Mtns would be obliterated by these heights, but not the Elks view. My best guess is that you would not want a building this size and use across the street from your home.

Recommendations:
o Please give most attention in your deliberations to those folks whose neighborhood quality of life will be most directly affected.
o Decline the Morningstar appeal out of hand, as not in compliance with existing ordinances, general plans and resolutions. The structure is neither compatible NOR adaptable with R-1 use.
o Apply and enforce a moratorium on Old Pecos Trail development until an ordinance with community input via a "public participation process" for the corridor can be put in place.
o Instruct the Land Use Dept to work with Morningstar to locate another, more suitable site in Santa Fe for their assisted living facility.

Thank you,
Charles Koenig
SENA - Treasurer
601 Calle De Marcos
Santa Fe, 87505
505-466-4353

ESQUIBEL, DANIEL A.

From: katiebusch@comcast.net
Sent: Wednesday, June 24, 2015 9:04 PM
To: ESQUIBEL, DANIEL A.
Subject: Project Morningstar

I apologize for not reading the instructions more fully for my prior email to you. To be specific, I request you to Vote No on Project Morningstar. Thank you for your attention. Sincerely, Katie Busch.
1852 Sun Mountain Drive, Santa Fe, 87505
Sent from Xfinity Connect Mobile App

ESQUIBEL, DANIEL A.

From: katiebusch@comcast.net
Sent: Wednesday, June 24, 2015 9:01 PM
To: ESQUIBEL, DANIEL A.
Subject: Rezoning on Old Pecos Trail, Elks

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for the opportunity to express our opinions on this important issue.
We moved here in 2002 from Chicago for many reasons, the beautiful land, the varied cultures, family etc. . One of the reasons we chose our home on Sun Mountain was the low traffic and home density. It is peaceful and quiet.
Our concern with the proposed project is not the nature of the project itself, but the likelihood that such an increase in population density would change the nature of our neighborhood experience. For that reason, we are against this or any other project that would increase the number of people to such a degree.
Thank you for your attention. Sincerely, Katie Busch

Sent from Xfinity Connect Mobile App

ESQUIBEL, DANIEL A.

From:	Karen McGraw <mcgrawka@earthlink.net>
Sent:	Thursday, June 25, 2015 11:12 PM
To:	ESQUIBEL, DANIEL A.
Cc:	Gayle Kenny; joannebirdwhistell@gmail.com; Patricia McNeil
Subject:	Letter for City Council re: Morningstar appeal
Follow Up Flag:	Follow up
Flag Status:	Flagged

Dan, Please include the following in case documents for City Council members. Thank you. Karen McGraw

To the Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor.

My family has owned a modest one-story town home in De Vargas Heights since 1986. This enclave is very low key and low intensity. We enjoy a quiet life here and are shocked that the forward thinking Leaders of the City of Santa Fe would approve such a massive development within a few feet of our home.

I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community"

2) The proposed development is grossly out of scale with surrounding residences which are predominantly zoned R-1. Instead of 3 single family homes the applicant proposes to house 104 residents. This is a tremendous leap in scale and intensity of use and is not compatible with our homes or the Old Pecos Trail corridor.

3) The massive proposed MorningStar development is in conflict with Santa Fe's scenic and historic areas that will leave our scenic Old Pecos Trail corridor irrevocably damaged for Santa Fe residents and visitors for years to come.

4) Nearby residents are opposed to this development for many reasons including the expected tremendous increase in traffic along Old Pecos Trail, added complications with its confluence with Arroyo de Chamiso, increased difficulty with left turn movements from Calle de Sebastian and a reduction in safety for the children/bicyclists/pedestrians who constantly use Calle de Sebastian.

5) The development will cover much of the site and will present long expanses of walls on all sides. The site is higher than surrounding homes so the new building will block current views to the west, to Sandia to the south and to the mountains to the east. The adjacent homes in De Vargas Heights are several feet lower than this site and the terrain drops away placing homes much lower than the elevation of the development. The height

limit for homes in De Vargas Heights is 16'. Clearly Morningstar will become the new "view" for much of De Vargas Heights.

6) This development will be only a few feet from my home. All of the utility functions of loading, equipment noise, trash dumpsters and generators have been placed adjacent to the De Vargas Heights Town Homes. The food service and constant traffic of staffing, moving in and out, visitors and deliveries for 104 residents will result in traffic the equivalent of a hotel with a large restaurant that is open around the clock. This will severely damage our peaceful enjoyment of our homes as well as our property values. Surely a similar commercial development would never be permitted in this location.

Please, for the residents of southeast Santa Fe and the many visitors who enter the city via Old Pecos Trail, deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

Thank you,

Karen McGraw AIA
4315 Avenue C
Austin, TX 78751
512-917-1761

1810 Calle de Sebastian Unit B-3

ESQUIBEL, DANIEL A.

From: Craig Hoopes <craig@hoopesarchitects.com>
Sent: Wednesday, June 24, 2015 5:31 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

To the Santa Fe City Council,

Please vote NO on Morningstar. This is a commercial activity that will have lights on all night with in their building, will have lighting all night in their parking lot. It will have a memory unit that may be required by law to have alarmed exits. It will have ambulances and other emergency vehicles coming and going at all times of day and night. This does not belong in a residential neighborhood. Please vote NO.

The staff to client ratio, especially with a memory unit, is high. The number of parking spaces planned, while it may meet city code, does not accommodate staff and visitor parking meaning that cars will be parked along Calle Sebastian. Please vote NO.

Morningstar has made the argument that the Baptist church, the Lutheran church, the Methodist church, the Women's Club and the Elks Club are commercial activities and therefore they are no different in creating their commercial activity along Old Pecos Trail. These organizations do not have lights on all night, do not create noise throughout the community with their operations and basically only attract traffic at off hours such as Sunday mornings. This will not be true of the Morningstar facility. Please vote NO.

Add to this the single handed destruction of the historic entrance to the city. And the visual massing of a building too large for its neighborhood. Please vote NO.

Craig Hoopes
2208 Fort Union Drive
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: JGONSIOREK@comcast.net
Sent: Wednesday, June 24, 2015 8:45 AM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Esquibel:#
#
PLEASE PROVIDE A COPY OF THIS E-MAIL TO THE MAYOR AND EACH CITY COUNCILOR PRIOR TO THE JULY 8 CITY COUNCIL MEETING#
#
**********#
#
To Mayor Gonzales and the Santa Fe City Council:#
#
I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle de Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to ***reject*** this application at the July 8, 2015 hearing for the following reasons:#
#
1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1. If the City allows this entirely inappropriate massive commercial development to be placed in a residential neighborhood, it signals to Santa Fe homeowners that their properties are unsafe from sprawling commercial development, and that the City has no regard for its own rules. No one in his or her right mind would purchase residential real estate in Santa Fe under these circumstances #
#
2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.#
#

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life and quiet neighborhoods because of increased noise, nightlight, smells, traffic, loss of views, decrease in property value, and reduced safety of the children/bicyclists/pedestrians who regularly use Calle de Sebastian. Please note that very few of the Elks Lodge members who are lobbying for Morningstar and who will gain financially from this project, actually live in the neighborhoods affected.#

#

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.#

#

I provide the introduction to the ordinance for your consideration:#

"INTENT #

The Old Pecos Trail South Historic and Scenic Corridor Protection District (OPTS) protects Old Pecos Trail between I-25 and St. Michaels Drive at Arroyo Chamiso Road as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."#

Because openness, quiet, and continuity adjoining the Old Pecos Trail South are considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to: #

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.#

B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.#

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.#

D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.#

E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.#

F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request."#

#

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative effect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.#

#

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.#

##

Thank you.#

##

John C. Gonsiorek#
1810 Calle de Sebastian, #F-2#
Santa Fe, NM 87505#
jgonsiorek@comcast.net#

ESQUIBEL, DANIEL A.

From: Julia Golden <JGolden@rosemontrealty.com>
Sent: Thursday, June 25, 2015 10:42 AM
To: ESQUIBEL, DANIEL A.
Subject: Morningstar Project
Attachments: Council Letter.pdf

Dear Mr. Esquibel,

Attached please find my letter to the City Council. Thank you.

Julia Golden
Vice President
Rosemont Realty | 330 Garfield St | Santa Fe, NM 87501
505.992.5129 direct | 505.992.5100 main | 505.982.7813 fax
jgolden@rosemontrealty.com

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ESQUIBEL, DANIEL A.

From: William Fleming <fleming@unm.edu>
Sent: Thursday, June 25, 2015 8:37 AM
To: ESQUIBEL, DANIEL A.
Subject: vote no on morningstar

I oppose the Morningstar proposal.

Bill Fleming
901 Trail Cross Court
Santa Fe NM 87505

ESQUIBEL, DANIEL A.

From: Ellen Bradbury Reid <bradbury@recursos.org>
Sent: Friday, June 26, 2015 1:48 PM
To: ESQUIBEL, DANIEL A.
Subject: please consider moving the large facility which is proposed to the entrance to Santa Fe.

Please vote no on Morning Star. And consider putting it in another location.
Thanks.
--
Ellen Bradbury-Reid, Director
Recursos de Santa Fe
510 Alto Street
Santa Fe, New Mexico 87501
phone 505 982-9301 cell 505 577-9659

ESQUIBEL, DANIEL A.

From: deborah post <deborahfp@q.com>
Sent: Thursday, June 25, 2015 8:15 AM
To: IVES, PETER N.; GONZALES, JAVIER M.; MAESTAS, JOSEPH M.; BUSHEE, PATTI J.; LINDELL, SIGNE I.; DOMINGUEZ, CARMICHAEL A.; RIVERA, CHRISTOPHER M.; TRUJILLO, RONALD S.; DIMAS, BILL; ESQUIBEL, DANIEL A.
Subject: Vote No on MorningStar/Preserve the historic character of the Old Pecos Trail

Councilor Peter Ives, Councilor Joseph M. Maestas City of Santa Fe P.O. Box 909 Santa Fe, NM 87501

June 24, 2015

Dear Councilor Ives and Councilor Joseph M. Maestas,

I urge you to reject the "Special Use Permit" for MorningStar, for a 73,550 square foot, two-story building that will house an "Assisted Living Facility" at the corner of Calle De Sebastian and Old Pecos Trail, approved by the City Planning Commission.

This commercial development is in our residential neighborhood. It does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is inappropriate, too big, too dense, too intrusive, adds too much traffic and will affect the Old Pecos Trail as the historic gateway into Santa Fe.

Since 1997, citizens and neighborhood associations have worked tirelessly to prevent commercial development on Old Pecos Trail out of a desire to preserve our only heritage gateway into Santa Fe. Old Pecos Trail must be preserved for future generations to enjoy. The Old Pecos Trail is a critically important cultural resource and was designated as a Scenic Corridor in the City of Santa Fe's General Plan and is our ONLY historic portal.

The original U.S. Route 66 was laid out in 1926, it followed what is currently NM State Highway 84, along the Old Pecos Trail, into Santa Fe and to the Plaza. Old Pecos Trail and its last uncommercialized entry into Santa Fe remains the inspiration for the oldest national tourist route across the United States.

In 1999 the New Mexico Legislators funded $175,000 to purchase acreage at Old Pecos Trail and Old Las Vegas Highway, Rodeo Road and Interstate 25 along with Santa Fe County, the City of Santa Fe, and the Community as the gateway and last uncommercialized entry into New Mexico's State Capital, preserving views of the natural landscape and original character of the old trail.

The Old Pecos Trail leads into the Historic District preserving an historic character to the old trail with the streetscape and architecture of the buildings, past the State Capital, San Miguel Church (the oldest church), La Fonda (the oldest site of historic inns), and the Historic Plaza.

A gateway and uncommercialized entry into Santa Fe is a significant aspect to Santa Fe's historic and cultural contribution to the State's inhabitants and visitors and tourists from around the world to Santa Fe, designated as a UNESCO City of Designs, Crafts and Folk Art.

The Old Pecos Trail should be designated as a PRESERVED AND PROTECTED SCENIC CORRIDOR from its entry into the City of Santa Fe from Interstate 25 at Old Las Vegas Highway and Rodeo Road in Santa Fe County to the Historic Plaza.

Respectfully,
Deborah Flynn Post

ESQUIBEL, DANIEL A.

From: Mahlon Soloway <mrsoloway@msn.com>
Sent: Saturday, June 27, 2015 7:23 AM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar!

Please vote NO on Morningstar! We don't need an assisted living development in a residential area. This type of project belongs in another part of town zoned for commercial properties.

Thank you

Mahlon Soloway and Leslie Carlson
907 Trail Cross Court
Santa Fe, NM 87505-4511
(505) 984-1867

ESQUIBEL, DANIEL A.

From: Jack Pressler <jack.pressler@yahoo.com>
Sent: Thursday, June 25, 2015 9:20 AM
To: ESQUIBEL, DANIEL A.
Subject: VOTE NO ON MORNINGSTAR

Follow Up Flag: Follow up
Flag Status: Completed

Hi Dan,

I urge you not to approve the Morningstar development on Old Pecos Trail and Calle San Sebastian as I am concerned about the "special use permit" which I feel doesn't apply in this particular development.

Thank you for your time,
Jack Pressler
930 Don Juan
Santa Fe, NM 87501

ESQUIBEL, DANIEL A.

From: deborah post <deborahfp@q.com>
Sent: Thursday, June 25, 2015 8:15 AM
To: IVES, PETER N.; GONZALES, JAVIER M.; MAESTAS, JOSEPH M.; BUSHEE, PATTI J.; LINDELL, SIGNE I.; DOMINGUEZ, CARMICHAEL A.; RIVERA, CHRISTOPHER M.; TRUJILLO, RONALD S.; DIMAS, BILL; ESQUIBEL, DANIEL A.
Subject: Vote No on MorningStar/Preserve the historic character of the Old Pecos Trail

Councilor Peter Ives, Councilor Joseph M. Maestas City of Santa Fe P.O. Box 909 Santa Fe, NM 87501

June 24, 2015

Dear Councilor Ives and Councilor Joseph M. Maestas,

I urge you to reject the "Special Use Permit" for MorningStar, for a 73,550 square foot, two-story building that will house an "Assisted Living Facility" at the corner of Calle De Sebastian and Old Pecos Trail, approved by the City Planning Commission.

This commercial development is in our residential neighborhood. It does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is inappropriate, too big, too dense, too intrusive, adds too much traffic and will affect the Old Pecos Trail as the historic gateway into Santa Fe.

Since 1997, citizens and neighborhood associations have worked tirelessly to prevent commercial development on Old Pecos Trail out of a desire to preserve our only heritage gateway into Santa Fe. Old Pecos Trail must be preserved for future generations to enjoy. The Old Pecos Trail is a critically important cultural resource and was designated as a Scenic Corridor in the City of Santa Fe's General Plan and is our ONLY historic portal.

The original U.S. Route 66 was laid out in 1926, it followed what is currently NM State Highway 84, along the Old Pecos Trail, into Santa Fe and to the Plaza. Old Pecos Trail and its last uncommercialized entry into Santa Fe remains the inspiration for the oldest national tourist route across the United States.

In 1999 the New Mexico Legislators funded $175,000 to purchase acreage at Old Pecos Trail and Old Las Vegas Highway, Rodeo Road and Interstate 25 along with Santa Fe County, the City of Santa Fe, and the Community as the gateway and last uncommercialized entry into New Mexico's State Capital, preserving views of the natural landscape and original character of the old trail.

The Old Pecos Trail leads into the Historic District preserving an historic character to the old trail with the streetscape and architecture of the buildings, past the State Capital, San Miguel Church (the oldest church), La Fonda (the oldest site of historic inns), and the Historic Plaza.

A gateway and uncommercialized entry into Santa Fe is a significant aspect to Santa Fe's historic and cultural contribution to the State's inhabitants and visitors and tourists from around the world to Santa Fe, designated as a UNESCO City of Designs, Crafts and Folk Art.

The Old Pecos Trail should be designated as a PRESERVED AND PROTECTED SCENIC CORRIDOR from its entry into the City of Santa Fe from Interstate 25 at Old Las Vegas Highway and Rodeo Road in Santa Fe County to the Historic Plaza.

Respectfully,
Deborah Flynn Post

ESQUIBEL, DANIEL A.

From: amap1111@comcast.net
Sent: Thursday, June 25, 2015 7:37 AM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

To the Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I provide the introduction to the ordinance for your consideration:

INTENT

The Old Pecos Trail South Historic and Scenic Corridor Protection District (OPTS) protects Old Pecos Trail between I-25 and St. Michaels Drive at Arroyo Chamiso Road as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

Because openness, quiet, and continuity adjoining the Old Pecos Trail South are considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.

B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.

D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.
E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.
F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.
I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, **the negative affect it will have on the citizens living near the development who cherish their quality of life,** which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.
I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Sincerely,

Angela Poole
2129 Calle de Sebastian
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Gina Phillips <ginaphillips1@me.com>
Sent: Wednesday, June 24, 2015 11:15 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

Follow Up Flag: Follow up
Flag Status: Completed

To the Santa Fe City Council,

My name is Elizabeth Gina Phillips. My husband, Gary Lohne and I live at 3823 Old Santa Fe Trail.

In 2010, we purchase the old home belonging to Judge John Watson and lovingly restored it to it's original footprint because we believe in preserving the land around us as do so many of our neighbors in our surrounding area. Driving down Old Pecos Trail on our way into Santa Fe has always been enchanting which was one of the main factors that brought us to choose this area to live in.

We are very concerned over the approval by the City Planning Commission to grant a Special Use Permit to MorningStar, a company that will build a building that is not only way out of scale for the building site, but to even think of having the construction of such an enormous building on Old Pecos Trail is absolutely out of line with the historic entrance to Santa Fe. It would be a disgrace to destroy the sense of open space and to think of the impact it would have on the traffic on an already congested road.

As residents of this area, we have spoken with several other people that live year round in this area and we are all against the MorningStar Continuing Care Community. The shear scale of the project, high density and lack of vision for preservation of our historic and open space makes MorningStar an appalling mistake if it is allowed to go through.

We urge you to reconsider and understand the ramifications this project will have on our community.

Sincerely,
Elizabeth Gina Phillips
Gary Lohne

ESQUIBEL, DANIEL A.

From: Mary Peck <mary.peck@rocketmail.com>
Sent: Wednesday, June 24, 2015 7:22 PM
To: ESQUIBEL, DANIEL A.
Subject: Morningstar

Mr. Esquibel:

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons I ask that you and the rest of the Governing Body deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Sincerely,

Mary Peck
P.O. Box 1131
Santa Fe, NM 87504

ESQUIBEL, DANIEL A.

From: Matthew Noe <moo.noe@gmail.com>
Sent: Wednesday, June 24, 2015 7:57 PM
To: ESQUIBEL, DANIEL A.
Subject: Please vote No on the Morningstar Facility

Dear Mr. Esquibel -

I am writing as a resident and homeowner in the DeVargas Heights neighborhood, but more importantly as a 25 year citizen of this beautiful city - I am very concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

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3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I provide the introduction to the ordinance for your consideration:

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as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

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considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

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D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.

E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.

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I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Kind regards,

Matthew Noe

612 Calle de Leon

Santa Fe, NM 87505

505-603-3790

--
Matthew Noe

"Quantum materiae materietur marmota monax si marmota monax materiam possit materiari?"

ESQUIBEL, DANIEL A.

From: jsnathanson@comcast.net
Sent: Wednesday, June 24, 2015 4:54 PM
To: ESQUIBEL, DANIEL A.
Cc: NATHANSON, JULIA
Subject: Morningstar and Christus St Vincent requests for variances at meeting next week

June 24, 2015

Dear Mr. Esquibel,
I am unable to attend the meeting next week when the Morningstar and St. Vincent proposals will be discussed. Please pass on my and my family's comments to the Committee.
I have lived in the Arroyo Chamiso neighborhood for twenty six years, south of the hospital and of the Elks Club. I have lived in Santa Fe thirty seven years. And my children attended Santa Fe schools.
The proposal for the Morningstar is unreasonable.

1. The area is too small for the large facility.
2. It is zoned for residential because of the density and the terrain.
3. It is a business needing more traffic than most businesses and doesn't belong in a residential neighborhood that is already packed with houses.
4. There are other areas more suitable for this business, west in the commercial corridor.
5 The negative impact on the land and water supply would be disastrous.
6. Finally, Please consider the loss of property value for homeowners. There are mostly smaller homes in the surrounding area, representing the life savings of those families.

Care facilities do not belong in packed neighborhoods.
The representatives of our community (and the employees) are supposed to protect the interests of the community residents.
Local citizens are shocked that this untenable proposal has gotten this far. This beautiful city is beginning to turn ugly. Turning down Morningstar is a step toward keeping Santa Fe beautiful.

As for the hospital, it is big enough. I am disgusted that they continue to try to break all the building rules. Variances are not to be given lightly.
Thank you,
Julia Salcido Nathanson and family

ESQUIBEL, DANIEL A.

From: Ann Murdy <annphoto@earthlink.net>
Sent: Wednesday, June 24, 2015 11:47 AM
To: ESQUIBEL, DANIEL A.
Subject: NO on Morningstar

Good morning Dan,

I don't believe the Morningstar development is in the interest of the City of Santa Fe. I am concerned about the "Special Use Permit". Please consider not granting approval of this project.

