

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

Bill No. 2015-15

Chapter 14 – Shelter Care Typo

SPONSOR(S): Councilor Lindell

SUMMARY: The proposed bill relates to the Land Development Code, Chapter 14 SFCC 1987; amending Subsection 14-6.1(c), Table 14-6.1-1, table of allowed uses to correct typographic errors in the designations of districts within which sheltered care facilities are permitted, and making such other stylistic or grammatical changes that are necessary.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

FISCAL IMPACT: No

DATE: May 6, 2015

ATTACHMENTS: Bill
FIR

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-15

3 INTRODUCED BY:

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5 Councilor Signe Lindell

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10 AN ORDINANCE

11 RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987;
12 AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO
13 CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATIONS OF DISTRICTS WITHIN
14 WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH
15 OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

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17 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

18 Section 1. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37 § 8, as amended) is
19 amended to correct typographic errors in the designations of districts within which sheltered
20 care facilities are permitted, as follows:

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22 [REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]
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| CATEGORY Specific Use | RR | R-1 - R-6 | R-7 - R-9 | R-7 - I | RC-5, 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-Specific Regs 14-6.2 | |
|--|----|-----------|-----------|---------|------------|-------------|-----|-----|-------|-----|-----|-----|------------------|-----|-----|-----|-----|------|------|------|--------|--------------------------|-----------|
| Hospitals and Extended Care Facilities | | | | | | | | | | | | | | | | | | | | | | | |
| Extended care, convalescent, nursing, recovery care facilities | S | S | S | S | S | S | | S | | P | P | P | P | P | | | P | | | | P | | |
| Hospitals | | | | | | | | | | S | S | | P/S ⁶ | P | | | P | | | | | | (B)(3) |
| Hospital heliport | | | | | | | | | | | | | P | | | | | | | | | | (B)(3)(b) |
| Human Services | | | | | | | | | | | | | | | | | | | | | | | |
| Adult day care | S | S | S | S | S | S | | S | | P | P | P | P | P | | | P | P | P | P | P | | |
| Foster homes licensed by the appropriate state agencies | P | P | P | | | P | | P | | P | | P | P | P | | | | | | | P | | |
| Human service establishments | | | | | | | | | | | P* | | | P* | P* | | | P* | P* | P* | P* | | (B)(4) |
| Sheltered care facilities | S | S | S | | S | S | | S | | S | S | S | S | P | | | | | | | S | | (B)(5) |

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1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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City of Santa Fe Fiscal Impact Report (FIR)

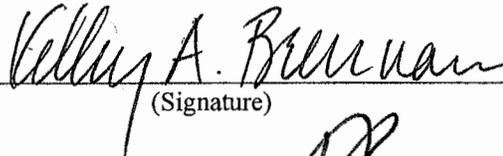
This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

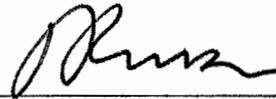
Section A. General Information

(Check) Bill: X Resolution: _____
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATIONS OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

Sponsor(s): Councilor Lindell
Reviewing Department(s): City Attorney's Office / Land Use Department
Persons Completing FIR: Rebecca Seligman / Greg Smith Date: 4/17/15 Phone: 955- 6501 / 955-6957

Reviewed by City Attorney:  Date: 4/22/15
(Signature)

Reviewed by Finance Director:  Date: 4-22-2015
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:
The purpose of the bill is to amending Chapter 14, SFCC of the Land Development Code, Subsection 14-6.1(C), Table 14-6.1-1, to correct typographic errors in the designations of districts within which sheltered care facilities are permitted, and making such other stylistic or grammatical changes that are necessary.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

X Check here if no fiscal impact

| Column #: | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----------|----------------------------|----------|---|---|----------|---|---|---------------|
| | Expenditure Classification | FY 2015 | "A" Costs Absorbed or "N" New Budget Required | "R" Costs Recurring or "NR" Non-recurring | FY _____ | "A" Costs Absorbed or "N" New Budget Required | "R" Costs - Recurring or "NR" Non-recurring | Fund Affected |
| | Personnel* | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| | Fringe** | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| | Capital Outlay | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| | Land/ Building | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| | Professional Services | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| | All Other Operating Costs | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |
| | Total: | \$ _____ | _____ | _____ | \$ _____ | _____ | _____ | _____ |

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

| Column #: | 1 | 2 | 3 | 4 | 5 | 6 |
|-----------|-----------------|----------|---|----------|---|-------|
| | Type of Revenue | FY _____ | "R" Costs Recurring or "NR" Non-recurring | FY _____ | "R" Costs - Recurring or "NR" Non-recurring | |
| | _____ | \$ _____ | _____ | \$ _____ | _____ | _____ |
| | _____ | \$ _____ | _____ | \$ _____ | _____ | _____ |
| | _____ | \$ _____ | _____ | \$ _____ | _____ | _____ |
| | Total: | \$ _____ | _____ | \$ _____ | _____ | _____ |

