

MINUTES OF
CITY OF SANTA FE
FIELD TRIP
PLANNING COMMISSION MEETING

April 2, 2015 - 3:00 P.M.

The meeting was convened by the Chair at approximately 3:00 p.m. at Elk Lodge parking lot. In addition to the Commission and staff, 2 members of the public were present.

MEMBERS PRESENT:

Mike Harris, Chair
Renee Villarreal, Vice Chair
Lisa Bemis
Lawrence Ortiz
Brian Gutierrez

MEMBERS ABSENT:

Angela Bordegaray
Dan Pava
John Padilla

STAFF PRESENT:

Tamara Baer, Planner Manager
RB Zaxus, City Engineer for Land Use
Dan Esquibel, Planner Senior

MEMBERS OF THE PUBLIC:

Nathan Rosemann, Architect
Matt Turner, MorningStar
H McNeish, MVG Development Planner

Staff, applicants and attending Planning Commission members walked around the property along Old Pecos Trail and Calle Sebastian. Observations were made on the backside of the property, along Snakedance Court Northeast, within the DeVargas Heights Townhouse Neighborhood.

ADJOURNMENT The group completed the field trip and the meeting was adjourned at approximately 3:45 p.m.

**Prepared by Dan Esquibel, Land Use Planner Senior.*

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PLANNING COMMISSION
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**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
April 2, 2015**

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Michael Harris, at approximately 6:00 p.m. on Thursday, April 2, 2015, in the Santa Fe Community Convention Center, Sweeney Ballroom F, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Michael Harris, Chair
Commissioner Renee Villarreal, Vice-Chair
Commissioner Lisa Bemis
Commissioner Brian Patrick Gutierrez
Commissioner Lawrence Ortiz
Commissioner Angela Schackel-Bordegary
[Vacancy]

MEMBERS EXCUSED:

Commissioner Dan Pava, Secretary
Commissioner John Padilla

OTHERS PRESENT:

Lisa Martinez, Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, City Attorney
Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Commissioner Bemis moved, seconded by Commissioner Ortiz, to approve the Agenda as presented.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote. [4-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – MARCH 19, 2015

The following correction was made to the minutes of March 19, 2015:

Page 22, paragraph 5, line 7, correct as follows: "...calling site Siler now..."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the minutes of the meeting of March 19, 2015, as amended.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote. [4-0].

2. FINDINGS OF FACT AND CONCLUSIONS OF LAW

There were no Findings of Fact and Conclusions of Law for approval.

E. OLD BUSINESS

There was no Old Business.

F. NEW BUSINESS

1. CASE #2015-17. LOVATO FAMILY TRANSFER SUBDIVISION PLAT. ARMIJO SURVEYS, INC., AGENT FOR EVERETT LOVATO, REQUESTS APPROVAL OF A FAMILY TRANSFER SUBDIVISION PLAT FOR 3 LOTS LOCATED ON 1.17 ACRES WITHIN THE R-5 (RESIDENTIAL – 5 UNITS PER ACRE) ZONING DISTRICT. THE PROPERTY IS LOCATED AT 2004 AGUA FRIA. (ZACH THOMAS, CASE MANAGER)

A Memorandum with attachments, prepared March 23, 2015, for the April 2, 2015 meeting, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "1."

Zach Thomas presented the Staff Report in this case. Please see Exhibit "1," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Edward Lovato, owner was sworn. Mr. Lovato said he has no additional remarks, other than

they are hoping to place a modular home on the lot and raising their family there, if the lot split is approved.

Chair Harris asked Mr. Lovato if he understands and agrees with all conditions of approval.

Mr. Lovato said yes.

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Chair Harris confirmed that this does not require the case to go through the Summary Committee process.

Mr. Thomas said that is correct; at red line that would be changed prior to recordation. He said this is a family transfer subdivision and it does have a zone letter E to the Summary Committee process, but will only come to the Planning Commission one time.

Chair Harris confirmed that when Mr. Esquibel reviewed the plat and saw the notation that says '*Summary Commission notation*' he would change that. He said he also has a question that is a little more substantive. "On Lot 2; there is Tract A, then Lot 2, 1A, 1B1, 1B2, and then 1B3. There is a new easement and basically they are adding a foot to an existing easement to go from 19 to 20 feet. That shows up on Tract A as well as the B series, as well as 1A; but he does not see that additional foot on Lot 2. He asked if Mr. Thomas knew why that would be.