Sincerely,
Ann Murdy
1323-1/2 Cerro Gordo Road
Santa Fe, NM 87501

Table: NEW MEXICO STATE LAW AND CITY OF SANTA FE LAND USE CODE: ELDER CARE FACILITIES

New Mexico legislative framework					
State of New Mexico law	**"Continuing Care Act"** Chapter 24, Article 17 NMSA 1978	NMAC 7.8.2 Title 7 Health -- Ch. 8 Residential Health Facilities Part 2 Assisted Living Facilities For Adults		NMAC 7.9.2 Title 7 Health -- Ch. 9 Nursing Homes & Intermediate Care Facilities Part 2 Requirements For Long-Term Care Facilities	
New Mexico state agency	*Department of Aging & Long-Term Services*	*Department of Health*			
Contract/ license	**CONTINUING CARE CONTRACT** financial guarantees, priority access to nursing care	**ASSISTED LIVING FACILITY LICENSE**		**NURSING FACILITY LICENSE**	**HOSPITAL LICENSE**
		Assisted living	**Memory care**	**Intermediate nursing** / **Skilled nursing**	**Hospital**
Type of care	*Continuing care: independent + personal care + nursing care*	***Personal care (not nursing care) = assistance with activities of daily living***		***Nursing care (Higher requirements for staffing, training and hours of care)***	

#

→ → → *CONTINUUM OF CARE of a CONTINUING CARE COMMUNITY* → → →				
Independent living →	Assisted living →	Memory care →	**Nursing facility**	**Hospital**
			Priority access required: Onsite, or at a site designated by the continuing care contract	

#

Some examples of elder care facilities in Santa Fe				
Continuing Care Community	INDEPENDENT LIVING	ASSISTED LIVING	MEMORY CARE	NURSING CARE
El Castillo	El Castillo ✔	El Castillo	El Castillo	El Castillo
Kingston N	Kingston ✔	Kingston	Kingston	
MorningStar NO	MorningStar NO	MorningStar	MorningStar	
Ponce de Leon NO	Ponce de Leon ✔	Ponce de Leon	Ponce de Leon N	

City of Santa Fe Land Use Code		
City Land Use Code Article 14-12.1 DEFINITIONS	**CONTINUING CARE COMMUNITY:** "A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities as follows: (A) a continuing care community **shall** include: (1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; **and** (2) **a full nursing care unit with beds**; (B) a continuing health care community may include: (1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and (2) an extended care facility; and (C) a hospital is **not** a continuing care community."	**PERSONAL CARE FACILITY FOR THE ELDERLY:** "A residential facility for twenty-six or more persons sixty years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities*, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel." * A "**personal care facility for the elderly**" is the term that the City Code uses for a facility that provides assistance with" activities of daily living." It corresponds to an "**assisted living facility**" under New Mexico law.
ZONING/ SPECIAL USE PERMIT	**Table 14-6.1-1-Table of Permitted Uses** CATEGORY of Specific Use: RESIDENTIAL: -- CONTINUING CARE COMMUNITY C-1 permitted by right; HZ permitted by right **R-1 Requires special use permit** **14-6.2 USE-SPECIFIC STANDARDS**: (A) Residential Uses (1) Continuing Care Community (a) Density Independent *dwelling units* are subject to the ***density*** standards of the district in which the *continuing care community* is located. **(b) Compliance with state** and federal **law** *Continuing care communities* must comply with all applicable ***state*** and federal laws and regulations. [i.e., with the NM "Continuing Care Act"]	**R-1 not permitted;** C-1 permitted by right; HZ permitted by right

ESQUIBEL, DANIEL A.

From: Philip Edgerton <philipbedge@gmail.com>
Sent: Thursday, June 25, 2015 7:54 PM
To: ESQUIBEL, DANIEL A.
Subject: Re zoning old PECOS trail

Follow Up Flag: Follow up
Flag Status: Completed

We are opposed to the proposed project and re zoning of the Elks Club property

Gayle Maxon-Edgerton
Philip Edgerton
1814 Sun mountain Drive
Santa Fe nm 87505

Sent from my iPhone

ESQUIBEL, DANIEL A.

From: Bee Zollo <beezollo@gmail.com>
Sent: Friday, June 26, 2015 9:43 AM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

Dear Mr. Esquibel,
I realize it is past the June 25 deadline, however with working all week, etc, I just wanted at least register my name and request to you. We live on Palacio Lane in the affected neighborhood and object to the construction of this massive and intrusive project.
I won't take anymore of your time and thank you,
Respectfully,
Elizabeth Zollo

ESQUIBEL, DANIEL A.

From: miranda viscoli <mviscoli@yahoo.com>
Sent: Thursday, June 25, 2015 4:08 PM
To: ESQUIBEL, DANIEL A.
Subject: Say No to MorningStar

Dear Mayor Gonzales and Santa Fe City Council Members,

I am a three generation native of Santa Fe and my family has lived in the area of this proposed development for decades. As a family, we have fought many developments that would have destroyed the history, environment and essence of our city. MorningStar is yet another absurd development that threatens our city, our open space and the history of our land.

I would like to preface this letter with the fact that I have volunteered and worked in assisted living centers for over ten years. In addition, I was on the advisory committee of the Jewish Community Center's Elderly Division in Los Angeles. While I am deeply concerned about the care of the elderly in this country, I do not condone the building of the MorningStar Community Assisted Living Center on the Old Pecos Trail.

For one, I am not a fan of this company. There are a lot of problems with their management in other centers around the country. The very fact that they are considering building in this area demonstrates that they have little actual concern and/or care for the people of Santa Fe, our unique history to the land and/or our need for open space. (Interesting that they are in the business of care.)

Second, this will erode any trust people have in buying real estate in Santa Fe. I have been concerned about this for years as I see over and over the City of Santa Fe being faced with developments that erode this trust. The homeowners in this area bought their homes with the understanding that they are in a residence 1 zone and that big development cannot happen in this area. They paid a lot of money for these homes and pay huge property taxes for this kind of zoning. Should this development go through, they will be faced with decreased property values, increased traffic, a huge loss to open space, and a loss of the view shed. It will also pave the way for other big development in this area. Such a move will deter future real estate buyers in our city and to be honest it should. Why would anyone buy in a city where zoning is at the whim of big development, often from out-of-state companies that do not understand our unique relationship to the land? These homeowners—as we are well aware – contribute to our economy not just by buying real estate but, in almost every sector of our economy. In addition, it is just plain unfair.

When my husband and I bought our home in Santa Fe six years ago we faced a similar nasty development right behind our home. The development would have destroyed the trail and open space surrounding Sun Mountain. People had enjoyed this area for years. With the hard work of Santa Fe Citizens, the Trust for Public Land and the generous donations of people who cared about saving our treasured open space, we saved Sun Mountain. Today, over sixty people a week climb the mountain from all over out city, state, county and world. Had the development gone through, hikers would have looked at 17 homes with separate casitas. My guess is that they would have chosen another place to hike.

We all know that what we have here in Santa Fe is sacred when it comes to the land. Bad development is simply one thing and one thing only…bad development. Yes, there is a need for good care for our growing elderly population, but the historic and scenic Old Pecos Trail corridor is not the place for big development of this kind.

Sincerely,

Miranda Viscoli

3869 Old Santa Trail

Santa Fe New Mexico

87505

505 984-3058

Miranda Viscoli
mviscoli@yahoo.com
cell: 323.394.1131
Follow us on Facebook

ESQUIBEL, DANIEL A.

From: Denise Vermeulen <writeddv@gmail.com>
Sent: Wednesday, June 24, 2015 8:50 PM
To: ESQUIBEL, DANIEL A.
Subject: PLEASE PROVIDE A COPY OF THIS EMAIL TO THE MAYOR AND EACH CITY COUNCILOR PRIOR TO THE JULY 8th CITY COUNCIL MEETING.

Follow Up Flag: Follow up
Flag Status: Completed

To Mayor Gonzales and City Councilors:

I'm contacting you with the hope that you are listening—and truly hearing—the serious concerns of your constituents with regard to the MorningStar request to build an enormous structure on the corner of Old Pecos Trail and Calle de Sebastian. Please reject the request to build this monstrosity in a residential area that also recalls the great history of Santa Fe. Don't give in to this nonsense. Hundreds of people who call the adjacent neighborhoods home will be negatively effected indefinitely. There will be irrevocable damage to the historic and scenic area of Old Pecos Trail if this out-of-state corporation tears up the land and erects a structure that will mean increased noise, traffic, and pollution. The proposed building is absolutely out of proportion to the land and surrounding areas. It's nothing short of ridiculous.

I urge you to reject the "Special Use Permit" requested by MorningStar. Any development that occurs in Santa Fe should be thoughtful--with a nod to the environment, a salute to our history, and with care and concern for our citizens. If Santa Fe needs another continuing care facility, let's think it through and come up with an acceptable solution for our citizens and our future.

I appreciate your hard work on behalf of the people of Santa Fe. Thank you for your consideration of this important issue.

Sincerely yours,

Denise D. Vermeulen

ESQUIBEL, DANIEL A.

From: Laurie Vander Velde <mlvandervelde@gmail.com>
Sent: Thursday, June 25, 2015 9:36 AM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

To the Santa Fe City Council:

We are writing because we are concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. **We urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:**

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely **out of character** with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of **over development** within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will **substantively and irrevocably affect their quality of life** because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, We submit to you and the rest of the Governing Body that the most responsible action on your part is to **deny MorningStar** and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

Respectfully submitted,

Laurie Vander Velde

Michael Vander Velde

736 Calle Espejo

Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Sharon Tolleson <sharon@bemersouthwest.com>
Sent: Wednesday, June 24, 2015 10:46 AM
To: ESQUIBEL, DANIEL A.
Cc: sharon@bemersouthwest.com
Subject: Keep Old Pecos Trail as a historic corridor

Hello,

We are opposed to the special use permit to build a 73,550 sq. ft continuing care facility adjacent to a residential neighborhood on Old Pecos Trail.

The building is oversized for the lot and for the area. No building is as large in that neighborhood as the development proposed by Morningstar. The facility location needs to be moved to a commercial area away from an residential area.

Please pass out comments on to the Santa Fe City Council. I will try to attend July 8 meeting.

Take care,

Sharon and David Tolleson
2316 Calle Tranquillo (Sol Y Lomas neighborhood)
Santa Fe NM 87505

ESQUIBEL, DANIEL A.

From: SusanSwartzberg <susanswartzberg@aol.com>
Sent: Wednesday, June 24, 2015 9:25 AM
To: ESQUIBEL, DANIEL A.
Subject: NO TO MORNINGSTAR

Follow Up Flag: Follow up
Flag Status: Completed

From Susan Swartzberg@aol.com
3990 Old Santa Fe Trail,
Santa Fe, NM 87505

To the Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I provide the introduction to the ordinance for your consideration:

INTENT

The Old Pecos Trail South Historic and Scenic Corridor Protection District (OPTS) protects Old Pecos Trail between I-25 and St. Michaels Drive at Arroyo Chamiso Road

as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

Because openness, quiet, and continuity adjoining the Old Pecos Trail South are

considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain rauges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.

B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.

D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.

E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.

F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Sincerely yours,

Susan Swartzberg

ESQUIBEL, DANIEL A.

From: Joe Shea <joeshea64@cs.com>
Sent: Wednesday, June 24, 2015 1:48 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote No on Morningstar

Dear Sir:

I would like to express my opposition to the Morningstar project on the Old Pecos Trail.

I feel it is entirely out of keeping with the neighborhood and historical nature of the Old Pecos Trail and it would dwarf the Baptist church and Elks Club next door.

Thank you for your careful consideration of this matter.

Joseph M Shea
940 Old Bridge Ct.
Santa Fe, NM 87505

Sent from my iPad

ESQUIBEL, DANIEL A.

From:	Danyelle Scott <scott.danyelle@yahoo.com>
Sent:	Friday, June 26, 2015 1:27 AM
To:	ESQUIBEL, DANIEL A.
Subject:	"PLEASE PROIDE A COPY OF THIS LETTER TO THE MAYOR AND EACH CITY COUNCILOR PRIOR TO THE JULY 8TH CITY COUNCIL MEETING!"
Follow Up Flag:	Follow up
Flag Status:	Completed

"To Mayor Gonzales and City Councilors"

Vote NO on Morningstar!

Danyelle and Christa Scott
1810 Calle de Sebastian, B2
(De Vargas Heights Townhomes)
Santa Fe, NM 87505

We are writing because we are very concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, for a 73,550 sq. ft., two story building, at the corner of Calle de Sebastian and Old Pecos Trail. This type of massive development does not belong on this site, which was zoned R1 for a reason. We look to our Planning Commission, and City Council, to make the best decisions for us in matters such as this, and trust that you will consider the importance of the scenic and historic Old Pecos Trail corridor. We urge the City Council to reject this application at the July 8, 2015 hearing for the followig reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community"! It's scale, size, and proposed use, is inappropriate in every way at the proposed site!
2) The MorningStar "Continuing Care Community" will have a permanent negative impact on the quality of life of a great number of families, that have chosen to live in this area as it is quiet, safe, with views free of huge commercial buildings, not to mention a substantial decrease in property values!
For these reasons and other reasons not fully stated here, I ask you and the rest of the Governing Body to deny MornigStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codifies, deliberated on, and implemented.

We provide the introduction to the ordinance for your consideration:
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historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor." Because openness, quiet, and continuity adjoining the Old Pecos Trail South are considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.

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F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request."

We urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish heir quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

We strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8, 2015 hearing at the Santa Fe High School Auditorium.

ESQUIBEL, DANIEL A.

From: kschepps@aol.com
Sent: Wednesday, June 24, 2015 12:30 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Mornongstar

To the Santa Fe City Council:

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission For Morningstar, a Colorado company with no roots in Santa Fe, for a 73,550 Square foot , two -story building that will house a "Continuing Care Community" at the corner of Calle de Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massive out-of-character development along this scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 Hearing for the following reasons:

1)The Morningstar "Continuing Care Community does not meet the "Special Use Permit" code definition of a "Continuing Care Community" and it's scale and proposed use are out of character with adjacent neighborhoods, which are predominantly zoned R-1.

2) The Morningstar "Continuing Care Community" is the kind of over development that will leave Santa Fe's scenic and historic corridor marred for all the citizens of our town and those who visit.

3) A great many of the people living in the neighborhoods surrounding the proposed development will have their lives negatively impacted, due to the noise, night light, increased traffic, loss of views and a decrease in property value.

For these reasons and others not fully stated here, I respectfully suggest you deny the Morningstar application for a "Special Use Permit" at the upcoming July 8 hearing.

Thank you,
Kathryn Schepps
7 Calle de Valle
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Sandra Noe <sandmnoe@gmail.com>
Sent: Wednesday, June 24, 2015 8:40 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar
Attachments: MornStar_Vote NO_2015.07.08.pdf

June 24, 2015

Santa Fe City Council

Via email to Dan Esquibel at daesquibel@santafenm.gov

Santa Fe City Council:

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle De Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this very out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is clearly out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

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downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

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E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.

F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, **the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.**

Progress and change are inevitable; however, should progress and change cause lasting detriment to Santa Fe? We are the City Different. We are not, nor do we or should we think and make decisions, like a large metropolis. Preserve our difference, history, and dignity.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Sincerely,

Sandra Noë
612 Calle de Leon
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: James Rudolph <jbobrudolph1424@gmail.com>
Sent: Wednesday, June 24, 2015 8:44 AM
To: ESQUIBEL, DANIEL A.
Subject: Respectfully request a NO vote on MORNINGSTAR project

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Esquibel,

Please provide a copy of this communication to the Mayor and the City Councilors prior to the July 8th City Councilors' meeting. Thank you.

To Mayor Gonzales and the City Councilors:

Doubtless you have already heard many times over the arguments made by those concerned about the proposed and so-called continuing care facility to be built on the corner of Old Pecos Trail and Calle de Sebastian. The most salient of these arguments include the out-of-scale nature of the project for the quiet residential community in which it would be located (with all the associated problems of traffic, light, noise, and commercialization of the neighborhood), and the arguable marring of the historic Old Pecos Trail corridor as one enters the city from the south. I am certain others are able to present these critical concerns more persuasively than I, so instead I would briefly highlight two particular issues about which I, as a homeowner in the DeVargas Heights Town Home Development, with my home adjacent to the coyote fencing on the east side of the current Elks Lodge property, feel especially strongly.

1) ***The dangerousness of increased traffic on Calle de Sebastian***. The sight lines when exiting the town home development are troubling. The rise that exists looking left toward Old Pecos Trail, and the road curvature on the right as Sebastian winds around toward Zia, make it difficult to identify oncoming vehicles in either direction when exiting the development. As the current traffic is relatively modest, the chances of a collision are commensurately reduced. However, with an increase in traffic on Sebastian, which will undoubtedly occur when staff, visitors, and others (e.g., delivery vehicles) leave the care facility and wish to access St. Michael's Drive, I-25, or other points south of the facility (i.e., it seems highly unlikely that drivers will attempt to cross busy Old Pecos Trail when exiting the care facility and instead will want to take a right on Sebastian and wind around to Zia), the risk of collisions will rise considerably as a simple function of volume. It is pertinent to note that many of the homeowners in the town home development are older, with eyesight and reaction times less acute than would be true of younger drivers. The combination of poor traffic sight lines, increased traffic volume, and sub-optimal driver characteristics seems potentially, if not inevitably and repeatedly, lethal.

2) ***The Reliability of Zoning Classifications***. When my partner and I were looking into purchasing our current home in 2013, we purposely checked into the zoning classification of the Elks' property, understanding that as such fraternal organizations appear to be dying out, there existed a good possibility, perhaps even a likelihood, that the Elks would need to sell at some point down the road. We were satisfied that, given the zoning classification of the property, it appeared low density residential housing would replace the Elks Lodge were the organization to sell. It never occurred to us, as it would not have been reasonably foreseeable, that a high density, commercial project like Morningstar's would be allowable. It just seems so clearly inappropriate and out of scale for the space and neighborhood, who could have reasonably anticipated it? Clearly not us, and this

feels very much like the rules were changed midstream, that what we thought was sufficient due diligence on our part may have been little more than an exercise in futility, and that this is simply, in the end, unfair.

Thank you for your consideration of my concerns.

Sincerely,

James Rudolph
1810 Calle de Sebastian #F-2
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Logan Roots <erbaldy@yahoo.com>
Sent: Thursday, June 25, 2015 5:19 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on the Morningstar application

Follow Up Flag: Follow up
Flag Status: Completed

From
Logan H. Roots, MD.
3920 Old Santa Fe Trail
Santa Fe, NM, 87505

To Mr. Dan Esquibel
Land Use Department
Santa Fe City Hall
200 Lincoln Ave, Santa Fe, NM

Please VOTE NO on the special use permit for the Morningstar Colorado company, who plan to build a 73,000 sq.foot building at the corner of Old Pecos Trail and Calle Sebastian.

This building would be out-of-character for the scenic, historic Old Pecos Trail corridor.
Adjacent neighborhoods are zoned R - 1.
A two-story, 73,000 sq.foot building would house how many people?

Thank you.
Logan H. Roots

TO:

Dan Esquibel
Land Use Office

Attached are copies of a letter for the Mayor and each City Councilor. Please ensure that each one of them receives this letter prior to the July 8th City Council meeting to be held at 7pm at the Santa Fe High School.

Thank you.

Gayle Kenny
1810 Calle de Sebastian, M-3
Santa Fe, NM 87505

TO:
Mayor Gonzalez
City Councilors

FROM:
Gayle Kenny
1810 Calle de Sebastian, M-3
Santa Fe, NM 87505

RE:
Vote NO to MorningStar Development

June 22, 2015

I am respectfully asking you to vote NO, at the July 8th City Council meeting/hearing, on the proposed MorningStar assisted living/memory care facility. The Planning Commission should not have given their approval to this proposed facility at the corner of Old Pecos Trail and Calle de Sebastian.

I hope that you closely review this Special Use Permit and recognize that, as an elected official, your own city codes and rules would be ignored if you were to approve this development. **MorningStar does not meet the required Code definition of a Continuing Care Community, and does not meet other Special Use Permit requirements** needed to override a one-home-per-acre zoning (R-1):

- MorningStar does not provide "Continuing" senior care
- MorningStar does not have the required "full nursing care unit with beds"
- A Special Use Permit requires congregate housing AND a full nursing care unit with beds. The "AND" means *in addition to* meaning that a "full nursing care unit with beds" requires a separate unit with beds where residents receive full nursing care apart and separate from the "congregate" housing
- MorningStar IS NOT compatible with or adaptable to adjacent properties

I live right next to the site of MorningStar's proposed facility (the corner of Old Pecos Trail & Calle de Sebastian). My quiet townhome neighborhood (De Vargas Heights Townhouses) has been here for 40 years. This facility will not only ruin the historic, culturally sensitive Old Pecos Trail (which is designated as a protected highway corridor, and detailed in "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment), but it will also have a significant negative impact on quality of life. The quiet surrounding neighborhood will be exposed to continuous lights, noise, smells, blocked views, and reduced safety of the children/bicyclists/pedestrians who constantly use Calle de Sebastian.

I am asking City Council to **please overturn the Planning Commission's inappropriate approval** of this 24 hour, 7 days a week large operating facility in a residentially-coded neighborhood. Thank you.

Gayle M. Kenny

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Mayor Gonzalez
City Councilors

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Santa Fe, NM 87505

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I live right next to the site of MorningStar's proposed facility (the corner of Old Pecos Trail & Calle de Sebastian). My quiet townhome neighborhood (De Vargas Heights Townhouses) has been here for 40 years. This facility will not only ruin the historic, culturally sensitive Old Pecos Trail (which is designated as a protected highway corridor, and detailed in "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment), but it will also have a significant negative impact on quality of life. The quiet surrounding neighborhood will be exposed to continuous lights, noise, smells, blocked views, and reduced safety of the children/bicyclists/pedestrians who constantly use Calle de Sebastian.

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Vote NO to MorningStar Development

June 22, 2015

I am respectfully asking you to vote NO, at the July 8th City Council meeting/hearing, on the proposed MorningStar assisted living/memory care facility. The Planning Commission should not have given their approval to this proposed facility at the corner of Old Pecos Trail and Calle de Sebastian.