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

No

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Failure to enact the correction bill would have the effect of prohibiting sheltered care facilities in districts where they were intended to be allowed or special use permit uses.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None staff is aware of.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

By adopting the bill, necessary corrections to the Land Development Code, Subsection 14-6.1(C), Table 14-6.1-1 would clarify the designations of districts within which sheltered care facilities are permitted.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08

~~I. OLD BUSINESS~~

~~There was no Old Business.~~

J. NEW BUSINESS

1. **AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATION OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR LINDELL). (GREG SMITH)**

A Memorandum, with attachments, prepared April 28, 2015 for the May 7, 2015 meeting, to the Planning Commission, from Greg Smith, Director, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "7."

Greg Smith presented information in this case. Please see Exhibit "7," for specifics of this presentation.

The Commission commented and asked questions as follows:

- Commissioner Schackel-Bordegary asked what precipitated this proposed change.

Mr. Smith said, "There was an inquiry of staff regarding which districts in which a sheltered care facility might be allowed in, and we looked at the updated Code and said, 'oops.' Fortunately, it was discovered before there was a formal application and a permit request."

- Chair Harris said as he looked at the chart and the definitions in Chapter 14, there is no definition for adult day care, and would like an explanation on the various categories under Human Services here.

Mr. Smith said, "The Code has, for example, more than 15 pages of definitions. If we had a definition for every permitted use category we would be up to 60-75 pages of definitions. So the practice sense has been that if a common sense interpretation of a particular type of use will generally suffice, we stay with that. The sheltered care facility is one that was created specially by an amendment provided by the City department that works with those kinds of care facilities, as needing clarification and a definition for this particular class of outpatient services and inpatient services that were out-client services and in-client services."

- Chair Harris said he noticed, in the next category Foster Homes License by the appropriate State agency, the way he reads the definition it is up to 8 children. And then we have human services establishment that is defined in Chapter 14 that is more than 25 persons being served. We've all

read the definition for sheltered care facilities which is 9 to 25. He said since adult day care isn't defined, he wondered if that was a gap. He has seen no classification for 1 through 7, and asked if that was discussed previously, or should it be addressed in the future.

Mr. Smith said, "Within the category of adult day care, there is not a specific limit as to the number of persons, in part, because, in each of the residential districts where that occurs it is a special use permit type of use. So, for example, if you are caring for, in your home, the residential care of senior citizens, you might be able to get administrative approval of your permit without a public hearing. But if you are providing adult day care services to people who did not live in the home with you, in each situation, whether that was 1 or 100 seniors who were being provided day care, you would be coming to the Board of Adjustment or to the Planning Commission for a permit approval."

- Chair Harris said on this Ordinance and the next one, as Mr. Smith said, we are a recommending body to the Governing Body.

Public Hearing

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal, to recommend approval to the Governing Body, of the proposed amendments to the Land Development Code, Chapter 14, 1987, amending Subsection 14-6.1(C) and Table 14-6.1-1, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Chavez, Gutierrez, Kadlubek, Kapin, Ortiz, Padilla, Schackel-Bordegany and Villarreal voting in favor of the motion and no one voting against [8-0].

2. AN ORDINANCE AMENDING SECTION 14-2.3(D) SFCC 1987, TO ESTABLISH MEMBERSHIP REQUIREMENTS FOR THE PLANNING COMMISSION (COUNCILOR BUSHEE). (LISA MARTINEZ)

A Legislative Summary for this Ordinance, dated April 24, 2015, prepared by Jesse Guillen/ Rebecca Seligman, Legal Department, regarding this case is incorporated herewith to these minutes as Exhibit "8."

Jesse Guillen, Legislative Liaison, City Attorney's Office, presented information in this case. Please see Exhibit " 8," for specifics of this presentation.

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, MAY 11, 2015**

ITEM 7

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14, SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATIONS OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY **(COUNCILOR LINDELL) (GREG SMITH)**

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

| VOTE | FOR | AGAINST | ABSTAIN |
|-----------------------------|------------|----------------|----------------|
| CHAIRPERSON TRUJILLO | | | |
| COUNCILOR BUSHEE | X | | |
| COUNCILOR DIMAS | X | | |
| COUNCILOR DOMINGUEZ | X | | |
| COUNCILOR RIVERA | X | | |

An Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, May 11, 2015, regarding this item, is incorporated herewith to these minutes as Exhibit "2."