I hope that you closely review this Special Use Permit and recognize that, as an elected official, your own city codes and rules would be ignored if you were to approve this development. **MorningStar does not meet the required Code definition of a Continuing Care Community, and does not meet other Special Use Permit requirements** needed to override a one-home-per-acre zoning (R-1):

- MorningStar does not provide "Continuing" senior care
- MorningStar does not have the required "full nursing care unit with beds"
- A Special Use Permit requires congregate housing AND a full nursing care unit with beds. The "AND" means *in addition to* meaning that a "full nursing care unit with beds" requires a separate unit with beds where residents receive full nursing care apart and separate from the "congregate" housing
- MorningStar IS NOT compatible with or adaptable to adjacent properties

I live right next to the site of MorningStar's proposed facility (the corner of Old Pecos Trail & Calle de Sebastian). My quiet townhome neighborhood (De Vargas Heights Townhouses) has been here for 40 years. This facility will not only ruin the historic, culturally sensitive Old Pecos Trail (which is designated as a protected highway corridor, and detailed in "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment), but it will also have a significant negative impact on quality of life. The quiet surrounding neighborhood will be exposed to continuous lights, noise, smells, blocked views, and reduced safety of the children/bicyclists/pedestrians who constantly use Calle de Sebastian.

I am asking City Council to **please overturn the Planning Commission's inappropriate approval** of this 24 hour, 7 days a week large operating facility in a residentially-coded neighborhood. Thank you.

Gayle M. Kenny

TO:
Mayor Gonzalez
City Councilors

FROM:
Gayle Kenny
1810 Calle de Sebastian, M-3
Santa Fe, NM 87505

RE:
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June 22, 2015

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Gayle M. Kenny

June 23, 2015

SUBJECT: VOTE NO ON MORNINGSTAR

TO: Santa Fe City Council Members and Mayor Gonzales

FROM: Joanne Birdwhistell, 1810 Calle de Sebastian D-1, Santa Fe, NM 87594

I write to ask you to reject MorningStar's proposed development on 3.85 acres of the Elks Club property on Old Pecos Trail, at its convergence with St. Michael's Drive and Arroyo Chamiso.

I recognize the City's interest in the issues of infill and economic development, but it will be detrimental to the City's future successful development to proceed further with this and other very large proposed developments throughout the City--without pausing now to seriously examine and update the City Master Development Plan.

The whole community of Santa Fe needs to be involved in a transparent discussion about future planning. Otherwise, "big money," "backroom deals," and "politics" will become Santa Fe's unfortunate reputation. The citizens of Santa Fe are already reeling from the $30 million of misplaced bond funds designated for parks and recreation but never arriving at what the voters voted on. The future of Santa Fe's wellbeing absolutely depends on not destroying its current attractive and unique features in a headlong rush to develop.

MorningStar's development on this R-1 residential zone site should be rejected because:

1. First, it will permanently degrade the last scenic and historic corridor into Santa Fe—namely, Old Pecos Trail, which is an important tourist attraction. The development's massive size (about the same as the City's Convention Center), situated on the high ridge of the Elks Club property, will obstruct the tremendous mountain views that help give Santa Fe and Old Pecos Trail its unique character.

2. Second, the Elks Club property is in a R-1 zone. MorningStar's development does not fit the requirements of either R-1 zoning or the specific requirements of a Special Use Permit for this site. R-1 means one residence per acre.

A Special Use Permit (SUP) for this site requires that MorningStar have a public/institutional function—which it does not have. It is a private, for profit (i.e., commercial) enterprise. It is not comparable to a church, which has a public/institutional function.

A SUP on this site also requires a "full nursing care unit with beds"—which MorningStar will not have. A SUP on this site also requires "continuing" care—which MorningStar will not provide. The code definition that MorningStar's proposal actually does fit—namely, a "personal care facility for the elderly"—is expressly forbidden from attaining a SUP on a R-1 zone site.

3. Third, MorningStar's development will have a very negative impact on the quality of life of the surrounding neighborhoods. There are no facilities at all like it nearby. Its massive size, constant activity 24-7, noise, light pollution, water and sewer use, water drainage, and traffic will degrade the character of the neighborhoods.

The town homes next door are about 1,300 square feet each—compared to the 73, 550 square feet of the MorningStar proposed building. Most of the east side of Old Pecos Trail (the side that the Elks Club property is located on), from I-25 to Cordova Road, is R-1 residential zone and without commercial development (except for the Pecos Trail Inn that predates the Interstate). MorningStar's development is out of place and inappropriate on Old Pecos Trail and in the surrounding neighborhoods.

4. Fourth, for the City to "get around" in a slippery way the requirements of R-1 zoning by applying a SUP whose requirements do not fit the site would set a dangerous precedent and would undermine the legitimacy of all zoning restrictions throughout the City. There is no precedent in the history of Santa Fe for such action by the City. It would be blatantly political and a serious case of favoritism if the City were simply to override City laws and codes because such codes are inconvenient.

Santa Fe is at a critical juncture. We can pause now to honestly assess our development needs and plans, or we can proceed without thoughtful planning and without the input of the community. Infill may be needed, but it must not override all other issues, legal and communal. It must not occur at the expense of destroying neighborhoods and other kinds of city features that attract visitors to come here in the first place.

It also must not occur at the expense of careful planning in accordance with the zoning code.

I most strongly urge you to reject the MorningStar/Elks Club proposed development, and to place a temporary moratorium on all massive developments in the City until the City Master Development Plan is reexamined and updated.

MorningStar's proposal does not fit the zoning requirements, it would destroy the historic and scenic corridor of Old Pecos Trail, and it would have a very negative impact on the quality of life of the surrounding neighborhoods.

Santa Fe will survive long after all of us are gone, but the question is: what kind of city will we pass on to our future generations?

Will it be a city that obliterates its heritage with massive, secretive, uncoordinated development throughout the city, or a city that incorporates and celebrates its past, its present, its diversity, and its community cooperation as it moves into the future?

Thank you for your thoughtful consideration of these issues. I urge you to vote no on MorningStar.

Sincerely yours,

Joanne Birdwhistell, Ph.D.
1810 Calle de Sebastian D-1
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Oriana <orianarodman@live.com>
Sent: Tuesday, June 23, 2015 7:47 AM
To: ESQUIBEL, DANIEL A.
Subject: NO to Morningstar

Follow Up Flag: Follow up
Flag Status: Flagged

PLEASE PROVIDE A COPY OF THIS EMAIL TO THE MAYOR AND EACH CITY COUNCILOR PRIOR TO THE JULY 8th CITY COUNCIL MEETING.

To Mayor Gonzales and City Councilors:

It is unconscionable that you and other City Council Members are prepared to ignore existing zoning laws designed to protect the beauty and history of Santa Fe as well as go against the will of the people who will be affected by your actions.

The fact that you didn't reject this proposal at your first opportunity was stunning and suspicious to me and to many in my neighborhood. When actions such as yours occur, one can only wonder where the corruption lies. It may be that you think the ends of this action will justify the means somehow, and that your intentions are good in some bone headed way. Or it could be nefarious, as time and again things are in government. Time will tell.

I encourage you to do the will of the people you represent and to protect what is arguably the most beautiful city in the United States!

Sincerely,

Oriana Rodman
1810 Calle de Sebastian, D3
Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Kay Harvey <kayh777@icloud.com>
Sent: Monday, June 22, 2015 2:42 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

Follow Up Flag: Follow up
Flag Status: Flagged

To the Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I provide the introduction to the ordinance for your consideration:

INTENT

The Old Pecos Trail South Historic and Scenic Corridor Protection District (OPTS) protects Old Pecos Trail between I-25 and St. Michaels Drive at Arroyo Chamiso Road as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

Because openness, quiet, and continuity adjoining the Old Pecos Trail South are considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.

B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.
D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.
E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.
F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.
I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.
I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium

Sincerely yours, Catherine M Harvey 751 Camino Pinions Santa Fe, NM 87505 505-988-4541

June 23, 2015

Vote NO on MORNINGSTAR "Special Use Permit"!

The Santa Fe City Council Members and The Honorable Mayor Gonzalez

c/o Dan Esquibel@santafenm.gov

Please Vote NO on Morningstar's proposal to locate their behemoth project on Historic Old Pecos Trail.

This building is NOT Permitted – please Protect our Historic and Scenic Corridor of Old Pecos Trail Protection District.

Respect the ordinance that includes open space, continuity, openness, quiet, support of scenic and historic value, unimpeded views, retention of character appropriate to the corridor's role as a major historic entrance to our valuable historic district downtown. Once this is gone it is forever gone.

Don't buckle under pressure for "jobs". MorningStar must *find an appropriate commercial zone in Santa Fe* for it's project, not plop down in a residential zone and then ask for a "special use permit"!

You have sworn to preserve and protect the quality of life of the citizens of Santa Fe, don't let us down!

Allowing a "special use permit" in this special cultural and historic corridor will irrevocably and negatively blight our cherished and now unspoiled scenic and historic path to the heart of Santa Fe.

Please Vote NO on MorningStar's application for a "Special Use Permit". Please respect the R-1 Zone!

This proposal does NOT qualify as a "Continuing Care Facility" – a token nurse for 73,000 sq. feet – is a bogus reason to change a zoning. There is no planned rehabilitation, no skilled nursing, nor assisted living- this is a giant apartment complex completely out of scale to the neighborhood and protected historic corridor.

Thank You,
Sincerely,

Katharine Kagel

2005 Valle Vista St.
Santa Fe, NM
87505
tel. 984-0765

ESQUIBEL, DANIEL A.

From: R Latimer <relatimer@msn.com>
Sent: Tuesday, June 23, 2015 7:50 AM
To: ESQUIBEL, DANIEL A.
Subject: Morningstar Plan Just Wrong

Follow Up Flag: Follow up
Flag Status: Flagged

To the Santa Fe City Council:

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of viewshed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I provide the introduction to the ordinance for your consideration:

INTENT

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recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

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B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.

D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.

E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.

F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Sincerely,

Ronald E. Latimer

2004 Calle de Sebastian

Santa Fe, NM 87505

ESQUIBEL, DANIEL A.

From: Mansell G/M <gfmjupiter@cybermesa.com>
Sent: Tuesday, June 23, 2015 9:12 AM
To: ESQUIBEL, DANIEL A.
Subject: VOTE NO to Morningstar

Follow Up Flag: Follow up
Flag Status: Flagged

TO MAYOR GONZALES AND CITY COUCILORS

PLEASE PROVIDE A COPY OF THIS email TO THE MAYOR AND EACH CITY COUNCILOR PRIOR TO THE JULY 8th CITY COUNCIL MEETING. Also please put:
"To Mayor Gonzales and City Councilors" at the start of the letter/message. Thanks!

To the Santa Fe City Council: MAYOR GONZALES & CITY COUNCILORS

I am writing to express serious concerns about the "Special Use Permit" approved by the City Planning Commission for Morningstar, a Colorado company with no roots in Santa Fe, for a **73,550 square foot, TWO-STORY BUILDING to house a " Continuing Care Community" at the corner of Calle Sebastian and Old Pecos Trail.**

I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:
1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community".
It's scale and proposed use is completely out of character with the adjacent neighborhoods. These are predominantly ZONED R-1.

2) The MorningStar "Continuing Care Community" typifies the over development within Santa Fe's SCENIC AND HISTORIC AREAS that will leave them irrevocably damaged or destroyed for the current generation of Citizens, and those who will be born or move here in the years to come.
3) A great majority of the Citizens living in neighborhoods adjacent to the proposed project are opposed to the development because:

It will irreversibly affect their quality of life and quiet neighborhoods, due to significant increase in noise, night-time lighting pollution, intrusive smells, ongoing traffic activity, loss of view/outlook , ***reduced safety*** of the children/bicyclists/pedestrians who constantly use Calle de Sebastian, and decrease in Property Value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

Signed:
Professor Gordon Mansell
Maureen E. Mansell, Ph.D.

Residents Owners at O-1, 1810 Calle de Sebastian, Santa Fe, 87505

ESQUIBEL, DANIEL A.

From: Joe Rimes <jrimes@westex.net>
Sent: Monday, June 22, 2015 12:03 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar

Follow Up Flag: Follow up
Flag Status: Flagged

I strongly urge you to ***reject*** the Morningstar application for a "Special Use Permit" at the upcoming July 8th hearing to be held at the Santa Fe HS auditorium.

Please look at the negative effect it will have on the quality of life for the citizens living near this project. This project is completely out of place for this location. There has to be numerous other sites better suited for this project. Please do not allow this huge project in our lovely neighborhood.

Thank you very much..... Joe & Evelyn Rimes
1810 Calle de Sebastian
Unit A-4
Santa Fe, NM 87505 Pho:982-4852

ESQUIBEL, DANIEL A.

From: Patty Terrell <ptyterrell@gmail.com>
Sent: Monday, June 22, 2015 3:01 PM
To: ESQUIBEL, DANIEL A.
Subject: Vote NO on Morningstar July 8

Follow Up Flag: Follow up
Flag Status: Flagged

To the Santa Fe City Council

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D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.

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I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium

--

Patty Terrell
822 Camino Acoma

PO Box 5393
Santa Fe, NM 87502
505-690-5007

From: maria markus <maria@kurtmarkus.com>
Date: June 1, 2015 at 7:25:29 PM CDT
To: <jmgonzales@santafenm.gov>
Subject: Morningstar project
Reply-To: <maria@kurtmarkus.com>

Dear Mr Gonzales:

My husband Kurt Markus and I moved here from the Flathead Valley over a year ago.

We had over the past 30 years bought land and houses in the Flathead but gave them up to move to this gorgeous town Santa Fe.

My husband is a well known international photographer. On arrival in Santa Fe we shot for Chanel. Marie Claire in April using locations in Santa Fe and then again in December filming for Designer Shoe Warehouse for one of their commercials.

Please go to KurtMarkus.com to view his work.

We purchased a fixer upper on Old Santa Fe Tail on Museum Hill where we are converting a three car garage into a home for our Cowboy Archive..The largest cowboy archive in the world. Kurt has been compared to a present day Ansel Adams.

We were upset to find out that the R1 zoning is being changed to accommodate the Morning Star project under review at this time by your office. We have no complaints about retirement homes (we maybe living in one in the near future) but having this huge building go up on Old Pecos Trail in an Historic neighborhood is quite upsetting.

Will this open the door for more projects like this to enter the Historic
East Side of
Santa Fe ?

I admire the work you have done in the City of Santa Fe, keeping the town
clean
and inviting to visitors from all over the world.

I do implore you to re-visit your stance on this retirement home. Maybe
move it somewhere
where it would be accepted and fit it nicely with the surrounding landscape.

Thank you for listening to me go on and on. I have become quite passionate
about
our new town.

Yours truly

Maria Markus
agent and wife to Kurt Markus

p.s. I am negotiating at this moment to bring a very famous Italian
designer to Santa Fe for their next campaign. I will let you know when it
is confirmed..

CAMPOSBIGGS, CRISTINA X.

From: MARTINEZ, LISA D.
Sent: Tuesday, June 02, 2015 12:22 PM
To: GONZALES, JAVIER M.
Cc: CAMPOSBIGGS, CRISTINA X.; SNYDER, BRIAN K.; ROSS, MATT
Subject: Re: Morningstar project

Mayor,

Yes. I'll send you the reports this afternoon!

Lisa

Sent from my iPhone

On Jun 2, 2015, at 9:52 AM, GONZALES, JAVIER M. <jmgonzales@ci.santa-fe.nm.us> wrote:

> I'd like a meeting with you and Brian to review this plan and the agua fria proposal. Can you forward me the last staff reports for each project?
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> On Jun 2, 2015, at 11:40 AM, MARTINEZ, LISA D. <ldmartinez1@ci.santa-fe.nm.us> wrote:
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> > >
> > > Begin forwarded message:
> > >
> > > **From:** maria markus <maria@kurtmarkus.com>
> > > **Date:** June 1, 2015 at 7:25:29 PM CDT
> > > **To:** <jmgonzales@santafenm.gov>
> > > **Subject: Morningstar project**
> > > **Reply-To:** <maria@kurtmarkus.com>

Dear Mr Gonzales:

My husband Kurt Markus and I moved here from the Flathead Valley over a year ago.

We had over the past 30 years bought land and houses in the Flathead but gave them up to move to this gorgeous town Santa Fe.

My husband is a well known international photographer. On arrival in Santa Fe we shot for Chanel. Marie Claire in April using locations in Santa Fe and then again in December filming for Designer Shoe Warehouse for one of their commercials.

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Sent: Tuesday, June 02, 2015 9:40 AM
To: CAMPOSBIGGS, CRISTINA X.
Subject: FW: Morningstar project

From: MARTINEZ, LISA D.
Sent: Tuesday, June 02, 2015 9:40:26 AM (UTC-07:00) Mountain Time (US & Canada)
To: GONZALES, JAVIER M.
Subject: Re: Morningstar project

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To: CAMPOSBIGGS, CRISTINA X.
Subject: FW: Morningstar project

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Sent: Monday, June 01, 2015 6:25:29 PM (UTC-07:00) Mountain Time (US & Canada)
To: GONZALES, JAVIER M.
Subject: Morningstar project

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CAMPOSBIGGS, CRISTINA X.

From: GONZALES, JAVIER M.
Sent: Wednesday, June 24, 2015 12:13 PM
To: CAMPOSBIGGS, CRISTINA X.
Subject: FW: vote NO on Morningstar

From: Ssu Weng
Sent: Wednesday, June 24, 2015 12:12:59 PM (UTC-07:00) Mountain Time (US & Canada)
To: ESQUIBEL, DANIEL A.; MAESTAS, JOSEPH M.; IVES, PETER N.; GONZALES, JAVIER M.
Subject: vote NO on Morningstar

from Ssu Weng and Peter Pesic

905 Trail Cross Ct

Santa Fe NM 87505

505-983 3168

To Mayor Gonzales, Councilors Maestas and Ives, and Mr Dan Esquibel, and the entire Santa Fe City Council

I am writing because I am concerned about the "Special Use Permit" approved by the City Planning Commission for MorningStar, a Colorado company with no roots in Santa Fe, for a 73,550 square foot, two-story building that will house a "Continuing Care Community" at the corner of Calle Sebastian and Old Pecos Trail. This "Special Use Permit" has been granted for this massively out-of-scale and out-of-character development within the scenic and historic Old Pecos Trail corridor. I urge the City Council to reject this application at the July 8, 2015 hearing for the following reasons:

1) The MorningStar "Continuing Care Community" does not meet the "Special Use Permit" Code definition of a "Continuing Care Community" and it is at a scale and proposed use that is completely out of character with the adjacent neighborhoods, which are predominantly zoned R-1.

2) The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will

leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come.

3) A great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value.

For these reasons and others not fully stated here, I submit to you and the rest of the Governing Body that the most responsible action on your part is to deny MorningStar and any other developments of its size and class until the protections and requirements specified in the "Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance 14-69" amendment proposed in 2006 can be fully codified, deliberated on, and implemented.

I provide the introduction to the ordinance for your consideration:

INTENT

The Old Pecos Trail South Historic and Scenic Corridor Protection District (OPTS) protects Old Pecos Trail between I-25 and St. Michaels Drive at Arroyo Chamiso Road as a historic and scenic corridor. It recognizes its scenic importance as an unspoiled entryway that provides a transition from a rural environment to the historic downtown of Santa Fe, and its historic importance as part of the southeast Santa Fe road network that evolved out of 700 years of travel and transportation needs. The corridor protection standards contained in this ordinance, including open space, land uses, density, and design controls fulfill obligations set forth in the City of Santa Fe General Plan at page 3-12 and 3-14 with respect to an Old Pecos Trail "Scenic Corridor."

Because openness, quiet, and continuity adjoining the Old Pecos Trail South are

considered special assets that should be retained in order to preserve its scenic and historic value, it is the intent of the Old Pecos Trail South Historic and Scenic Corridor Protection District Ordinance to:

A. Maintain a clear sense of visual openness where unimpeded views of the surrounding mountain ranges and open space are dominant and to preserve continuity of character appropriate to the corridor's role as a major entrance to Santa Fe.

B. Encourage preservation of open space to further the goals and objectives of the City of Santa Fe General Plan, Parks, Open Space, Trails and Recreation Master Plan, and Stormwater Management Plan.

C. Protect the openness and continuity of the existing landscape by providing appropriate setbacks and retaining trees and landscape character.

D. Ensure the use of architectural style and scale that is representative of Santa Fe's traditional architecture.

E. Minimize traffic impacts of new construction and maintain and improve the safety of the corridor.

F. Very strongly discourage the granting of special exceptions of variances and provide that full and lengthy public process occurs with any such request.

I urge you to look at the MorningStar application in terms of the negative affect it will have on the scenic and historic Old Pecos Trail corridor, the negative affect it will have on the citizens living near the development who cherish their quality of life, which you are sworn to preserve and protect, and the irrevocably negative affect it will have on cultural and natural heritage that we bequeath our children and the generations that follow them.

I strongly urge you to reject the MorningStar application for a "Special Use Permit" at the upcoming July 8 hearing at the Santa Fe High School Auditorium.

Dear Councilor Dimas,

I ask that you deny MorningStar Senior Living/MVG Development a "Special Use Permit" to override the restrictions on R-1 zoning. They have not met the definition of a "Continuing Care Community" as clearly stated in Santa Fe City Code. MorningStar will not have "a full nursing care unit with beds" (one of the two requirements) and that they will not have the State of New Mexico "Nursing Facility" license required to have a nursing unit.

It is well-known in the health care industry that a "Continuing Care Community" provides assisted living, memory care *and* a nursing care unit so that you may remain in the community continually for as long as you are alive.

With great respect to the needs and right of the Elks Lodge to sell their land, the scope and size of this 24/7 commercial facility on their R-1 land is not the right fit for Santa Fe. I believe the community can work together to come up with a better solution for their property.

Did MorningStar ever read our City Code? At the 2nd ENN meeting at the Woman's Club on January 22nd, Matt Turner was asked if MorningStar would have a full nursing care unit. He said no, they would not have a nursing unit and went on to explain that MorningStar is not a nursing home but an Assisted Living facility. In their promotional material for the Santa Fe development, nursing is not mentioned, nor after a search is it mentioned in any portion of the application to the city for a special use permit.

However, now they claim they have "nursing care," "nurses," "licensed beds" and call the "Continuing Care Community" a "Continuing Care Home" or a "Continuing Care Facility." But, the Special Use Permit only allows consideration for a "Continuing Care Community." Our City code clearly defines what a "Continuing Care Community" must have: "a full nursing unit with beds." A "Continuing Care Community" provides "continuing" care for all stages of life. MorningStar **has never said they are a "continuing care community" that will have "a full nursing care unit with beds"** because they are not one and they don't have one. Residents will have to leave when their health care needs require more than assisted living.

I hope at the City Council meeting on July 8th, MorningStar will be asked specific, fundamental questions about their nursing unit. Where is the nursing unit located in the building? Is it on the first floor? Is it on the second floor? How many beds does the nursing unit have? Will you have the required level "Nursing Facility" license from the State of New Mexico Department of Health or only an "Assisted Living Facility" license that does not include nursing care? (Among local private pay facilities in Santa Fe, El Castillo is the only "Continuing Care Community" because it has the only "Nursing Facility" state license. Examples enclosed.)

For those that claim Santa Fe needs MorningStar, make no mistake that it will be very expensive ($5,000-$6,000 monthly) and will not serve the economic needs of most Santa Feans.

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Thank you for your consideration.

Sincerely,

Patricia Lillis
Conejo Drive, Santa Fe

Dear Councilor Lindell,

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I hope at the City Council meeting on July 8th, MorningStar will be asked specific, fundamental questions about their nursing unit. Where is the nursing unit located in the building? Is it on the first floor? Is it on the second floor? How many beds does the nursing unit have? Will you have the required level "Nursing Facility" license from the State of New Mexico Department of Health or only an "Assisted Living Facility" license that does not include nursing care? (Among local private pay facilities in Santa Fe, El Castillo is the only "Continuing Care Community" because it has the only "Nursing Facility" state license. Examples enclosed.)

For those that claim Santa Fe needs MorningStar, make no mistake that it will be very expensive ($5,000-$6,000 monthly) and will not serve the economic needs of most Santa Feans.

Enclosed is an informational, 3 category sheet with contributions by many concerned citizens. MorningStar's 104 bed, 24 hour/7 day a week operating facility is too large for a residential neighborhood, will change our beautiful entrance into Santa Fe, and very clearly does not meet the definition in City Code.

Thank you for your consideration.

Sincerely,

Patricia Lillis
Conejo Drive, Santa Fe

Dear Councilor Bushee,

I ask that you deny MorningStar Senior Living/MVG Development a "Special Use Permit" to override the restrictions on R-1 zoning. They have not met the definition of a "Continuing Care Community" as clearly stated in Santa Fe City Code. MorningStar will not have "a full nursing care unit with beds" (one of the two requirements) and that they will not have the State of New Mexico "Nursing Facility" license required to have a nursing unit.

It is well-known in the health care industry that a "Continuing Care Community" provides assisted living, memory care *and* a nursing care unit so that you may remain in the community continually for as long as you are alive.

With great respect to the needs and right of the Elks Lodge to sell their land, the scope and size of this 24/7 commercial facility on their R-1 land is not the right fit for Santa Fe. I believe the community can work together to come up with a better solution for their property.

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Sincerely,

Patricia Lillis
Conejo Drive, Santa Fe

Dear Councilor Dominguez,

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Conejo Drive, Santa Fe

Dear Councilor Rivera,

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MorningStar's development plan appeared before the Planning Commission on April 2, 2015.

The Southeast Neighborhood Association has appealed the case. The MorningStar development plan is **scheduled to appear before the City Council on Wednesday, July 8, 2015.**

Do not Approve MorningStar's request for a Special Use Permit

MorningStar should not be approved because:

- MorningStar DOES NOT HAVE "a full nursing care unit with beds" required in the definition of a Continuing Care Community to qualify for a Special Use Permit.
- It is a threat to the Old Pecos Trail Scenic Corridor and to the public interest.
- The 24/7 facility is oversized and incompatible with the residential neighborhood and vicinity.

Part 1 / Protect and Save Old Pecos Trail (saveoldpecostrail.org)

The current threat to the protection of the Old Pecos Trail Scenic Corridor is from MorningStar Senior Living, a Colorado company, that wants to build a facility on Elk's Lodge property on Old Pecos Trail between St. Michael's and Cordova Road.

The 3.85 acre parcel is zoned R-1 (one-home-per-acre). MorningStar Senior Living and MVG Development have applied for a Special Use Permit (to override residential zoning) to build a two-story, 73,550 sq. ft. facility (larger than the Convention Center) on a ridge in an established residential neighborhood. The development will operate 24/7. A commercial development of this size should be situated in a commercial zone, as are all other similar facilities. Approval of MorningStar's application puts all residential neighborhoods at risk.

The MorningStar development undermines the integrity of Santa Fe's 1999 General Plan and city codes and ordinances. Allowing MorningStar to build on the Old Pecos Trail Scenic Corridor would set a precedent and domino effect that forever threatens the beauty and integrity of the Corridor. The Old Pecos Trail Scenic Corridor is the heritage entrance into Santa Fe, a unique American city, the oldest state capital in the U.S. and a UNESCO "City of Crafts and Folk Art."

Protect Old Pecos Trail — Do not grant MorningStar a Special Use Permit.

1. **Old Pecos Trail is our last noncommercial, scenic entry into Santa Fe.**

   MorningStar Senior Living and MGV Development, A Colorado development partnership, seeks a Special Use Permit to build a 104-bed, 73,550 square foot private senior care facility at the corner of Calle de Sebastian and Old Pecos Trail. This request to override R-1 zoning should be denied because:

   - The Old Pecos Trail, with its panoramic views of the Sangre De Cristo and Jemez Mountains and its historic connection to the Old Santa Fe Trail, is iconic and irreplaceable. Its rural character and scenic view corridors speak loudly of the qualities that make Santa Fe unique among American cities.
   - The scenic corridor is a vital part of our community's legacy for future generations and visitors to enjoy.
   - For almost two decades, Santa Feans have worked to protect and preserve the Old Pecos Trail Scenic Corridor as a gift for future generations, but it continues to be threatened with inappropriate development.

2. **Old Pecos Scenic Corridor is designated in Santa Fe's 1999 General Plan:**

   "Old Pecos Trail Scenic Corridor
   The Old Pecos Trail Scenic Corridor designates Old Pecos Trail, **between Cordova Road and 1-25**, as a scenic roadway and recognizes its importance as an unspoiled entryway into downtown. Development standards, including land uses, density, and design controls, **will be developed through a public participation process**."

   "Corridor Protection Areas
   This classification is designed and will be planned to **provide a distinct physical boundary separation to minimize the effect of noise, artificial light, air pollution**, etc. It will also provide a visual separation between urban and surrounding rural and highway uses. **Residential use is limited to one residence per ten acres or one unit per existing legal parcel if smaller than ten acres.** Agricultural operations compatible with surrounding urban uses, nurseries, parks and recreational opens space, campgrounds, and cemeteries would also be appropriate. Policies and design guidelines shall be developed to mitigate development within and adjacent to the Corridor Protection Area such as screening with topography and transfer of development rights."

Part 2 / MorningStar does not fit into City Code

MorningStar DOES NOT QUALIFY for a "Special Use Permit" to override one-home-per-acre zoning (R-1).

1. **MorningStar DOES NOT meet the required Code definition of a Continuing Care Community** in several ways:
   - MorningStar **does not** provide "Continuing" senior care. (If you require other than the limited services of Assisted Living/Memory Care, MorningStar will no longer be able to meet your needs.)
   - MorningStar **does not** have the required "full nursing care unit with beds."

     (**Note:** At the 2nd ENN (Early Neighborhood Notification) meeting at the Woman's Club, MorningStar's representative Matt Turner stated there would not be a full nursing care unit with beds in response to that question. In MorningStar's corporate handout, it says nothing about providing a full nursing care unit with beds. From the 4/2/2015 Planning Commission minutes Matt Turner of MorningStar gave this answer when Chair Harris asked if in his opinion the proposed Morningstar would be a full nursing care unit with beds. Mr. Turner said, "We would. All care is delivered in licensed beds and the care is delivered by full-time licensed persons." "Licensed" beds is an "Assisted Living Facility" license from the State of NM. Full-time licensed persons could be any licensed person. He obviously is now trying to dance around the obvious fact that they do not have a separate NURSING UNIT that is required under Santa Fe Code.)
   - However, MorningStar **does fit** the code definition of a **Personal Care Facility for the Elderly** which is not eligible for a Special Use Permit in R-1.
   - Since the MorningStar building **WILL NOT have "a full nursing care unit with beds"** their State license will be for an "Assisted Living Facility" and not for a "Nursing Facility" (that requires a higher level of care).
   - A Special Use Permit **requires congregate housing AND a full nursing care unit with beds.** The "AND" means *in addition to* meaning that a "full nursing care unit with beds" requires a separate unit with beds where residents receive full nursing care apart and separate from the "congregate" housing.
2. **MorningStar IS NOT Public/Institutional** — Repeatedly, MorningStar presents themselves as Public/Institutional, to make them look warm and fuzzy, as a reason to be granted a Special Use Permit. MorningStar is not. There is not a public function to it. It is a private commercial development operating 24/7. It does not fit Public/Institutional in the City's General Plan or into categories like Human Services Establishment. MorningStar did not apply for a Special Use Permit under this category.
3. **MorningStar IS NOT compatible with or adaptable to adjacent properties** — not in any way. MorningStar must meet these criteria to be granted a SUP. It wants to build a 104-bed, 73,550 sq. ft., 24/7, commercial facility in R-1 zoning on 3.85 acres (R-1 would allow 3 homes) in a residential neighborhood on the historic Old Pecos Trail while existing senior facilities have respected zoning requirements. The building is inappropriate and out of character. **Please note** that MorningStar is a gigantic commercial operation with staff, visitors and traffic coming and going 24/7. There is nothing similar in the vicinity. It is inappropriate to even request a Special Use Permit on R-1 property for commercial property of this size — an affront to the neighborhood and Old Pecos Trail.
4. **MorningStar IS NOT in the Public Interest** — MorningStar is a commercial enterprise. There is not a public function to it. The interested parties are only the Elks Lodge and MorningStar. **This is of special interest to only these two groups, and not in the Public Interest.** (The City of Santa Fe's interest/gain is the same if MorningStar builds in appropriate zoning as all other similar facilities have done.)
5. **MorningStar Claims Need** — Over and over again the two interested parties, The Elks Lodge and MorningStar, claim need. Is there really a "need" to put this facility in a R-1 neighborhood when it could be located in appropriate commercial zoning? **Is it really FAIR to reinterpret/misinterpret City Code** in order to issue a Special Use Permit to override R-1 zoning when existing senior facilities are playing by the rules? Two existing facilities located in appropriate zoning are planning assisted living and memory care additions. There are three additional facilities planned (The Legacy at Santa Fe/Aldea, Caja del Rio near the Santa Fe Humane Society and a Del Webb project off Cerrillos Road and Governor Miles) all in appropriate zoning.

Part 3 / MorningStar is too big for 3.85 acres of R-1 land; The MorningStar 24/7 facility is unlike anything in the vicinity.

The MorningStar commercial development is not just a little too out of place, it is dramatically out of scale with its surroundings. 73,550 sq. ft. on less than 4 acres on R-1 property operating 24/7 next to homes in a R-1/R-2 neighborhood should have never been considered.

1. **MorningStar is too big.** The first big commercial structure coming into beautiful Santa Fe on the Old Pecos Trail will be an elderly assisted living/memory care facility. If this facility gets built, a domino effect on Old Pecos Trail to Cordova Road will change the character of Santa Fe forever.

2. The 3.85 acres is zoned R-1 (one-home-per-acre). **The land is residential, not commercial.**

3. The oversized, large-scale building is **not adaptable or compatible** with the neighborhood or vicinity.

4. **Open and Operating 24/7** is unlike ANYTHING in the vicinity. The clubs and churches located on Old Pecos Trail are very part time and are of a different character. Even the smaller downtown Convention Center is not open 24/7.

5. **Inappropriate development** destroys the quiet residential character of the neighborhood. As a protected highway corridor, Old Pecos Trail, as well as the surrounding neighborhoods, would be changed forever.

6. **Density and Intensity are inappropriate.** A 73,550 sq. ft. building right next to 1300-2000 sq. ft. homes!

7. **Overfill, not infill**. The monstrous size of this building does not meet the city's infill intent that supports compatible use and scale.

8. **Traffic Problems.** Traffic will spill heavily onto Calle de Sebastian and San Mateo, not to mention directly onto the *one-lane* Old Pecos Trail already backed up from current converging roads.

9. **Property Values at risk.** People in neighboring homes will not want to live next to a 24 hour/7 days a week facility that has noisy mechanicals, deliveries, ongoing construction, repairs and remodeling, non-stop traffic, light and noise — just to name a few.

10. **Noise, light and traffic pollution** are not compatible with the other structures used in the area. Neighbors will be adversely affected. For example, neighbors will hear generators all the time.

11. **Negative impact on quality of life.** The quiet surrounding neighborhood will be exposed to continuous lights, noise, smells, blocked views and reduced safety of children/bicyclists/pedestrians.

12. **Negative effect on Tourism.** Protect our historic corridor. Hotels use Old Pecos Trail as the scenic route to their establishments. Santa Fe residents use it as well. Santa Fe is ranked as a top travel destination. Why do this to our city? There are plenty of other more appropriate places MorningStar can build their facility.

13. **What if MorningStar's business model fails?** The Assisted Living/Memory Care elderly care option may become overbuilt. Private pay facilities such as MorningStar are very expensive. MorningStar's representative Matt Turner stated at the Planning Commission meeting that the cost to each resident will be from $5000-$6,000 per month. If MorningStar's business model is unsuccessful because of cost or alternative aging options that include full service continuing care, how is this inappropriately large building going to be integrated into a residential neighborhood?

NEW MEXICO DEPARTMENT OF HEALTH

OPERATOR'S LICENSE

5043	9/1/2014	27	Capacity Breakdown: nf 27		
License Number	Issue Date	Total Capacity			
	8/31/2015				
	Expiration Date				

Ownership Name: EL CASTILLO RETIREMENT RESIDENCES

is hereby licensed to maintain and operate a/an: NURSING FACILITY

under the name and in the location of:

EL CASTILLO RETIREMENT RESIDENCES

250 EAST ALAMEDA

SANTA FE NM 87501

NON-TRANSFERRABLE
The authority to operate a health facility granted hereunder shall not be transferred to any other person or location.

ALLEN JAHNER
Administrator/Director/Operator

Patty Ward
DOH Secretary

MAILED 8/7/14

DIVISION OF HEALTH IMPROVEMENT
HEALTH FACILITY LICENSING AND CERTIFICATION BUREAU

41-5043

NEW MEXICO
DEPARTMENT OF
HEALTH

OPERATOR'S LICENSE

5847	4/1/2015	23	Capacity Breakdown: other 23		
License Number	Issue Date	Total Capacity			
	3/31/2016				
	Expiration Date				

Ownership Name: EL CASTILLO RETIREMENT RESIDENCES

is hereby licensed to maintain and operate a/an: ASSISTED LIVING FACILITY

under the name and
in the location of:

EL CASTILLO RETIREMENT RESIDENCES

250 E ALAMEDA

SANTA FE NM 87501

NON-TRANSFERRABLE
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ALLEN JAHNER
Administrator/Director/Operator

Retta Warner
DOH Secretary

DIVISION OF HEALTH IMPROVEMENT
HEALTH FACILITY LICENSING AND CERTIFICATION BUREAU

May 5, 2015

Kristine Rodgers
1810 Calle de Sebastian, A-2
Santa Fe, NM 87505

Dear Ms. Rodgers:

The Department of Health, Health Facility Licensing and Certification Bureau received your email dated May 5, 2015 requesting a copy of the license for El Castillo LifeCare Community for:

1. assisted living
2. memory care
3. intermediated nursing care

I have attached a copy of the:

1. Operator's License for El Castillo Retirement Residences (nursing facility)
2. Operator's License for El Castillo Retirement Residences (assisted living facility)

There are no provisions for licensing memory care units under the current regulations.

If you have any questions of concerns, please feel free to contact me at 505-476-9029.

Sincerely,

Kathy Chavez
Legal Assistant

Senior Living Terms

55+ Communities: These are adult communities of patio homes or condos purchased outright for those 55 and older. No children are typically permitted. The homes are maintenance-free, at least the exterior, and often offer social outlets.

Continuing Care Retirement Community (CCRC): An aging-in-place option, this campus encompasses independent living, assisted living (including memory care), skilled nursing and hospice. With this scope of services, the campuses are large (200+ residents). New residents must qualify both financially and physically.

Independent Living (IL): Here are adult communities of suites or patio homes (free-standing or adjoining, some with garages) available for rent or purchase through a buy-in. A range of activities and amenities are offered, often through a central Clubhouse. You choose your own level of participation. Some structure their fees to include transportation, life enrichment, meals and limited in-home care.

Assisted Living (AL): Within these communities, residents can still maintain their independence in some areas, while requiring help with other activities of daily living. Different care levels are offered, customized to individual needs. They commonly offer a range of amenities, together with wellness programs. A licensed nurse is available and a 24-hour care staff. These communities can be private pay only or supplemented by state programs.

Memory Care (MC): Today 5.4 million people suffer from Alzheimer's disease, up 47% from 2000, one in eight seniors. In response, many AL communities offer secured environments to safeguard those with memory impairment (Alzheimer's and other forms of dementia). A variety of therapeutic approaches to care are offered as well as recreational and purposeful activities.

Respite Care: Respite is defined as a short-term stay in an Assisted Living community after hospitalization or when the in-home caregiver is unable to serve for a time. Some require a minimum length of stay. Respite Care is often a great way to try out a community before officially moving in.

Day Program: Offered in senior centers, churches and Assisted Living facilities, seniors join into community life for a half or full day while the in-home caregiver is at work or otherwise occupied. Some Day Programs are drop in; others require reservations.

Skilled Nursing Facilities (SNF): An offering based on the medical model for those needing 24-hour nursing care. Stays here could be short-term (recuperative after a hospital stay) or long-term for those needing constant and intensive care.

Activities of Daily Living (ADLs): Senior Living Communities often speak in terms of ADLs as a means of assessing an individual's needed level of care.

Basic ADLs:

- Personal hygiene and grooming
- Dressing and undressing
- Feeding oneself
- Transferring (from bed to wheelchair, etc.)
- Bowel and bladder management
- Ambulation (walking without assistive device)

Instrumental ADLs (for living independently)

- Housekeeping
- Taking medication as prescribed
- Managing money
- Shopping for groceries or clothes
- Telephone use
- Technology use
- Arranging for own transportation

Senior Living Terms

55+ Community
CCRC
Independent Living
Assisted Living
ADL
Memory Care
Respite Care
Day Program
Skilled Nursing

GO TO A SENIOR LIVING DECISION GUIDE

MorningStar Senior Living Home Office, 7555 E. Hampden Ave., Suite 501, Denver, CO 80231 • 303.750.5622
Website: Colorado Creative Design © MorningStar Senior Living • All Rights Reserved • Privacy Policy

These 4 tables are from the City's website:

Blank = Not allowed in zoning category P = Permitted in zoning category S = Special Use Permit required to build in zoning category

Table 14-6.1-1

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7-I	RC-S, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use-SpecificRegs 14-6.2
RESIDENTIAL																						
Group Living																						
Continuing care community	S	S	S	S	S	S		S		P	S	P	P	P			S				P	(A)(1)
Group Residential Care Facility	S	S	S	S	S	S		S		P	S	P	P	P			S				P	
Group Residential Care Facility, Limited	P	P	P	P	P	P		P		P	S	P	P	P			S				P	
Group Residential Care Facility, Correctional			S		S	S		S		P*	P*	P*	P*	S			S				S	
Boarding, dormitory, monastery	S	S	S	S	S	P		P		P	S	P	S	P			S				S	
Household Living																						
Dwelling, multiple- family	P[1]	P	P		P	P	P	P		P	P[6]	P	P	P				P[6]	P[6]	P[6]	P	(A)(5), (A)(6)
Dwelling, single-family	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(5)
Manufactured homes	P	P	P	P	P	P	P	P		P	P[6]	P	P	P							P	(A)(4)
Mobile home, permanent installation	S	S	S	S	S	S		S		S		S	S									(A)(2)
Mobile home park							P[9]															(A)(3); See 14-6.4(B)

MorningStar does not fit the definition of a Continuing Care Community; it is not eligible for a Special Use Permit.

CATEGORY Specific Use	RR	R-1 – R-6	R-7 – R-9	R-7 - I	RC-S, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I -1	I -2	BIP	SC-1
Retail sales accessory to any permitted use, provided that such commercial uses shall not occupy more than ten percent of the total floor area of all buildings occupied by the principal use																	A	
Sign shops											P	P		P	P	P		
Service Establishments																		
Barber shops and beauty salons										P	P	P		P	P			P
Personal care facilities for the elderly						S		S		P	P	P	P	P	P		P	P
Personal service establishments including cleaning and laundry, appliance repair and similar services											P			P	P			P
Tailoring and dressmaking shops								P	P	P	P	P		P	P		P	P
Sexually Oriented Businesses																		
All															P	P		

Note: Table wider than others on website and will not format to fit.

MorningStar IS a Personal Care Facility for the Elderly; it is not eligible for a Special Use Permit. MorningStar fits this definition perfectly. It does not fit the definition of a Continuing Care Community.

Santa Fe City Code definitions:

MorningStar is not a Continuing Care Community.
(A Continuing Care Community is also known as a CCRC or a Continuing Care Retirement Community)

CONTINUING CARE COMMUNITY
A residential community that provides a variety of living accommodations and differing levels of health care services to elderly or persons with disabilities as follows:

(A) a continuing care community shall include:
(1) congregate housing in which residents live in rooms without individual kitchen facilities and in which at least the following services are provided: common meal preparation, common dining, recreation and social areas, room cleaning, laundry and transportation; and
(2) a full nursing care unit with beds;

(B) a continuing health care community may include:
(1) independent dwelling units for the elderly or persons with disabilities who are not in need of the level of care or services provided in congregate housing or an extended care facility, but who desire to live in a community where such services are available; and
(2) an extended care facility; and

(C) a hospital is not a continuing care community."