A copy of an Amendment Sheet proposed by the Public Works Committee, is incorporated herewith to these minutes as Exhibit "3."

Councilor Bushee said in Public Works the Committee asked for this to be expanded to include the original Resolution and Ordinance and any other historical perspective of how monies have been added or subtracted from Transit and to the Quality of Life Programs.

Councilor Bushee read the amendments from the Public Works Committee into the record. Please see Exhibit "3" for the amendments.

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to adopt Resolution No. 2015-40, with the amendments proposed by the Public Works Committee.

DISCUSSION: Councilor Bushee said she wants the amendment "to apply to the current Resolution as it's written other than the timeframe and the amount of information that comes forward, so as long as that covers that, I'm okay with this amendment. Are you good with that, the lawyers, and Mr. Martinez indicated that he is.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None

10 (k) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE 10, 2015:

- (1) **BILL NO. 2015-15: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987; AMENDING SUBSECTION 14-6.1(C), TABLE 14-6.1-1, TABLE OF ALLOWED USES TO CORRECT TYPOGRAPHIC ERRORS IN THE DESIGNATIONS OF DISTRICTS WITHIN WHICH SHELTERED CARE FACILITIES ARE PERMITTED, AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR LINDELL), (GREG SMITH)**

Councilor Ives said hasn't been in any of the prior discussions in Committee with regard to what specifically the changes are. He asked what are the changes, and do any of the changes impact anything coming through the City for any type of review and approval.

Greg Smith said, "If you look at the second page of the bill, you'll see the bottom line that says Sheltered Care Facilities. The changes have slightly bolder boxes around them. A formatting error was made that the Council approved with a number of amendments in October 2014, and there is no text entered in that bill for sheltered care facilities. The item came to the attention of staff when a member of the public made an inquiry for the potential for locating a facility of that size. There have been no permits or other types of applications for those facilities that have been affected to date."

Mayor Pro-Tem Ives said to summarize, the additions were specifically approved by action of the Governing body in October.

Mr. Smith said, "In October, the Governing Body voted on a bill that inadvertently eliminated all of the text from those columns. This is restoring that text back to the way it was before the October error."

Mayor Pro-Tem Ives asked how we know it was an oversight as opposed to something intentional by the Governing Body at that time.

Mr. Smith, "We took a close look at the text of the reports that went to the Planning Commission and the Governing Body, and at that point we discovered there was nothing in the report that directed the attention to that change. We concluded that it was inadvertent. And of course as the staff, we worked directly with the Planning Commission and other affected bodies when drafting those amendments that it was apparently an oversight as the result of a formatting problem with the bottom of the page where the text stayed visible and entries in the columns was inadvertently deleted."

Councilor Pro-Tem Ives said then you have indicated that this reinsertion and correction doesn't affect anything presently pending before the City, and Mr. Smith said that is correct.

MOTION: Mayor Pro-Tem Ives moved, seconded by Councilor Bushee, to approve this request.

VOTE: The motion was approved on the following Roll Call vote:

For: Mayor Pro-Tem Ives, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

END OF CONSENT CALENDAR DISCUSSION

11. MATTERS FROM THE CITY MANAGER

Mr. Snyder said he has one matter, regarding the opening of Zia Station. He said, "Staff has followed the two Resolutions we have on the books, No. 2011-44 and No. 2011-45, as well as all the input from Finance Committee, Public Works Committee, various committees and the Council. We followed it,

**ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 05/27/15
ITEM FROM FINANCE COMMITTEE MEETING OF 05/18/15**

ISSUE:

18. Request for Approval of an Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987; Amending Subsection 14-6.1(C), Table 14-6.1-1, Table of Allowed Uses to Correct Typographic Errors in the Designations of Districts Within Which Sheltered Care Facilities are Permitted, and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Councilor Lindell) (Lisa Martinez)

Committee Review:

| | |
|-----------------------------------|----------|
| Planning Commission (approved) | 05/07/15 |
| Public Works Committee (approved) | 05/11/15 |
| City Council (request to publish) | 05/13/15 |
| City Council (public hearing) | 06/10/15 |

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS CONSENT ITEM

FUNDING SOURCE:

SPECIAL CONDITIONS OR AMENDMENTS

STAFF FOLLOW-UP:

| VOTE | FOR | AGAINST | ABSTAIN |
|-----------------------|-----|---------|---------|
| COUNCILOR TRUJILLO | X | | |
| COUNCILOR RIVERA | X | | |
| COUNCILOR LINDELL | X | | |
| COUNCILOR MAESTAS | X | | |
| CHAIRPERSON DOMINGUEZ | | | |

4-13-15