"PERSONAL CARE FACILITY FOR THE ELDERLY"
"A residential facility for twenty-six or more persons sixty years of age or older that provides living and sleeping facilities with common meal preparation, laundry services, room cleaning and assistance in daily living activities, and may provide other services such as transportation for routine social and medical appointments and counseling. A personal care facility for the elderly does not include independent kitchens or complete dwelling units and is not an extended care facility, hotel, motel or residential suite hotel or motel."

MorningStar does not fit into these categories:

HUMAN SERVICES ESTABLISHMENT

A facility, which may or may not be a lodging facility, operated by a organization that provides aid to more than twenty-five persons in need of counseling, food, clothing, lodging, financial or legal assistance, out-patient health services, vocational and educational training and related services. Lodging may be provided on an emergency or transitional basis and consist of dormitory rooms or individual lodging units containing sleeping facilities with or without kitchen or living room facilities available for daily, weekly or monthly stays.

INSTITUTIONAL BUILDING

A building used for governmental, religious, educational, public health care and similar purposes, but does not include clinics and medical offices.

Public/Institutional *(Land Use, pages 10-11, in the General Plan)*

This classification provides for schools, child care facilities, human service facilities, museums, libraries, fire and police stations, government offices, transit sites, airport, and other facilities that have a unique public character. Where uses already exist on lands 3-10 Land Use Apri/1999 designated "Public/Institutional" on the Future Land Use Map (Figure 3-2), they are encouraged to remain on the site unless shown as part of a redevelopment district. All "Public/Institutional" uses located within a redevelopment district may expand without amending this plan. All other "Public/Institutional" uses proposing a change in use or increase in intensity require a General Plan amendment to the Future Land Use Map, prior to any rezoning or development plan consideration.

June 24, 2015

City Council
City of Santa Fe
200 Lincoln Avenue
Santa Fe, New Mexico 87501

RE: Appeal by the Southeast Neighborhood Association (SENA) of the May 7, 2015 Decision of the City Planning Commission to Approve the Application for Special Use Permit and Development Plan Requested by the Benevolent and Protective Order of Elks, Lodge No. 460, MVG Development and Morningstar Senior Living at 1615 Old Pecos Trail, Santa Fe, New Mexico

Dear Councilors:

This letter is submitted to you by the undersigned to request the Planning Commission's decisions in Special Use Permit (Case #2015-15), Development Plan(Case #2015-16) and Lot Split (Case #2015-14) should be reversed ad that approvals requested in each of the cases be denied.

While there are many reasons to deny this application, the two primary concerns are:

(1) the proposed facility does not meet the definition of a Continuing Care Community contained in Chapter 14 and is not consistent with New Mexico State Law: Continuing Care Act, and therefore is not eligible for granting a Special Use Permit and

(2) The General Plan promises the citizens of Santa Fe that *"Development standards, including land uses, density, and design controls, will be developed through a public participation process."* Permitting this project to be approved will deprive the public from participating in the preparation and adoption of development standards that are required by the General Plan to determine how this scenic corridor should be appropriately and suitably developed.

For these reasons, we request that the application be denied. We trust that you will consider the long term interests of Santa Fe and vote to not approve the application submitted by Morningstar Senior Living.

Thank you.

Sincerely,

James T. Dyke

2005 Calle de Sebastian, Santa Fe, NM

June 24, 2015

City Council
City of Santa Fe
200 Lincoln Avenue
Santa Fe, New Mexico 87501

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Thank you.

Sincerely,

Cynthia L. Blackwell

Cynthia L. Blackwell

2005 Calle de Sebastian, Santa Fe, NM

June 23, 2015

Dear Councillor,

I am writing to give you two valid reasons for overturning the Special Use Permit that was granted to Morningstar Senior Living by the City Planning Commission.

The first is that the Commission totally ignored the requirement that for a project to granted a Special Use Permit, the project proposed must be in harmony with the neighboring properties. I don't have the actual language in front of me but this requirement for appropriateness clearly includes ALL neighboring properties rather than just a few of them.

And secondly, consider that **the City's Long Range Supply Plan** concludes : **"The City's existing and planned sources of supply [will] fall short of meeting projected demands by 2021... This is the case even after the Buckman Diversion is constructed to meet current short-term needs**." (Note that this study was done in 2008 BEFORE DROUGHT ONSET and without regard for the effects of climate change.) The situation is even more dire now and in years to come.

It is shortsighted folly to grant a SUP to a project of dubious benefit- especially a non-conforming one that uses 3,250,000 gallons of precious water annually. To be clear, **that is three and one-quarter millions gallons each and every year!**

I hold that any objective party would agree that it is reasonable and proper that you vote down this ill-considered decision of the Planning Commission.

Since I will be unable to attend the July 8 meeting to make this argument in person, please accept this letter as part of the case against this boondoggle project..

Yours truly,

Kenneth Jacks
716 E. Zia Road

June 23, 2015

Dear ~~Councillor,~~ Clerk Vigil,

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Yours truly,

K Jacks

Kenneth Jacks
716 E. Zia Road

June 23, 2015

Dear ~~Councillor,~~ Mayor Gonzales,

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Yours truly,

Kenneth Jacks
716 E. Zia Road

June 23, 2015

Dear Councillor, Yes –

I am writing to give you two valid reasons for overturning the Special Use Permit that was granted to Morningstar Senior Living by the City Planning Commission.

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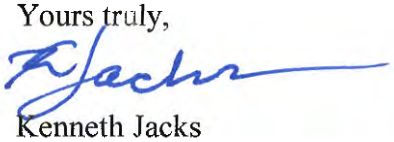
Yours truly,



Kenneth Jacks
716 E. Zia Road

June 23, 2015

Dear Councillor, Bushee,

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716 E. Zia Road

June 23, 2015

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716 E. Zia Road

June 23, 2015

Dear Councillor Dimas,

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Kenneth Jacks

716 E. Zia Road

June 23, 2015

Dear Councillor, Dominguez,

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Kenneth Jacks
716 E. Zia Road

June 23, 2015

Dear Councillor, Trujillo,

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Kenneth Jacks
716 E. Zia Road

June 23, 2015

Dear Councillor, Masters,

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Yours truly,

Kenneth Jacks
716 E. Zia Road

June 23, 2015

Dear Councillor Sindell,

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Yours truly,

K Jacks

Kenneth Jacks
716 E. Zia Road

change.org
The Coalition to Save Old Pecos Trail

Recipient: Mayor Javier Gonzales and the Santa Fe City Council

Letter: Greetings,

PETITION AGAINST MORNINGSTAR

We, the undersigned, do not want a 73,550 sq. ft. new building on R-1 zoned land located in a residential neighborhood on the historic Old Pecos Trail corridor.

1) MorningStar, a Colorado company, has applied for a "Special Use Permit" to build a "Continuing Care Community" with 104 beds, on 3.85+/- acres zoned R-1 at the corner of Calle de Sebastian and the historic Old Pecos Trail.

2) We, the undersigned, urge the city not to approve this commercial development in our residential neighborhood as it does not meet the "Special Use Permit" Code definition of a "Continuing Care Community."

3) We, the undersigned, urge the city not to approve this commercial development because it is inappropriate, too big, too dense, too intrusive, adds too much traffic and will affect the Old Pecos Trail as the historic gateway into Santa Fe.

Signatures

Name	Location	Date
Jan Brooks	, United States	2015-05-22
Deborah Post Post	Santa Fe, NM, United States	2015-05-22
Patricia Lillis	Santa Fe, NM, United States	2015-05-24
John Bemis	Santa Fe, NM, United States	2015-05-25
Faith Bowie	Santa Fe, NM, United States	2015-05-25
kenneth jacks	Santa Fe, NM, United States	2015-05-25
maria markus	kalispell, MT, United States	2015-05-30
Sandra Cunningham	Santa Fe, NM, United States	2015-05-31
William Howard	Santa Fe, NM, United States	2015-05-31
Marilyn Hunt	Santa Fe, NM, United States	2015-05-31
Manuel Monasterio	Santa Fe, NM, United States	2015-05-31
Angela Beauchamp	Lamy, NM, United States	2015-05-31
Laura Plunkett	Santa Fe, NM, United States	2015-05-31
Elizabeth Gronquist	Santa Fe, NM, United States	2015-05-31
Dennis Paul Carlton	Santa Fe, NM, United States	2015-05-31
JoAnn Balzer	Santa Fe, NM, United States	2015-05-31
Kathy Howard	Santa Fe, NM, United States	2015-05-31
Haila Harvey	Santa Fe, NM, United States	2015-05-31
Catherine M Harvey	Santa Fe, NM, United States	2015-05-31
Jean L. Bergeron	Santa Fe, NM, United States	2015-05-31
Cherry Payne	Santa Fe, NM, United States	2015-05-31
Nancy Sutor	Santa Fe, NM, United States	2015-05-31
shibana singh	santa fe, NM, United States	2015-05-31
Cathy Gronquist	Santa Fe, NM, United States	2015-05-31
Sara Cateriano	La Junta, CO, United States	2015-05-31
Jill Gleim	Ipswich, MA, United States	2015-05-31
Guy Gronquist	Santa Fe, NM, United States	2015-05-31
Ginny Zipperer	Santa Fe, NM, United States	2015-05-31
Jerry Christopher	Santa Fe, NM, United States	2015-05-31
Dorothy Fitch	Santa Fe, NM, United States	2015-05-31

Name	Location	Date
Daniel Wallace	Memphis, TN, United States	2015-05-31
Charles Koenig	Santa Fe, NM, United States	2015-05-31
Douglas Wilson	Little Deer Isle, ME, United States	2015-05-31
Iris Vazquez	Santa Fe, NM, United States	2015-05-31
Brigid Curran	Glorieta, NM, United States	2015-05-31
Kathleen Whitaker	Santa Fe, NM, United States	2015-05-31
Wendy Harvey	Redmond, OR, United States	2015-05-31
Melinda Scatena	Santa Rosa, CA, United States	2015-05-31
Jamie Douglass	Santa Fe, NM, United States	2015-05-31
stephen fried	Philadelphia, PA, United States	2015-05-31
Betsy Manore	Plains, MT, United States	2015-06-01
Emily Waltz	Santa Fe, NM, United States	2015-06-01
Gail Patterson	Santa Fe, NM, United States	2015-06-01
Melora Mennesson	Tesuque, NM, United States	2015-06-01
Charles Carruthers	Santa Fe, NM, United States	2015-06-01
Kathy Fitzgerald	Taos, NM, United States	2015-06-01
Katia Van Horn	Santa Fe, NM, United States	2015-06-01
Diane Giles	Santa Fe, NM, United States	2015-06-01
Leslie Alsheimer	Santa Fe, NM, United States	2015-06-01
Shobhan Porter	Chattanooga, TN, United States	2015-06-01
Felix Raven	Santa Fe, NM, United States	2015-06-01
Carrie Heldman	Santa Fe, NM, United States	2015-06-01
Patrycja Pikuc	Warsaw, Poland	2015-06-01
BARBARA lenssen	Santa Fe, NM, United States	2015-06-01
Melanie West	Santa Fe, NM, United States	2015-06-01
Holly Brady	Santa Fe, NM, United States	2015-06-01
Kay Allison	Santa Fe, NM, United States	2015-06-01
Ronda fleck	Santa Fe, NM, United States	2015-06-01
Jennifer Gabrys	Santa Fe, NM, United States	2015-06-01
Daisy Durham	Santa Fe, NM, United States	2015-06-01
Laura Harvey	Santa Fe, NM, United States	2015-06-01
Kelly Stranahan	Santa Fe, NM, United States	2015-06-01

Name	Location	Date
Alana Banner	Santa Fe, NM, United States	2015-06-01
Loren Blackwood	Irvine, CA, United States	2015-06-01
Soren Uhl	Santa Fe, NM, United States	2015-06-01
Mary Little	Santa Fe, NM, United States	2015-06-01
Kyle Boyd	Brooklyn, NY, United States	2015-06-01
Graham Johansson	Bellville, South Africa	2015-06-01
Terry Greenfield	Santa Fe, NM, United States	2015-06-01
Randall Hayden	Santa Fe, NM, United States	2015-06-01
Peter Weiss	Santa Fe, NM, United States	2015-06-01
Anne Killoy	Santa Fe, NM, United States	2015-06-01
Nonnie Thompson	Santa Fe, NM, United States	2015-06-01
Ian Rosenkranz	Santa Fe, NM, United States	2015-06-01
Steve Lipscomb	Santa Fe, NM, United States	2015-06-01
R.C. Luna	Santa Fe, NM, United States	2015-06-01
Thor Sigstedt	Santa Fe, NM, United States	2015-06-01
Bruce Bernstein	Santa Fe, NM, United States	2015-06-01
Eva Presnall	Santa Fe, NM, United States	2015-06-01
Amy Bianco	Santa Fe, NM, United States	2015-06-01
Michae Rogers	Newcastle, CA, United States	2015-06-01
Lucy Lippard	Galisteo, NM, United States	2015-06-01
Linda Waterman	Dublin, Ireland	2015-06-01
Mojdeh Jourabchi	Santa Fe, NM, United States	2015-06-01
Trish Hug	Santa Fe, NM, United States	2015-06-01
Jacqueline Davis	Santa Fe, NM, United States	2015-06-01
Kim White	Vallejo, CA, United States	2015-06-01
Casey Clendenin	Santa Fe, NM, United States	2015-06-01
Ariana Feinberg	Santa Fe, NM, United States	2015-06-01
Charlcie Cumming	Santa Fe, NM, United States	2015-06-01
Sharada Hall	Santa Fe, NM, United States	2015-06-01
Scott Geister	Santa Fe, NM, United States	2015-06-01
Brant Bair	Santa Fe, NM, United States	2015-06-01
matthew daniels	Petersburg, VA, United States	2015-06-01

Name	Location	Date
alex mexi	santa fe, NM, United States	2015-06-02
Cheri Doyle	Santa Fe, NM, United States	2015-06-02
bubby hi	dedyhe, IL, United States	2015-06-02
Mary Peck	Santa Fe, NM, United States	2015-06-02
Steven Rosenberg	Santa Fe, NM, United States	2015-06-02
Dick Symons+	Santa Fe, NM, United States	2015-06-02
Nesha Morse	Ribera, NM, United States	2015-06-02
Leah swanson	Santa Fe, NM, United States	2015-06-02
Jeffrey Koenigsberg	Las Vegas, NM, United States	2015-06-02
Laurie Cripe	Whitefish, MT, United States	2015-06-02
Hera Cohn-Haft	west hartford, CT, United States	2015-06-02
Simon Flores	Houston, TX, United States	2015-06-02
William Mallick	Ferndale, MI, United States	2015-06-02
Melissa Coleman	Santa Fe, NM, United States	2015-06-02
Jean Moss	Santa Fe, NM, United States	2015-06-02
Eric Valentino	Oakley, CA, United States	2015-06-02
William Hastings	Hampton Bays, NY, United States	2015-06-02
Wendy & Peter Trevisani	Santa Fe, NM, United States	2015-06-02
Kathy Ortiz	Poway, CA, United States	2015-06-02
Katherine kruger	Santa Fe, NM, United States	2015-06-02
Karla ogilvie	Encinitas, CA, United States	2015-06-02
Brent Poole	Santa Fe, NM, United States	2015-06-02
Angela Poole	Santa Fe, NM, United States	2015-06-02
David Childs	Santa Fe, NM, United States	2015-06-02
Jennifer Warren	Santa Fe, NM, United States	2015-06-02
Candace Edwards	Santa Fe, NM, United States	2015-06-02
David Campbell	Albuquerque, NM, United States	2015-06-02
Karen Shepherd	Santa Fe, NM, United States	2015-06-02
Pamela Platt	Santa Fe, NM, United States	2015-06-02
John shannon	Tulsa, OK, United States	2015-06-02
Nicole Tixier	Santa Fe, NM, United States	2015-06-02
Nancy adams	Santa Fe, NM, United States	2015-06-02

Name	Location	Date
Christina campbell	Santa Fe, NM, United States	2015-06-02
Michael Jacobs	Santa Fe, NM, United States	2015-06-02
Tracey Ryder	Santa Fe, NM, United States	2015-06-02
Donna Leshne	Santa Fe, NM, United States	2015-06-02
Henry Muchmore	Santa Fe, NM, United States	2015-06-02
Jay Heneghan	Santa Fe, NM, United States	2015-06-02
John Daverman	Lamy, NM, United States	2015-06-02
Prudence Page	Albuquerque, NM, United States	2015-06-02
Rits McDonald	Santa Fe NM, Yemen	2015-06-02
Kay Neuhaus	Santa Fe, NM, United States	2015-06-02
Allyn Kennedy	Santa Fe, NM, United States	2015-06-02
Shari Cross	Santa Fe, NM, United States	2015-06-02
Mary Shepherd	Santa Fe, NM, United States	2015-06-02
Rudy Blea	Santa Fe, NM, United States	2015-06-02
lorraine upton	santa fe, NM, United States	2015-06-02
Lyle York	Santa Fe, NM, United States	2015-06-02
avery diercks	Santa Fe, NM, United States	2015-06-02
Holly Goldstein	Santa Fe, NM, United States	2015-06-02
Karen Turner	Kelowna, Canada	2015-06-02
edward Ranney	Santa Fe, NM, United States	2015-06-02
Nancy Williams	Smithfield, UT, United States	2015-06-02
Kailey Zercher	Boston, MA, United States	2015-06-02
Thomas Nelson	Havre, MT, United States	2015-06-02
John Whitbeck	Santa Fe, NM, United States	2015-06-02
Maureen O'Brien	Lamy, NM, United States	2015-06-02
Cynthia Shore	Santa Fe, NM, United States	2015-06-02
Claudia Joseph	Santa Fe, NM, United States	2015-06-02
Sandra Rathgeb	Santa Fe, NM, United States	2015-06-02
jennifer joseph	Santa Fe, NM, United States	2015-06-02
Kirstin Mitchell	Clyo, GA, United States	2015-06-02
Nikolas Alley	Santa Fe, NM, United States	2015-06-02
Addison Nace	Santa Fe, NM, United States	2015-06-02

Name	Location	Date
Susan Lunt	Albuquerque, NM, United States	2015-06-02
Lucy Lunt	Houston, TX, United States	2015-06-02
Dana grubesic	Albuquerque, NM, United States	2015-06-03
Ivan Prochko	New York, NY, United States	2015-06-03
Jennifer Padilla Padilla	Santa Fe, NM, United States	2015-06-03
Lucinda Marker	Santa Fe, NM, United States	2015-06-03
Dara Doolittle	Santa Fe, NM, United States	2015-06-03
Victoria Murphy	Santa Fe, NM, United States	2015-06-03
Rosalind Doherty	Santa Fe, NM, United States	2015-06-03
Meg Lunt	Salt Lake City, UT, United States	2015-06-03
Brian Dawson	Santa Fe, NM, United States	2015-06-03
Mary McCarthy	Albuquerque, NM, United States	2015-06-03
David Ohori	Santa Fe, NM, United States	2015-06-03
Patricia Kushlis	Santa Fe, NM, United States	2015-06-03
Anne Salzmann	SAnta Fe, NM, United States	2015-06-03
Jerry Richardson	Santa Fe, NM, United States	2015-06-03
Tomas Moore	Santa Fe, NM, United States	2015-06-03
Jennifer Wilson	Santa Fe, NM, United States	2015-06-03
Thomas Horne	Santa Fe, NM, United States	2015-06-03
Paul Stenberg	Santa Fe, NM, United States	2015-06-03
Priscilla Archuleta	Santa Fe, NM, United States	2015-06-03
Craig Bowen	Santa Fe, NM, United States	2015-06-03
Esa alsarraf	Kuwait, Kuwait	2015-06-03
Kathy Rappaport	Santa Fe, NM, United States	2015-06-03
Stephen Post	Santa Fe, NM, United States	2015-06-03
Mary Doino	Santa Fe, NM, United States	2015-06-03
Dan Steed	Santa Fe, NM, United States	2015-06-03
Helen Tomlin	Santa Fe, NM, United States	2015-06-03
Julia Nathanson	Santa Fe, NM, United States	2015-06-03
Alex McDonough	Santa Fe, NM, United States	2015-06-03
Julia Hogan	Santa Fe, NM, United States	2015-06-03
Greg Kleinschmidt	Saint Louis, MO, United States	2015-06-04

Name	Location	Date
Andrew Garcia	Santa Fe, NM, United States	2015-06-04
Pat Hall	Santa Fe, NM, United States	2015-06-04
Jennifer Garcia	Santa Fe, NM, United States	2015-06-04
carla popenfus	New York, NY, United States	2015-06-04
Stephen Guerin	Santa Fe, NM, United States	2015-06-04
Kendall McCumber	Santa Fe, NM, United States	2015-06-04
DAVID SCHULTZ	SANTA FE, NM, United States	2015-06-04
Susan Swartzberg	Santa Fe, NM, United States	2015-06-04
catherine eng	los angeles, CA, United States	2015-06-04
Dorothy Weber	Santa Fe, NM, United States	2015-06-04
Donna Crystal	Santa Fe, NM, United States	2015-06-04
Becky Howard	Mount Carmel, IL, United States	2015-06-04
Breanna Perera	Los Alamos, NM, United States	2015-06-04
Jennifer Weil	Santa Fe, NM, United States	2015-06-04
Kemal Tolga Koseoglu	Santa Fe, NM, United States	2015-06-04
Rhesa Olsen	Tucson, AZ, United States	2015-06-04
Richard Kelly	Pittsburgh, PA, United States	2015-06-04
Anna Hargreaves	Albuquerque, NM, United States	2015-06-04
Kelly Lanzendorfer	Pittsburgh, PA, United States	2015-06-04
Nina Dougherty	Santa Fe, NM, United States	2015-06-04
Elena Benton	Santa Fe, NM, United States	2015-06-04
Susan Chambers-Otero	Santa Fe, NM, United States	2015-06-04
Marvin Godner	Santa Fe, NM, United States	2015-06-04
Alexandra Sanders	Atlanta, GA, United States	2015-06-04
elaine coleman	Santa Fe, NM, United States	2015-06-04
Carol Eastes	Santa Fe, NM, United States	2015-06-04
MARY ALONSO	Santa Fe, NM, United States	2015-06-04
Brenna Britton	Tarrytown, NY, United States	2015-06-05
Nancy O'mara	Santa Fe, NM, United States	2015-06-05
Sherrie Berger	Los Angeles, CA, United States	2015-06-05
Marcey Hess	Santa Fe, NM, United States	2015-06-05
William Matthews	Middelburg, Netherlands	2015-06-05

Name	Location	Date
mark fina	New York, NY, United States	2015-06-05
Thomas Stanford	Santa Fe, NM, United States	2015-06-05
john pearson	Los Angeles, CA, United States	2015-06-05
Jane Siskin	Santa Fe, NM, United States	2015-06-05
kate orne	Highland, NY, United States	2015-06-05
Jill Jenkins	Rossville, GA, United States	2015-06-05
Mark Connolly	New York, NY, United States	2015-06-05
GAYLE MEANS	Encino, CA, United States	2015-06-05
Betsy Millard	Santa Fe, NM, United States	2015-06-06
Lane Coulter	Santa Fe, NM, United States	2015-06-06
Ingmarie McElvain	Santa Fe, NM, United States	2015-06-06
Jaye lasko	Santa Fe, NM, United States	2015-06-06
Robert Rackley	Santa Cruz, CA, United States	2015-06-06
jeana francis	Miami, FL, United States	2015-06-06
Kajsa Von Hofsten	Brighton, ENG, United Kingdom	2015-06-06
Roxane David	Madrid, NM, United States	2015-06-06
JOn Neutra	Santa Fe, NM, United States	2015-06-06
Stephen Donoghue	Camberley, ENG, United Kingdom	2015-06-06
Thor Schulte-Starcher	Santa Fe, NM, United States	2015-06-06
Carrie Vogel	Santa Fe, NM, United States	2015-06-06
Margaret Muchmore	Santa Fe, NM, United States	2015-06-06
Gerald Wise	Santa Fe, NM, United States	2015-06-06
Colin Cumming	Santa Fe, NM, United States	2015-06-06
John Mahan	Santa Fe, NM, United States	2015-06-06
Karen fix	Chicago, IL, United States	2015-06-07
Maggy Schulze	Santa Fe, NM, United States	2015-06-07
Robert Shelley	Santa Fe, NM, United States	2015-06-07
Barbara Templeman	Santa Fe, NM, United States	2015-06-07
Dr. Charlotte Cooke	Santa Fe, NM, United States	2015-06-07
Robert Josephs	Santa Fe, NM, United States	2015-06-07
Mary McNeill	Santa Fe, NM, United States	2015-06-07
Frank Gibbons	Spain	2015-06-07

Name	Location	Date
Allan Wheeler	Santa Fe, NM, United States	2015-06-07
Tom Shillinglaw	Santa Fe, NM, United States	2015-06-07
Donna Rae Peth	Santa Fe, NM, United States	2015-06-08
Caroline Williams	Del Mar, CA, United States	2015-06-08
Chris Alonso	Santa Fe, NM, United States	2015-06-09
Mary Versace	Santa Fe, NM, United States	2015-06-09
Kenneth Pin	Santa Fe, NM, United States	2015-06-10
Alice Swistel	Santa Fe, NM, United States	2015-06-10
Robin Beachner	Santa Fe, NM, United States	2015-06-10
Barb Massey	Santa Fe, NM, United States	2015-06-10
morgan kanae	hanford, CA, United States	2015-06-11
David Stevens	SANTA FE, NM, United States	2015-06-11
Patricia Brown	San Clemente, CA, United States	2015-06-11
Erika Eckerstrand	Santa Fe, NM, United States	2015-06-11
Umar Rusyad	Shah Alam, Malaysia	2015-06-11
Sandra Brand	Charlotte, NC, United States	2015-06-11
Adam Sukman	Long Beach, CA, United States	2015-06-11
Wiley Davidson	Santa Fe, NM, United States	2015-06-12
Gayle Kenny	Santa Fe, NM, United States	2015-06-12
Sheila Gumerman	Santa Fe, NM, United States	2015-06-12
Jackie Dulle	Santa Fe, NM, United States	2015-06-12
Linda Myers	Santa Fe, NM, United States	2015-06-12
Adrian VanderHave	Santa Fe, NM, United States	2015-06-12
Eric Myers	Santa Fe, NM, United States	2015-06-12
Melody Sullivan	Santa Fe, NM, United States	2015-06-12
Blake Myers	Tempe, AZ, United States	2015-06-12
Georgia Cooper	Santa Fe, NM, United States	2015-06-12
Melanie MacGillivray	Santa Fe, NM, United States	2015-06-12
Marcia Wolf	Santa Fe, NM, United States	2015-06-13
Cynthia Allen	Santa Fe, NM, United States	2015-06-13
Marjorie Gross	Santa Fe, NM, United States	2015-06-13
Walden Whitehill	Santa Fe, NM, United States	2015-06-13

Name	Location	Date
Joe Rimes	Aspermont, TX, United States	2015-06-13
kim schilling	Santa Fe, NM, United States	2015-06-13
Monique Feldman	Santa Fe, NM, United States	2015-06-13
Kathryn W. Jones	Santa Fe, NM, United States	2015-06-13
Camilla Phillips	Santa Fe, NM, United States	2015-06-13
Philip Rich	Pittsfield, MA, United States	2015-06-13
E Dow Suhre	Albuquerque, NM, United States	2015-06-14
Stephen Patrick	Santa Fe, NM, United States	2015-06-14
Charley Burnham	Santa Fe, NM, United States	2015-06-14
Suzanne Dulle	Santa Fe, NM, United States	2015-06-14
Julia Pfeiffer-Scherrer	Marion, IL, United States	2015-06-14
jeffrey lewis	Santa Fe, NM, United States	2015-06-14
Lawrence Israel	Santa Fe, NM, United States	2015-06-14
John Otter	Santa Fe, NM, United States	2015-06-14
Lynn Hathaway	Santa Fe, NM, United States	2015-06-14
Barbara Willmore	Harrisburg, IL, United States	2015-06-14
James Dyke	Santa Fe, NM, United States	2015-06-14
Lauren Hunt	Santa Fe, NM, United States	2015-06-15
Sarena Ebelacker	Somerville, MA, United States	2015-06-15
Susan McKee	Santa Fe, NM, United States	2015-06-15
Kim McDaniel	Santa Fe, NM, United States	2015-06-15
Caitlin McHugh	Santa Fe, NM, United States	2015-06-15
Ana Garner	Santa Fe, NM, United States	2015-06-15
Stephen Hardy	Santa Fe, NM, United States	2015-06-16
Gail Karr	Santa Fe, NM, United States	2015-06-16
Gustavo Seluja	Santa Fe, NM, United States	2015-06-16
Robert Brady	Santa Fe, NM, United States	2015-06-16
Linda Grisham	Santa Fe, NM, United States	2015-06-16
Lydia Zepeda Jennings	Santa Fe, NM, United States	2015-06-16
Ginger Cappuccio	Santa Fe, NM, United States	2015-06-16
Richard Jennings	Santa Fe, NM, United States	2015-06-16
Angelo Cappuccio	Santa Fe, NM, United States	2015-06-16

Name	Location	Date
Paul Eitner	Santa Fe, NM, United States	2015-06-16
Denise Roy	Santa Fe, NM, United States	2015-06-16
Patricia Eggers	Santa Fe, NM, United States	2015-06-16
Kenneth Marchant	Santa Fe, NM, United States	2015-06-16
Mary Jane Parks	Santa Fe, NM, United States	2015-06-16
Pascual Romero	Santa Fe, NM, United States	2015-06-16
walt scarborough	Santa Fe, NM, United States	2015-06-16
Jamelyn Ebelacker	Santa Fe, NM, United States	2015-06-16
chantal tynes	Santa Fe, NM, United States	2015-06-16
Bruce Papier	Santa Fe,, NM, United States	2015-06-17
Roger Hathaway	Santa Fe, NM, United States	2015-06-17
Diana Coles	Santa Fe, NM, United States	2015-06-17
Brian Edwards	Santa Fe, NM, United States	2015-06-17
Jason Aufrichtig	Santa Fe, NM, United States	2015-06-17
Katharin Kagl	Santa Fe, NM, United States	2015-06-17
Tami Hogenson	Canby, OR, United States	2015-06-17
Arnold Valerio	Santa Fe, NM, United States	2015-06-17
Elizabeth Christiansen	Santa Fe, NM, United States	2015-06-17
Fletcher Catron	Santa Fe, NM, United States	2015-06-17
Joanne Birdwhistell	Santa Fe, NM, United States	2015-06-18
Joyce Ice	Santa Fe, NM, United States	2015-06-18
Donna Vivado	Centerville, MA, United States	2015-06-18
JOANNA NEDBOY	Santa Fe, NM, United States	2015-06-18
Chris Novak	Indianapolis, IN, United States	2015-06-18
Lorna Metz	Sun City, AZ, United States	2015-06-18
Mark & Kirsten Graham	Santa Fe, NM, United States	2015-06-18
Kelly Irwin	Upper Darby, PA, United States	2015-06-18
Sanders irene@sandersco.com	Shepherdstown, WV, United States	2015-06-19
Mari Kooi	Chattanooga, TN, United States	2015-06-19
SANDRA KREITZ	Santa Fe, NM, United States	2015-06-19
Krystyna Glenn	Santa Fe, NM, United States	2015-06-19
Sheila Martin	Santa Fe, NM, United States	2015-06-19

Name	Location	Date
Julia Golden	Santa Fe, NM, United States	2015-06-19
Sharon & David Tolleson	Santa Fe, NM, United States	2015-06-19
Craig Hoopes	Santa Fe, NM, United States	2015-06-19
Diane Senior	Madrid, NM, United States	2015-06-19
Patricia A MacLaughlin	Santa Fe, NM, United States	2015-06-19
Malcolm Glenn	Santa Fe, NM, United States	2015-06-19
Deborah Woitte	Santa Fe, NM, United States	2015-06-20
Christina Bruce	Santa Fe, NM, United States	2015-06-20
Craig Copelin	Santa Fe, NM, United States	2015-06-20
Kate Ernst	Santa Fe, NM, United States	2015-06-20
Jane Quillien	Santa Fe, NM, United States	2015-06-20
Carmela Manzari	Santa Fe, NM, United States	2015-06-20
Michael Trusty	Santa Fe, NM, United States	2015-06-20
Jessie Tremper	Santa Fe, NM, United States	2015-06-20
Jaime Michaels	Santa Fe, NM, United States	2015-06-21
nathaniel hesse	santa fe, NM, United States	2015-06-21
Nancy Hardwick	Santa Fe, NM, United States	2015-06-21
Kerry Green	Tesuque, NM, United States	2015-06-21
Katharine King	Santa Fe, NM, United States	2015-06-22
Veronica Vail Nitko	Tucson, AZ, United States	2015-06-22
Emma Theis	Santa Fe, NM, United States	2015-06-22
Charlene Cerny	Santa Fe, NM, United States	2015-06-22
Joseph Chipman	Santa Fe, NM, United States	2015-06-22
Lucy Ranney	Santa Fe, NM, United States	2015-06-22
Sharon O'shea	Santa Fe, NM, United States	2015-06-22
Sara Ranney	Albuquerque, NM, United States	2015-06-22
Ann Murdy	Santa Fe, NM, United States	2015-06-22
Amelia Ranney	Santa Fe, NM, United States	2015-06-22
Nancy Avedisian	Santa Fe, NM, United States	2015-06-22
Eileen Wells	Santa Fe, NM, United States	2015-06-22
Barbara Cleaver	Santa Fe, NM, United States	2015-06-22
Jack Pressler	Santa Fe, NM, United States	2015-06-22

Name	Location	Date
Carrie Post	Santa Fe, NM, United States	2015-06-22
Laurel Vander Velde	Santa Fe, NM, United States	2015-06-22
Akasha Larson	Santa Fe, NM, United States	2015-06-22
Deborah Tolar	Santa Fe, NM, United States	2015-06-22
miranda viscoli	Santa Fe, NM, United States	2015-06-22
Sue Ann Reeder	Santa Fe, NM, United States	2015-06-22
Cynthia Blackwell	Santa Fe, NM, United States	2015-06-22
Rad Acton	Santa Fe, NM, United States	2015-06-22
Frank Korom	Watertown, MA, United States	2015-06-22
Susan H Bell	Santa Fe, NJ, United States	2015-06-22
Lisa Watson	Santa Fe, NM, United States	2015-06-22
Brian Watson	Santa Fe, NM, United States	2015-06-22
Janet Williams	Santa Fe, NM, United States	2015-06-22
Diane Burke	Santa Fe, NM, United States	2015-06-22
Mary Raynard	Centennial, CO, United States	2015-06-23
John Dessauer	Santa Fe, NM, United States	2015-06-23
Donald Moody	Hilo, HI, United States	2015-06-23
Elizab Cerny-Chipman	Santa Fe, NM, United States	2015-06-23
Maggie York-Worth	Brooklyn, NY, United States	2015-06-23
Rachele Griego	Santa Fe, NM, United States	2015-06-23
janet russek	Santa Fe, NM, United States	2015-06-23
Amelia Coulter	New York, NY, United States	2015-06-23
Vincent Stenerson	Santa Fe, NM, United States	2015-06-23
Eden Chipman	Los Cerrillos, NM, United States	2015-06-23
Jaap Vermeulen	Santa Fe, NM, United States	2015-06-23
cynthia ludlow	Santa Fe, NM, United States	2015-06-23
Everett Cole	Santa Fe, NM, United States	2015-06-23
Kathie hughes	Santa Fe, NM, United States	2015-06-23
Oriana Rodman	Santa Fe, NM, United States	2015-06-23
Tim Shropshire	Boulder, CO, United States	2015-06-23
Danielle Florio	New York, NY, United States	2015-06-23
Luke Simon	Albuquerque, NM, United States	2015-06-23

Name	Location	Date
Gary Newgent	Santa Fe, NM, United States	2015-06-23
ssu weng	Santa Fe, NM, United States	2015-06-23
David Coulson	Santa Fe, NM, United States	2015-06-23
Stephen A. Martinez	Albuquerque, NM, United States	2015-06-23
Carmen Athens	Albuquerque, NM, United States	2015-06-23
Stephen Field	Blanco, TX, United States	2015-06-23
Laura Pancoast	Santa Fe, NM, United States	2015-06-23
Ben Fletcher	Santa Fe, NM, United States	2015-06-23
Peter Pesic	Santa Fe, NM, United States	2015-06-23
Christina Rabe	Aurora, CO, United States	2015-06-24
Elizabeth Geister	Aurora, CO, United States	2015-06-24
Michael Vander Velde	Santa Fe, NM, United States	2015-06-24
Sarah ortiz	Santa Fe, NM, United States	2015-06-24
Jamie O'Malley	Santa Fe, NM, United States	2015-06-24
Elizabeth Pease	Santa Fe, NM, United States	2015-06-24
Barbara Bell	Santa Fe, NM, United States	2015-06-24
Denise Vermeulen	Santa Fe, NM, United States	2015-06-24
John Gonsiorek	Santa Fe, NM, United States	2015-06-24
Robert Shea	Santa Fe, NM, United States	2015-06-24
Joseph Shea	Santa Fe, NM, United States	2015-06-24
Susan Shea	Santa Fe, NM, United States	2015-06-24
Pat Bacala	Santa Fe, NM, United States	2015-06-24
Barbara Hargis	Santa Fe, NM, United States	2015-06-25
Kenneth Hargis	Santa Fe, NM, United States	2015-06-25
Art Lucero	Los Angeles, CA, United States	2015-06-25
Ashley Fritz	Breaux Bridge, LA, United States	2015-06-25
Richard Schroeder	Albuquerque, NM, United States	2015-06-25
jan sultan	manhattan beach, CA, United States	2015-06-25

change.org

The Coalition to Save Old Pecos Trail

Recipient: Mayor Javier Gonzales and the Santa Fe City Council

Letter: Greetings,

PETITION AGAINST MORNINGSTAR

We, the undersigned, do not want a 73,550 sq. ft. new building on R-1 zoned land located in a residential neighborhood on the historic Old Pecos Trail corridor.

1) MorningStar, a Colorado company, has applied for a "Special Use Permit" to build a "Continuing Care Community" with 104 beds, on 3.85+/- acres zoned R-1 at the corner of Calle de Sebastian and the historic Old Pecos Trail.

2) We, the undersigned, urge the city not to approve this commercial development in our residential neighborhood as it does not meet the "Special Use Permit" Code definition of a "Continuing Care Community."

3) We, the undersigned, urge the city not to approve this commercial development because it is inappropriate, too big, too dense, too intrusive, adds too much traffic and will affect the Old Pecos Trail as the historic gateway into Santa Fe.

Comments

Name	Location	Date	Comment
Patricia Lillis	Santa Fe, NM	2015-05-24	Commercial development of this size (bigger than the Santa Fe Convention Center) does not belong on the Old Pecos Trail or on R-1 zoned land in a residential neighborhood.
John Bemis	Santa Fe, NM	2015-05-25	MorningStar is a commercial operation that does not belong on R-1 land on the Old Pecos Trail. Find an appropriate location as have other senior facilities.
Faith Bowie	Santa Fe, NM, NM	2015-05-25	Old Pecos Trail is the only scenic entrance to Santa Fe providing the charm that S.Fe is known for. Hotels, restaurants and shops which cater to tourists as well as real estate agents will be gravely injured if this charm is allowed to disappear!
kenneth jacks	Santa Fe, NM	2015-05-25	This is an illegal water hogging monstrosity.
Jan Brooks		2015-05-30	This Morningstar Development is illegal within those construction projects allowed under a Special Use Permit and will forever open the door to continued COMMERCIAL DEVELOPMENT along Old Pecos Trail, our only historic entrance into Santa Fe. This must be stopped NOW to preserve this corridor for our grand children and great grandchildren. There are numerous locations where Morningstar could build that would be appropriate. This is not one of them.
William Howard	Santa Fe, NM	2015-05-31	I am strongly opposed to high density development on the Old Pecos Trail corridor. I have seen similar developments in other cities and the ruinous consequences that have resulted to the livability of the area.
Kathleen Howard	Sscottsdale, AZ	2015-05-31	I oppose the huge MorningStar development. It does not belong on historic Old Pecos Trail. Don't let developers spoil our beautiful city.
Catherine M Harvey	Santa Fe, NM	2015-05-31	Lets keep further commercial development off Old Pecos Trail and have a beautiful entrance in to Santa Fe!
Cherry Payne	Santa Fe, NM	2015-05-31	OPT is the most beautiful entry into and out of downtown. Do not turn it into another St. Francis or Cerrillos Road!
shibana singh	santa fe, NM	2015-05-31	The beauty of Santa Fe is its vast open lands and skies,please do not make it into a commercial concrete jungle!!!
Cathy Gronquist	Santa Fe, NM	2015-05-31	This development is just WRONG!
Guy Gronquist	Santa Fe, NM	2015-05-31	It would be foolhardy to ruin through commercialization the entry into Santa Fe from the north, i.e. Denver, an important market, to satisfy short-term and short-sighted development plans. It would expose the City's publically stated goal of sustainable development as hollow and cynical. MorningStar needs to find an appropriate site if it wants to come to Santa Fe, which the Old Pecos Trail is not.
Ginny Zippered	Sfanta fe, NM	2015-05-31	I think there are other sites within that area that could meet the developer's needs & would oppose putting this project on the Old Pecos Trail site.
Jerry Christopher	Santa Fe, NM	2015-05-31	MorningStar Project is inappropriate in this residential neighborhood.
Dorothy Fitch	Santa Fe, NM	2015-05-31	It's not fair to the people living next to the property to have the adjacent property zoning changed so drastically. Plus, Old Pecos Trail has been designated as a Scenic Corridor - it doesn't seem correct to change it so others can make a profit.
Daniel Wallace	Memphis, TN	2015-05-31	My grandmother helped make the city great and would be ashamed of actions that do not recognize such.

Name	Location	Date	Comment
Charles Koenig	Santa Fe, NM	2015-05-31	Protecting neighborhoods from unconscionable development is important. This OPTrail R-1 neighborhood is threatened, and so is yours if this commercial project is built
iris vazquez	santa fe, NM	2015-05-31	I am tired of folks destroying our natural land
Kathleen Whitaker	Santa Fe, NM	2015-05-31	Such a development will obliterate the beautiful cultural and scenic landscape of Santa Fe. What the heck are the city administrators thinking. There are other areas of Santa Fe where this would be more appropriately placed.
Melinda Scatena	Santa Rosa, CA	2015-05-31	Melinda Scatena
Jamie Douglass	Santa Fe, NM	2015-05-31	I feel the traffic is already a challenge on Old Pecos, let alone a huge facility moving into that area. It belongs in a commercial area not a designated Scenic Corridor.
stephen fried	philadelphia, PA	2015-05-31	I spend part of each year in the Santa Fe area and respect the Old Pecos Trail
Kay Allison	Santa Fe, NM	2015-06-01	Ever since I was a young girl I have traversed this road on a daily basis. It's beauty as a gateway into the city should not be disrupted . Please save Old Pecos Trail.
Ronda fleck	Santa Fe, NM	2015-06-01	i live in the neighborhood and I don't think that it is appropriate
Kelly Stranahan	Santa Fe, NM	2015-06-01	I live in this area and this is wrong on so many levels! There is so much land in Santa Fe as well as so many buildings that are no longer occupied, that would make so much more sense. Please stop this from going any further!!!!!
Alana Banner	Santa Fe, NM	2015-06-01	Being born and raised in Santa Fe, preserving our skyline is beyond important to me. There are many other places for this project. But not on old pecos trail.
Loren Blackwood	Irvine, CA	2015-06-01	My friend recommended that I do so, she is familiar with this area. I do believe in preserving nature and feel this is a crucial resource which will benefit future generations.
Mary Little	Santa Fe, NM	2015-06-01	I live in this neighborhood, my kids bike in this neighborhood and for them to say it won't effect traffic on these small streets is ridiculous! Also, my view of the Sangre de Cristo's will now include a 73,000 Sw. Ft building and all the lights that go with--it's ridiculous! Please, please don't let this happen, there are so many other spots for something like this on non-residential areas.
Graham Johansson	Bellville, South Africa	2015-06-01	Preservation of scenic corridors as heritage gateways is priceless in the face of human population expansion. My friend from Santa Fe believes this to be true and in preserving nature and its priceless value to the quality of mankind. There re many other places to build and live.
Randall Hayden	Santa Fe, NM	2015-06-01	While planned growth is important, so is preserving the beauty and spirit of Santa Fe.
Nonnie Thompson	Santa Fe, NM	2015-06-01	Losing something with such intrinsic American history is short sighted, selfish and ignorant.
Ian Rosenkranz	Santa Fe, NM	2015-06-01	ENOUGH! Preserve what little is left. Cerrillos Road, St. Francis Drive, Bypass 599, and now Old Pecos Trail. Will City Hall step up or roll over yet again?
Steven Lipscomb	Santa Fe, NM	2015-06-01	I am not anti-development, but anit-inappropriate development ... this project is exactly that!
Thor Sigstedt	Santa Fe, NM	2015-06-01	...I am concerned about the large scale of the proposal and the need to protect the neighborshoods from commercial large scale...
Bruce Bernstein	Santa Fe, NM	2015-06-01	Old Pecos Highway is the only remaining scenic and non-commercial entrance into the city of Santa Fe. Commercial construction should continue to be built as in-fill, within other existing similar properties rather than in new areas.
Michael Rogers	Newcastle, CA	2015-06-01	Keep history alive, quit burrying it!

Name	Location	Date	Comment
Trish Hug	Santa Fe, NM	2015-06-01	Aren't there already enough empty buildings that could be converted to a senior facility without having to build more?
Casey Clendenin	Santa Fe, NM	2015-06-01	I support the Old Pecos Corridor scenic entrance to Santa Fe. I also understand the Special Use Permit to build this in R1 zoning is questionable. The families that surround this project will lose property value and experience a big traffic impact. The city presented a traffic report that was fully lame. I am far more concerned about my neighbors than a Colorado corporation. If only the city felt the same way.
Scott Geister	Santa Fe, NM	2015-06-01	I oppose unbridled commercial development in residential areas, and I value, respect, and want to preserve the traditional, historic corridors into our city
Laurie Cripe	Whitefish, MT	2015-06-02	its important to save history in this day and age of commercializing everything.
Simon Flores	Houston, TX	2015-06-02	History and historical sites must be preserved.
Melissa Coleman	Santa Fe, NM	2015-06-02	Dumb, bad idea!
Jean Moss	Santa Fe, NM	2015-06-02	I agree with all the points in the petition.
David Childs	Santa Fe, NM	2015-06-02	No more Santa Fe sprawl. We have enough senior centers. It's time we supported our youth, not just retirees.
Jennifer Warren	Santa Fe, NM	2015-06-02	I live in Santa Fe and value the beauty and simplicity of this area!
Karen Shepherd	Santa Fe, NM	2015-06-02	I live nearby and it would NOT enhance our neighborhood or Santa Fe! This is the only entry from the highway that isn't commercial and retains the character of traditional Santa Fe!
Pamela Platt	Santa Fe, NM	2015-06-02	This is my neighborhood and it is not zoned for this type of facility,
John shannon	Tulsa, OK	2015-06-02	some areas need to be left alone!
Nicole Tixier	Santa Fe, NM	2015-06-02	I believe in no commercial development in this location. Build elsewhere.
Tracey Ryder	Santa Fe, NM	2015-06-02	I'm opposed to this development!
Donna Leshne	Santa Fe, NM	2015-06-02	Keep SF "different" and rural, the creep of habitation everywhere is an anathema, and where - oh by the way - is the water?
Henry Muchmore	Santa Fe, NM	2015-06-02	Born and raised in this neighborhood. Don't want to see it ruined.
Jay Heneghan	Santa Fe, NM	2015-06-02	There are many more appropriate places to allow this kind of development in Santa Fe that would not have such a negative impact on one of the last scenic and very unique entrances into our historic city. Without protecting and preserving gentle entrances like this, we begin to fall victim to the same over development we have seen in other historic towns that have become nothing more than uninteresting suburban cookie cutter towns with an historic plaza that starts to look artificial because its larger environs no longer reflect the history of the town.
Prudence Page	Albuquerque, NM	2015-06-02	I love the the Old Pecos Trail. I live in Albuquerque, but often visit Santa Fe. If these historic sites are not preserved, many people like me will have less reason to visit.
Rits McDonald	Santa Fe NM, Yemen	2015-06-02	It is important to save Sants Fe historically.
Mary Shepherd	Santa Fe, NM	2015-06-02	There are many other locations in Santa Fe where this type of facility would not be a problem. Even a block away on Calle Medico would not be a problem for the neighbors. This 24-hour facility right in the heart of the neighborhood will disturb people's sleep, increase traffic and noise, and destroy the residential character of the neighborhood.
Rudy Blea	Santa Fe, NM	2015-06-02	Oppose the new construction of the facility.
lorraine upton	santa fe, NM	2015-06-02	Don't ruin our LAND.

Name	Location	Date	Comment
Karen Turner	Santa Fe, NM	2015-06-02	I lived in Santa Fe for 25 years. It doesn't need this.
edward Ranney	Santa Fe, NM	2015-06-02	inappropriate development
Nancy Williams	Providence, UT	2015-06-02	I grew up in northern NM and know the Old Pecos trail. Family members still live there. This area deserves to be preserved, NOT developed.
Thomas Nelson	Havre, MT	2015-06-02	The trail should be left as it is, a historical landmark.
Maureen O'Brien	Lamy, NM	2015-06-02	This building is invasive to Pecos Trail. Two stories? Building on a ridge? This will take the beauty out of entering Santa Fe. Make it one more over deloped ugly city. Is this what we live here for? Not.
Claudia Joseph	Santa Fe, NM	2015-06-02	This is an important threshold to preserving what makes Santa Fe beautiful, consciously developed and honors the principals and traditions that drew us in and keep us here. Support what makes Santa Fe different. These incremental decisions matter, have a big impact and prevent the slippery slope to a big box culture.
Sandra Rathgeb	Santa Fe, NM	2015-06-02	I am concerned about the large scale of the proposal and the need to protect the neighborhoods from commercial large scale building
Nikolas Alley	Santa Fe, NM	2015-06-02	On behalf of the wild animals, and of which we must learn to live in balance with nature. As nature gives us so much beauty and enriches our lives. Please choose another location that we may preserve our beautiful natural corridor. Thank you for concidoring natures voice, in realizing this greatly effects the lives of more than just humans.
Susan Lunt	Albuquerque, NM	2015-06-02	I grew up in Santa Fe and it is a sanctuary because it is not so developed that one feels like they are driving from one development to another throughout the country. Please do NOT try to improve on a town that provides beauty and peace because of just the way it is!
Lucy Lunt	Houston, TX	2015-06-02	I love Santa Fe and the Old Pecos Trail in particular. Please preserve a precious part of our history.
dana grubesic	albuquerque, NM	2015-06-03	dont need the development.
Victoria Murphy	Santa Fe, NM	2015-06-03	I live in the area, I drive Old Pecos Trail daily. I see how heavy the traffic already is with commuters from the 285 corridor. This is not the place to build this.
Mary McCarthy	Albuquerque, NM	2015-06-03	I do not want to see development along the Old Pecos Trail
David Ohori	Santa Fe, NM	2015-06-03	The proposed facility is much too large to warrant a variance from the R-1 neighborhood. It violates the intent of the R-1 designation. There are more people who are against it than people who would benefit from it.
Kathy Rappaport	Santa Fe, NM	2015-06-03	We need to preserve this historical landmark.
Stephen Post	Santa Fe, NM	2015-06-03	I'm signing because I want the Old Pecos Trail scenic corridor to be preserved for future generations to enjoy. Developments of inappropriate size and character are the fastest way to irreparably harm or destroy or city's natural and cultural heritage.
Mary Doino	Santa Fe, NM	2015-06-03	There is to much of this kind of "Development" in Santa Fe!

Name	Location	Date	Comment
Helen Tomlin	Santa Fe, NM	2015-06-03	I believe the Old Pecos Trail and Old Santa Fe should be preserved as a historic corridor into the oldest city in the United States. This size building should not be placed in an R-1 neighborhood. There are other areas in town that are appropriate for this type of use and size of building. The amount of jobs created by this endeavor is minimal compared to what is needed for this city. The adverse effects of additional traffic, noise and future valuations of homes adjacent to this 73,552 square foot building far outweigh the construction of this building as proposed. With some creative thinking and planning there is a way to resolve the situation for everyone's benefit. I respectfully request the Councilors of the City of Santa Fe deny the request for a Special Use Permit proposed by MorningStar located on the corner of Old Pecos Trail and Calle de Sebastian. Helen Tomlin, President, ACSyL Neighborhood Association
Pat Hall	santa fe, NM	2015-06-04	I do not want to ruin Old Pecos Trail I drive it every day.
Jennifer Garcia	Santa Fe, NM	2015-06-04	this property is zoned residential not commercial Santa Fe can not afford any more big developments. Keep it local support local home care providers. Not a expensive place where locals could never afford
Kendall McCumber	Santa Fe, NM	2015-06-04	this area needs to protected by building codes like everywhere else.
Dorothy Weber	Santa Fe, NM	2015-06-04	Affected homeowner whose is opposed to the oversized building which will ruin the character of the neighborhood.
Rhesa Olsen	Tucson, AZ	2015-06-04	If we keep tearing up land for more fast food restaurants (that we don't need), more stores/strip malls (that we don't need), and housing developments (that we don't need), we will be a country devoid of the beauty and splendor that we are already losing. Imagine the climate change that will take place then?!?!
Nina Dougherty	Santa Fe, NM	2015-06-04	It is a 24 hour operation in a residential area. The noise and light pollution are not compatible with the other structures used in the area and neighbors who will be adversely affected.
Susan Chambers-Otero	Santa Fe, NM	2015-06-04	Because developers win out over the community.
Marvin Godner	Santa Fe, NM	2015-06-04	I drive by the proposed site daily...it will be an absolute eyesore we will never get rid of and open up the road to more eyesores and make it into another Cerfillis Road
Alexandra Sanders	Atlanta, GA	2015-06-04	This is where I grew up, my home state...please don't change it. There is a reason why Santa Fe is continually ranked the #2 travel destination in our great United States. There are plenty of other places they can build that facility.
elaine coleman	Santa Fe, NM	2015-06-04	We must act now to preserve the integrity of this scenic, historic entrance to Santa Fe--not just for we the living but for future generations.
William Matthews	Middelburg, Netherlands	2015-06-05	I love the aesthetic qualities of Santa Fe and want to see it .preserved. It
Mark Fina	New York, NY	2015-06-05	because i believe these developments ultimately destroy our environment. but with a little effort they could work and enhance our world.

Name	Location	Date	Comment
Betsy Millard	Santa Fe, NM	2015-06-06	This is way too big for the location. And what poor souls would want to live in such a place with virtually no outdoor/garden space. This is a terrible excuse to warehouse elderly folks in an inappropriate setting.
Lane Coulter	Santa Fe, NM	2015-06-06	A commercial property of the scale and density of that being proposed by Morningstar is entirely inappropriate for this heritage corridor and will negatively impact the lives of longstanding residents immediately adjacent to the property.
Kajsa von Hofsten	Brighton, United Kingdom	2015-06-06	We must have some undeveloped land left in the world.
Stephen Donoghue	Camberley, United Kingdom	2015-06-06	my aunt moved there to retire in a beautifully peaceful, historic & cultural place. Not to be ruined by a huge corporate development with plenty of other options!
Thor Schulte-Starcher	Santa Fe, NM	2015-06-06	Because I care....
Margaret Muchmore	Santa Fe, NM	2015-06-06	I am familiar with the reasons "Rosemont" went bankrupt here in Santa Fe and Morningstar is using the same unworkable model. If a person breaks a hip, they have to leave or provide their own medical care. Morningstar has made a big point about NOT being a medical facility because it is very hard to find qualified help. There is HUGE turnover in the low pay elder care industry while the elders pay many thousands a month for a good view and bad food. Maggie Muchmore
Gerald Wise	Santa Fe, NM	2015-06-06	The size of this development is not appropriate for Old Pecos Trail, the only non commercialized and historic entrance to Santa Fe.
Barbara Templeman	Santa Fe, NM	2015-06-07	Bit by bit We are losing our beautiful open space in this town. Please preserve this for future generations
Robert Josephs	Santa Fe, NM	2015-06-07	I don't believe a building of this size with attendant traffic is suitable for the Old Pecos corridor.
Frank Gibbons	Spain	2015-06-07	I live in the neighborhood and want to keep it residential R-1.
Allan Wheeler	Santa Fe, NM	2015-06-07	Santa Fe has only this one relatively unspoiled entrance road left and it has been designated by public acclaim as single residence only.
Donna Rae Peth	Santa Fe, NM	2015-06-08	This proposal may be good for the city but not at this location. I am sure a more suitable location can be found.
Chris Alonso	Santa Fe, NM	2015-06-10	We don't need another commercial entrance into downtown Santa Fe. Also, as a resident of the neighborhood I don't understand why we would allow large commercial buildings into a low density residential neighborhood.
Kenneth Pin	Santa Fe, NM	2015-06-10	The Old Pecos Trail Corridor is scenic and bucolic. We need to protect and preserve it.
Alice Swistel	Santa Fe, NM	2015-06-11	No commercial developments should be allowed in this residential, scenic area.
Umar Rusyad	Shah Alam, Malaysia	2015-06-11	Im signing this because i want Mcpe Mod Locator back to the play store
Adam Sukman	Santa Fe, NM	2015-06-11	I grew up in Santa Fe, and would be dismayed if this project is approved, as it is ill suited to the area and will severely impact the quintesencial entrance to Santa Fe
Blake Myers	Tempe, AZ	2015-06-12	My family home is on Old Pecos Trail
Georgia Cooper	Santa Fe, NM	2015-06-12	I want to protect the area
Marcia Wolf	Santa Fe, NM	2015-06-13	Three corridors of entry south of downtown Santa Fe. Two of those are commercial strips (and growing!) Keep Old Pecos Trail open and scenic. Infill projects should not be integrated into this historic corridor. Keep this open for all of us and honor our history. Our history is not just the Plaza or the Eastside.
Joe Rimes	Aspermont, TX	2015-06-13	This proposed site is totally inappropriate for a commercial property operation!
kim schilling	Santa Fe, NM	2015-06-13	keep that one area undeveloped please

Name	Location	Date	Comment
E Dow Suhre	Albuquerque, NM	2015-06-14	Protect the scenic and dignified entrants to Sants Fe
James Dyke	Santa Fe, NM	2015-06-14	The massive size of this project is not appropriate for the Old Pecos Trail Scenic Corridor.
Lauren Hunt	Santa Fe, NM	2015-06-15	It's wrong.
Susan McKee	Santa Fe, NM	2015-06-15	Although there are a few churches and small business buildings in the general area of the proposed construction, the MorningStar development is far too large in scale and height for the Old Pecos Trail Corridor...I am in favor of preserving as much green space in the Corridor as possible to help maintain a scenic rural sense to the historic entry to Santa Fe and to maintain the integrity of R1 zoning eastside residents bought into...I would hate, hate to see Old Pecos Trail become another Cerrillos Road or St. Francis Road, all concrete and asphalt.
Caitlin McHugh	Santa Fe, NM	2015-06-16	This project is 1) size out of proportion with surrounding buildings 2) the set-back of the building is too close to the street 3) traffic flow will be impacted at the street juncture 4) building does not maintain scenic designation of city entrance corridor.
Ana Garner	Santa Fe, NM	2015-06-16	I love Santa Fe's history and the more we can preserve, the more we keep this treasure alive for others.
Stephen Hardy	Santa Fe, NM	2015-06-16	This development dose not fit the in the proposed location. Nor does the current zoning support a development of this type.
Gustavo Seluja	Santa Fe, NM	2015-06-16	We must preserve it and protect it.
Linda Grisham	Santa fe, NM	2015-06-17	Although I agree with the historical Part of the petition, I am also concerned about the traffic issue. Many people from Albuquerque, El Dorado, Pecos, Las Vegas and the small towns in between use Old Pecos trail to get to and from town. This trail is also used to transport our children to schools and Locals to work. The large facility will have large negative impact on them and the residents in this area. The Old Pecos trail is simply not built for this type of traffic. I will be a nightmare. We elected the city council to persevere our city and make it a better place for our citizens. It is truly disappointing to see this happening to our city and the blatant disregarded for the welfare of our citizens. I must oppose this and hope the Mayor and city council will reverse third decision.
Ginger Cappuccio	Santa Fe, NM	2015-06-17	Preserve the Scenic Corridor...no commercial development!
Richard Jennings	Santa Fe, NM	2015-06-17	How are we the City Different when we sell out our last entry way that is different?
paul eitner	audubon, PA	2015-06-17	I believe the unique quality of Santa Fe is best preserved by limiting large scale development in non-commercial areas of town.
Denise R Roy	Santa Fe, NM	2015-06-17	I live near the proposed development and want to preserve the residential character of my neighborhood.
Mary Jane Parks	Santa Fe, NM	2015-06-17	This development can be built on St. Michaels Drive or some commercial/residential area. Not in the quiet neighborhood along OPT.
Pascual Romero	Santa Fe, NM	2015-06-17	We need more jobs, not more houses.
Bruce Papier	Santa Fe,, NM	2015-06-17	I want to protect the character of this scenic portal to Santa Fe
Roger Hathaway	Santa Fe, NM	2015-06-17	There are no businesses of any kind open daily on Old Pecos Trail. Let's not allow Morningstar become the first.

Name	Location	Date	Comment
Diana Coles	Santa Fe, NM	2015-06-17	This large company has no repeat for the history of Santa Fe and could easily locate in a properly zoned area. I keep wondering who is behind this and what profit there is in ruining the historic road with no concerns for those of us living here.
Tami Hogenson	Canby, OR	2015-06-17	Kill animals need to stop no matter what kind it is ,they are all God's and he is allowing us to love and enjoy them not kill for no DAM
Fletcher R Catron	Santa Fe, NM	2015-06-18	This complex would be the only commercial business between the Interstate and Cordova road--all other non-residential uses are churches and non-profit and low-impact uses. If the development is approved, it will change the entire character of the area for the worse. It will be obtrusive on the landscape and it will be out of character in the neighborhood. It will do nothing to help the community in any way.
Joanne Birdwhistell	Santa Fe, NM	2015-06-18	It is extremely important for the cultural and economic health of Santa Fe to save this historic gateway into the City Different from inappropriate commercial development. Massive development like what Morningstar proposes will ruin all future possibilities to promote Santa Fe as a unique cultural and artistic destination, and it would violate the trust between the city and its citizens. City administrators and politicians: Please do not be short-sighted! Old Pecos Trail is the only gateway into any major American city with such archeological, historical, and cultural importance.
Joanna Yaszmina Nedboy	Santa Fe, NM	2015-06-18	Prevent development on Old Pecos Trail and preserve the beauty of Santa Fe.
Mark & Kirsten Graham	Santa Fe, NM	2015-06-19	We want to protect this historic entry into Santa Fe.
SANDRA KREITZ	Santa Fe, NM	2015-06-19	Tourism, our main industry here in Santa Fe is based on the historic and cultural nature of the city. This is very important and must be preserved!
Krystyna Glenn	Santa Fe, NM	2015-06-19	the project is totally inappropriate for this area!!
Sharon & David Tolleson	Santa Fe, NM	2015-06-20	We live in this residential neighborhood. This development is huge and not appropriate for this area of Santa Fe NM.
Patricia A MacLaughlin	Santa Fe, NM	2015-06-20	This development is detrimental to the area. There are other areas of development that this would fit into - but not this area.
Craig copelin	Santa Fe, NM	2015-06-20	I feel that it will negatively impact the quality of living in my neighborhood, which shares a fence line with the proposed facility. I especially feel that the traffic impact will be particularly detrimental to the area.
Kate Ernst	Santa Fe, NM	2015-06-20	I strongly disagree with the decision to allow the construction of the Morningstar facility in my neighborhood.
Jane Quillien	Santa Fe, NM	2015-06-20	Not only must Old Pecos Trail be preserved for cultural and architectural reasons, but this project just adds to the egregious kinds of institutions just as Christus - the motivation is greed not human care.
Carmela Manzari	Santa Fe, NM	2015-06-20	All reasons stated plus will ruin solar gain.
Katharine King	Santa Fe, NM	2015-06-22	I'm against thoughtless development and Santa Fe needs to revise its master development plan
Veronica Nitko	Tucson, AZ	2015-06-22	i am against any commercial development on the Old Pecos Trail. It will be the beginning of the ruination of the trail. You can build that senior facility in many other places!!!
Emma Theis	Santa Fe, NM	2015-06-22	This is where I spent my childhood!
Charlene Cerny	Santa Fe, NM	2015-06-22	the Morningstar Develipment is far too large for the site and location. While I am personally I affected, I don't believe this is appropriate infill.

Name	Location	Date	Comment
barbara cleaver	santa fe, NM	2015-06-22	Are we going to protect the beauty and character of our city..or are we not? Our Mayor and our City Council have a responsiblity to preserve this unique and lobely place from becoming Anywhere, USA. Short term financial interests should not trump the future of this special place. Don't you agree?
Carrie Post	Albuquerque, NM	2015-06-22	Santa Fe needs to stay historic!
Laurel Vander Velde	Saint Louis, MO	2015-06-22	I live nearby and don't want to see Old Pecos Trail become commercial. Wrong place for this development.
Sue Ann Reeder	Santa Fe, NM	2015-06-22	Santa Fe is the city different for a reason. This will commercialize our city & open the door for more of the same.
Cynthia Blackwell	Santa Fe, NM	2015-06-22	The Old Pecos Trail Corridor is a protected corridor specified in the City Plan. The City has not met with the community, as promised in the Plan, to develop guidelines for its protection or to define appropriate development. This historic corridor is this last remaining non-commercial entrance to Santa Fe. We must be good stewards of this legacy. Stop this development.
Susan H Bell	Santa Fe, NJ	2015-06-22	Put infill elsewhere..... This is out of proportion to the space.
Brian Watson	Santa Fe, NM	2015-06-22	We don't need this here.
Mary Raynard	Centennial, CO	2015-06-23	Still a property owner in Santa Fe and want to protect its unique style and beauty.
donald moody	hilo, HI	2015-06-23	I've spent 12 theater season there as an actor. This project is out of scale and over the top for SantaFe.
Amelia Coulter	New York, NY	2015-06-23	I agree with all points and feel strongly that this just isn't necessary in that location and am deeply concerned about what it would usher in, logistically and commercially.
cynthia ludlow	Santa Fe, NM	2015-06-23	Granting this "special use permit" opens the way to continuous 'special use' development. The concept is too big, and is not compatible with residential use. This proposed development would overwhelm the traffic patterns on Old Pecos. There are other locations where this type of facility could be built without destroying a community, infrastructure and environment.
Oriana Rodman	Santa Fe, NM	2015-06-23	City council members shouldn't need to be reminded that they represent the people of Santa Fe and that they should respect existing zoning laws designed to protect the beauty of our city - but obviously they need reminding!
Tim Shropshire	Boulder, CO	2015-06-23	We have to stand against destructive greedy development.
ssu weng	Santa Fe, NM	2015-06-23	It is not in the interests of Santa Fe's economy to commercialize historic areas.
David Coulson	Santa Fe, NM	2015-06-23	This intersection is the only low traffic bicycle route into town - giant buildings don't belong here.
Stephen Field	Blanco, TX	2015-06-24	I spend some of my summers in Santa Fe.
Michael Vander Velde	Santa Fe, NM	2015-06-24	I am signing this petition because i am a resident in this area. I drive by this proposed building site almost every day. This is a residential area and the traffic is often very heavy. I can't imagine what it would be like if MorningStar is allowed to build their structure. Traffic will become way to intense for a residential area. This is not a commercial area. It is almost totally residential. Please don't allow this proposed conditional use variance to be given. It would be totally inappropriate. It would destroy a wonderful residential area.

Name	Location	Date	Comment
Elizabeth Pease	Santa Fe, NM	2015-06-24	The MorningStar "Continuing Care Community" is precisely the kind of over development within Santa Fe's scenic and historic areas that will leave them irrevocably damaged or destroyed for the current generation of citizens and those who will be born or move here in the years to come. In addition, a great majority of the citizens living in neighborhoods adjacent to the proposed project are opposed to the development because it will substantively and irrevocably affect their quality of life because of increased noise, nightlight, and traffic, loss of view shed, and a decrease in property value. Please respect the Old Pecos Trail Scenic Corridor and reject MorningStar application for a Special Use Permit.
Barbara Bell	Santa Fe, NM	2015-06-24	The scale is hideous, the traffic cannot bear it, the zoning does not actually allow it and the Old Pecos Trail Entry into Santa Fe will be ruined forever.
Denise Vermeulen	Santa Fe, NM	2015-06-24	Preserve Old Pecos Trail! Keep Santa Fe beautiful and scenic. Don't let out-of-state opportunists destroy the beauty and relative quiet of Old Pecos Trail.
John Gonsiorek	Santa Fe, NM	2015-06-24	This proposed massive commercial development is entirely inappropriate for a residential neighborhood, especially an R-1. If the City succeeds in forcing this upon the Southeast neighborhood, then Santa Fe homeowners are not safe from having the City destroy their property values by making their residential neighborhood into a commercial zone.
Susan Shea	Santa Fe, NM	2015-06-24	Having seen major zoning changes in Naples and Key West FL which changed the character of both cities, I would hate to see this happen to the Old Pecos Trail. The scale of Morningstar is way to massive for the site.
jan sultan	manhattan beach, CA	2015-06-25	good idea for the old folks, wrong place to put it. city council needs to act.
bill Fleming	Albuquerque, NM	2015-06-25	I oppose the Morningstar plan on Old Pecos Trail.
Wanesia Spry	Madison, WI	2015-06-25	Save pecos trail!

1810

PETITION AGAINST MORNINGSTAR

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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	Louise Haas	1810 Calle de Sebastian H O-4	louise.haas@att.net	Louise Haas
2	Bill Haas	1810 ~~Calle de Sebastian, O-4~~	— — —	Bill Haas
3	Bob MORGART	1810 Calle de Sebastian O-4	margaret earthlink.net	
4	Eileen Berry	1810 Calle de Sebastian F-1	eileenberry@yahoo.com	
5	Gwen Takala	1810 Calle de Sebastian C-1	gtakala@aol.com	Gwen Takala
6	Bill Takala	1810 Calle de Sebastian C-1	takes2bill@yahoo.com	
7	JOAN (J.J.) Maciejewski	1810 Calle " " J-1	joanstee@yahoo.com	
8	Kate Ernst	1810 Calle de Sebastian - N-2	k-ernst@comcast.net	Kate Ernst
9	PERCY STITH	1810 Calle de Sebastian N4	percystith@hotmail.com	
10	MAUREEN MANSELL	1810 Calle de Sebastian O-1	—	M Mansell
11	SHEILA MARTIN	1810 Calle de Sebastian I-4	sheila-martin@comcast.net	
12	John Corey	1810 Calle de Sebastian K-1	JCOREY62@Gmail.com	
13	PHIL YARICK	1810 CALLE DE SEBASTIAN K2	ANNIEPHIL2@AOL.COM	
14	Craig Copelin	1810 Calle De Sebastian L-4	craig@nilepoc.com	
15	Roman Maes III	1810 Calle de Sebastian - N	roman@romanmaes.com	Roman Maes III
16	Delores Maes	1810 Calle de Sebastian - N	—	Delores Maes
17	Scott Geister	1810 Calle de Sebastian M2	scott.geister@comcast.net	
18	Georgia Carson	" " E-2	georgiath5@gmail.com	Georgia Carson

1810

Devargas Heights

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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	Gayle M. Kenny	1810 Calle de Sebastian, M-3	gaylekenny@yahoo.com	Gayle M. Kenny
2	Sally Gladwin	1810 Calle de Sebastian #C2	SLgladwin39@icloud.com	Sally R. Gladwin
3	Joanne Birdwhistell	1810 Calle de Sebastian #D-1	jdbirdwhistell@yahoo.com	Joanne Birdwhistell
4	Jaap Vermeulen	1810 Calle de Sebastian A1	jaapvermeulen@yahoo.com	
5	Sam Rivera	1893 Conejo Dr.	samrivera@gmail.com	(Scale)
6	Nancy Avedisian	2021 Conejo Dr	nancyavedisian@gmail.com	
7	Marcia Wolf	2210 Miguel Chavez	mwolftracks@msn.com	Marcia Wolf
8	GORDON MANSELL	1810 CALLE SEBASTIAN 01	—	Gordon Mansell
9	JAMES RUDOLPH	1810 CALLE DE SEBASTIAN #F-2	jbobrudolph1424@gmail.com	
10	John Gonsiorek	1810 Calle de Sebastian #F-2	jgonsiorek@comcast.net	
11	Sheila Gumerman	1810 Calle de Sebastian L-?	—	
12	GISELA MINKE	" " M-4	LHALING@MSN.COM	
13	W. Mark Gruber	1810 Calle de Sebastian #C2 C3	Mark_gruber@comcast.net	
14	ELDA GUTHRIE	1810 CALLE DE SEBASTION	—	Elda Guthrie
15	THERESA M CAMPOS	1810 Calle de Sebastian M-1	tmctopcat33@comcast.net	
16	Dany D. Scott	1810 Calle de Sebastian, B2	scott.danydlle@yahoo.com	
17	Thomas W. Banner	1810 Calle de Sebastian, B4	twbanner@gmail.com	Thomas W. Banner
18	Eve T. Banner	1810 Calle de Sebastian B-4	evebanner@gmail.com	Eve T. Banner

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Delaware Heights

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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	Kristine RODGERS	1810 Calle de Sebastian A-2	krisrodgers@msn.com	K. Alcumas-Rodgers
2	Kenneth Pin	1810 Calle de Sebastian H-4	Kennethpin@hotmail.com	Kenneth Pin
3	Karen McGraw	1810 Calle de Sebastian B-3		Karen McGraw
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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	JEAN GREEN	500 RODEO RD #915		Jean Greene
2	Mary Kay Pera	500 Rodeo Rd. #1010	mkpera@comcast.net	M K Pera
3	Jacquie Rucoin	500 Rodeo Rd #910	agcaucoin@yahoo.com	Jacquie Rucoin
4	Audrey E. Maehl	500 Rodeo Rd. Apt 217	aemaehl77@g.com	Audrey E. Maehl
5	Kathleen O'Dea	188 Rabbit Rd	—	Kathleen O'Dea
6	Connor Swank	500 Rodeo Rd. SF	—	C Swank
7	Valerie Stocking	2963 Plaza Blanca	valeriestockinge.gmail.com	V Stocking
8	Kenneth Hallee	3226 Calle de Molino SF	khallee@hotmail.com	Kenneth B Hallee
9	DARAN MOON	2416 CAMAGUA AZUL SF	—	Daran Moon
10	SARA Powell	501 W. ZIA RD EH103	SANTA FE 87505	Sara Powell
11	JOSEPH SALSICK	501 Rio Grande	SFE 87501	
12	Sharill Spaar	500 Rodeo Road SF #210	spaarsl@gmail.com	Sharill Spaar
13	EDNA ADAMS	500 RODEO RD #201		Edna Adams
14	PATRICIA ROMER	3101 OLD Pecos RD - Unit 201	tromer1@gmail.com	Patricia Romer
15	Tashmma Wildrose	3 Old Santafe Way SFNM		Tashmma Wildrose
16	Jess Clark	1141 Agua Fria SFNM 87501	Jleigh.clark@gmail.com	
17	Judith Coulson	PO Box 23048 SFNM		
18	Laurie Friedman	804 Camino Acoma	raven7133@gmail.com	

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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	Janie Franz	1413 Santa Rosa Dr	brigidswell@gmail.com	[signature]
2	Camila Marquez	Santa Fe		[signature]
3	Velora Peacock	96 San Marcos Loop 87508		[signature]
4	Fritz Hartsook	1500 Luisa St. apt 1	—	[signature]
5	Shirley Lowry	4413 Contenta Ridge	—	[signature]
6	Nancy Desmond	4413 Contenta Rdg	mtspirit97@gmail.com	[signature]
7	Peter Lovato	822½ E. Zia Rd	peterlovato@hilton.com	[signature]
8	Domenick Gutierrez	1645 Plaza de Luna	dgutierrez@hotelsanatafe.com	[signature]
9	Max Hirano	544 East Coronado Rd	max.hirano@gmail.com	[signature]
10	Valerie Pforter	544 East Coronado Rd.	Valerie.pforter@gmail.com	[signature]
11	PATRICIA A. BACALA	3073 MONTE SERENO DR.	pat@patbacala.com	[signature]
12	Griselda Lopez	3279 Primo Colores	Griselda64@Yahoo.Com	[signature]
13	MARY SEARCH	6 WILD WINGS CIRCLE, PECOS, NM	—	[signature]
14	SHELLEY BROWN	225 ROSARIO BLVD		[signature]
15	Deborah Tolar	225 Rosario Blvd	dtolar@mac.com	[signature]
16	Holly L. Tadyck	182 Cerillos Rd #56	—	[signature]
17	Samantha Salazar	3656 Montana Vereda	—	[signature]
18	BRIAN WOLFANGEL	7 SIERRA Verde	—	[signature]

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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	Amanda Saiz	1 La Pradera SF NM	—	[signature]
2	Cindy Blodgett	27 Tecolote Cir.	—	[signature]
3	ABBY LIEB	27 TECOLOTE CIR	—	[signature]
4	MARFA Ruteras	369 Montezuma Av #425	—	[signature]
5	Kerelyn Brindley	73 Zonie Way SF NM	—	[signature]
6	DENNIS Comen	15 Calle Emerito St	—	[signature]
7	Lynne Comen	15 Calle Greaves	—	[signature]
8	CHRISTI OFFUTT	1520 Bishop Lodge	—	[signature]
9	Angela Martin	502 Abeyta	—	[signature]
10	PATTY GOMEZ	2520 CAM ESTRIBO	—	[signature]
11	Linda Hanadine	115 CAMINO CABO		[signature]
12	Nicole Anter	~~[illegible]~~ 547 DEL NORTE		[signature]
13	Sharon O'Shea	115 Camino Cabo		[signature]
14	SUSIE GARCIA	2223 W. ST. MARY, LAFAYETTE, LA	—	[signature]
15	~~[illegible]~~ Nell Hahn	2223 W St Mary Lafayette LA		[signature]
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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	CHARLES DUY	47 ENCANTADO RD,	chrisduy11@gmail.com	[signature]
2	Jason Trainor	18 Pinto Rd	sftrainor@hotmail.com	[signature]
3	~~Kenneth Pin~~	~~1610 Calle de Sebastian~~	~~kennethpin@hotmail.com~~	~~[signature]~~
4	LISA Harris	2354 Ruta Corta	LisaSuzonneHarris@gmail.com	[signature]
5	FRED NATHAN	46 Laughing Horse Lane	"	[signature]
6	SLATE STERN	14 Clovis MARCH	sternlawfirm@yahoo.com	[signature]
7	SCOTT HARRISON	501 Calle de Valdes	sabharrison@earthlink.net	[signature]
8	John Counts	3101 Old Pecos Tr. #12		[signature]
9	Bucky Kashiwa	751 W. Manhattan	kashiwa@qwest.net	[signature]
10	Emily Dwyer	1502 Camino Sierra Vista	~~Santa~~ emilydwyer@lycos.com	[signature]
11	Pam Etre-Perez	2117 Candelero St.	pametrep@gmail.com	[signature]
12	Charles Churchward	251 ARROYO HONDO TR.	CHAS.CHURCHWARD@GMAIL.COM	[signature]
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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	G BOLLENBACH	112 KEARNY AV	gbollenbach@san.rr.com	[signature]
2	M S. BARGER	3 Moya Lane	smallmuseumpro@comcast.net	M Susan Barger
3	Robert Shlaer	3 Moya Lane	easterlyviews@comcast.net	Robert Shlaer
4	KATE STEPHENS	522 MICHELLE CIR.	MISSLADYBUG@COMCAST.NET	Kate Stephens
5	PRESTON ELLSWORTH	1412 CERRILLOS RD		[signature]
6	Jhana Noble	1412 Cerrillos Rd		Jhana Noble
7	Mary Hoggard	443 W San Francisco St Santa Fe		[signature]
8	Laura J Hobbs	6113 Monte Verde Pl	hlaurajeanne@gmail.com	[signature]
9	Robert Chavez	4760 Vista del Sol		[signature]
10	Roger Longacre	1022 Don Juan St		[signature]
11	[signature]	6113 MONTE VERDE PL	hlavenrall@gmail.com	[signature]
12	SUMNER WALZ	72 CALLE AGUA CLARA	SUMNER@LIVE.COM	[signature]
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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	Garcia, Wilma	849 1/2 Don Diego St		[signature]
2	Jim MAESTAS	238 Villa Alegre St	MAESTASJim3@gmail	[signature]
3	John Maestas	2500 Sawmill Rd 621	panthe9160@yahoo.com	[signature]
4	Andrea Sandoval	2500 Sawmill Rd 621	—	Andrea Sandoval
5	Pam Moreno	7129 Calle Jenah	pamelalnonly@aol.com	[signature]
6	Maria G Cordero	1801 Apt 6.39 S.F. N.Mex		[signature]
7	Rosemary Morales-Vargas	3241 Lorraine St	romyvrgs@gmail.com	[signature]
8	Mary Ann Maestas	7129 Calle Jenah	mmaestas2015@gmail.com	[signature]
9	MELISSA LARRANAGA	PO Box 4193	—	[signature]
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	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
1	BARBARA MARCO	2581 Avenida de ISIDRO	—	Barbara Marco
2	Kathleen Adams	1301 Calle Ramon	—	Kathleen Adams
3	Kenneth Dean	522 Michelle Cir.		[illegible]
4	Maria Breheny	1904 Calle de Sebastian		Maria J Breheny
5	Carolina Bell	2965 C. Piedra Lumbre		Carolina Bell
6	Heather Neri	1907 Calle de Sebastian		[illegible]
7	Debby Greenberg	1908 calle de Sebastia	bskies5591@yahoo.com	[illegible]
8	Jerry Wellman	609 Calle Leon	jerrywellman1@gmail.com	[illegible]
9	Martha Burt	127 E. Lupita Road	mrbconsultingnm@gmail.com	Martha Burt
10	Betty-Carol Sellen	127 E. Lupita Road SF, NM	bcsellen328@gmail.com	Betty-Carol Sellen
11	Pat Careton	500 Rodeo Rd SF NM	carlton505@comcast.net	Pat Carlton
12	KATE WALLGANZ	9 ALTAZANO DR.	—	[illegible]
13	Kilan Chubb	2210 Miguel Chavez Rd #1312	ailchubb@gmail.com	[illegible]
14	[illegible]	500 Rodeo	—	[illegible]
15	Gerald Lieberman	500 Rodeo Rd		G Lieberman
16	Karen Heiken Millrach	863 Kristi Ln		Karen Heiken Millrach
17	Michelle Millrach	863 Kristi Ln		[illegible]
18	Ramon Rosales	1801 Espiritu Sto	[illegible]	[illegible]

We the undersigned are opposed to the proposed Morningstar project on Old Pecos Trail because:

1. This two-story 73,550 square foot assisted living and memory care center is a commercial enterprise operating 24/7 that is not compatible with R-1 residential neighborhoods nor with the historic quasi-rural Old Pecos Trail entry into Santa Fe.

2. Morningstar is an out-of-state business that will charge $5,000 to $6,000 per month for elderly residents, unaffordable for most Santa Feans.

PRINTED NAME	ADDRESS	SIGNATURE
Stella Davidson	1949 Tijeras Rd, SF	Stella Davidson
	tijeras@cybermesa.com	
LINDA MILBOURN	214 POLACO ST SF	Linda Mil
	lmlindamilbourn@gmail.com.	
Herman Koenig	1328 Acequia Borrada	[illegible]
NICOLAS FLORES	2255 Camino Iris	
699-8127	nflores@unm.edu	[illegible]
Matthew Flores	2255 Camino Iris	
	matt.flores45@hotmail.com	[illegible]
[illegible]	2000 Calle de Sebastian St	[illegible]
DEBORAH MONTOYA	104C FAITHWAY SFE	[illegible]
Rosie SANDOVAL	2001 Calle Sebastian	[illegible]
Matt Horowitz	4341 Vuelta Colorada	[illegible]
Hayley Constable	4341 Vuelta Colorada	Hayley Constable
~~Steve H~~	nicolasstevod@usn	
Steve Holmes	1600 Zia Rd SF. NM 87505	Steve Holmes
	STEVE.HOLMES AT STATE.NM.US	
Emily Breza	1629 Camino LaCanada	Emily Breza
[illegible]	Breza27@aol.com	[illegible]
[illegible] Mike Grebinski	44 Condesa Road	[illegible]
Peggy Grebinski	44 Condesa Rd peggyinsantafe@hotmail	[illegible]
[illegible] KOPPEL	307 LOS ARBOLES DR	[illegible]
Ashley Danenhower	2600 Wzia Rd	[illegible]
Diane Elise Travis	PO Box 8101, SFE 87504	[illegible]
[illegible]	912 Baca St.	[illegible]
Mandy Pino	1408 B Vassar NE Abq	Mandy Pino
SARAH DEATS	PO Box 515 Rowe	[illegible]
JOSLYN WERNER	3525 Placita Real Loop	[illegible]
Dale Pino	369 Montezuma #527	Dale Pino

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1	PAUL MUSHEN	7446 Old S.F. Trl. 87505	paulmushen@gmail	[signature]
2	Renee Mushen	7446 Old SF Trl 87505	reneemushen@mac.com	[signature]
3	LAURA STEWARD	664 Don Gaspar	laura.e.steward@gmail.com	[signature]
4	Kate Boles	109 W San Mateo Rd	kateboles@gmail.com	[signature]
5	Katherine Norskog	2109 Old Arroyo Chamiso	knorskog@gmail.com	[signature]
6	SUBY Bowden	333 Montezuma Ave	suby@SB-Associates.net	[signature]
7	Janet WILLIAMS	1200 DON GASPAR	jwillisz@hotmail.com	[signature]
8	JODY NORSKOG	2109 OLD ARROYO CHAMISO	jenorskog@comcast.net	[signature]
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PETITION AGAINST MORNINGSTAR

We, the undersigned, do not want a 73,550 sq. ft. new building on R-1 zoned land located in a residential neighborhood on the historic Old Pecos Trail corridor.

1) MorningStar, a Colorado company, has applied for a "Special Use Permit" to build a "Continuing Care Community" with 104 beds, on 3.85+/- acres zoned R-1 at the corner of Calle de Sebastian and the historic Old Pecos Trail.

2) We, the undersigned, urge the city not to approve this commercial development in our residential neighborhood as it does not meet the "Special Use Permit" Code definition of a "Continuing Care Community."

3) We, the undersigned, urge the city not to approve this commercial development because it is inappropriate, too big, too dense, too intrusive, adds too much traffic and will affect the Old Pecos Trail as the historic gateway into Santa Fe.

	PRINT NAME	ADDRESS	E-MAIL	SIGNATURE
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