Mr. Thomas said that is correct, it only shows up on the 3 lots that are subject to this application.

Chair Harris said that is not quite true; it also states clearly 20 foot wide private access and Public Utility easement for exclusive use by Tract A, Lot 21A and then Lot 1B. He said it is stated, but not shown graphically is the issue. He said "he is reading the language that's adjacent to 1A."

Ms. Baer said she could answer that, because Mr. Thomas was not here when they did the original lot split that created that lot. She said at that time we asked for the 20 foot easement, rather than the 19 and that was how that was created. She said "the one further to the north has not come before the Planning Commission or Summary Committee and so that remains at 19.

Chair Harris said the language states exclusive use by Tract A, Lot 2; a twenty foot wide easement, exclusive use by Tract A, Lot 2, 1A and Lots 1B. So it is stated, but not shown graphically. He said he wonders if the plat just needs to be corrected.

Ms. Baer said in that case, that is correct and we will make sure that is changed.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve Case #2015-17 Lovato Family Transfer Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, and Villarreal voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote. [4-0].

Commissioner Schackel-Bordegary arrived at the meeting

2. CASE #2015-18. CAMINO DE JACOBO SPECIAL USE PERMIT. SIEBERT AND ASSOCIATES, INC., AGENT FOR DEAN ALEXIS, REQUESTS APPROVAL TO CONSTRUCT 21,880 SQUARE FEET FOR USE AS INDOOR STORAGE UNITS ON 0.95 ACRE±. THE PROPERTY IS ZONED C-2 (GENERAL COMMERCIAL) AND IS WITHIN THE AIRPORT ROAD OVERLAY DISTRICT. (DAN ESQUIBEL, CASE MANAGER)

A Memorandum, with attachments, prepared March 25, 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 "2."

A copy of a color aerial photograph, entered for the record by Dan Esquibel, is incorporated herewith to these minutes as Exhibit "3."

Two color photographs entered for the record by Jim Siebert, are incorporated herewith collectively to these minutes as Exhibit "4."

Dan Esquibel presented the Staff Report information in this case. Please see Exhibit "2," for specifics of this presentation

Public Hearing

Presentation by the Applicant

James Siebert, Agent for the Applicant was sworn. Mr. Siebert presented information using an aerial map and drawings.

Mr. Siebert said he will give an overview of where this sits and what the project consists of. He said this is an existing storage unit complex that Dean Alexis owns currently. Mr. Siebert showed the location on the map and said the tract we are looking at tonight is this approximate one acre tract that sits here [pointing to the map]. He said, "This photograph shows some less desirable activity that had taken place before. Mr. Alexis doesn't own this property; it's under contract right now, so this is occurring with a different owner."

Mr. Siebert said, "As you can see, this is just an expansion of an existing complex. There is an opening left here with anticipation that they would hopefully be able to acquire this tract at some point in the future. So that becomes part of the site plan that you will see here in a bit."

Mr. Siebert said, "What the architect did is lay this out in conformance with the requirements of the C-2 District and the Airport Overlay District. There is a 25 foot buffer on here; there is an electric line that

comes down to this area that will have to be relocated. We've talked to PNM and they can do that, so it will be shifted down into this area here. It will consist of internal self storage units that would be inside the structure itself. It has a 1000 square-foot office and then a separate building here. This is the access to the existing storage units that I pointed out. And the access, in talking with John Romero; we pushed the access to the storage units as far back from Airport Road as possible. There is an existing sidewalk here; a connection from the sidewalk is required by the Airport Road overlay to the office, and then the sidewalk here is missing and that would have to be constructed as part of the overall improvements for the project."

Mr. Siebert said, "This is a description. The façade is from Camino de Jacobo and this would be the access that would be gated to the units. This is the view from Airport Road. There is a requirement that 3% of the facade has to be glazing, so they have satisfied that requirement with this design. There is also a requirement that you can't have more than 50 feet and you have to have a certain offset, so the building meets all those criteria."

Mr. Siebert said, "There is one issue that I would like to point out and it is in the Conditions. If you go to page 2 of the Conditions, #4 on the left-hand column and it is by the Fire Marshal and it is #2. And what it states is: 'the fire department access shall not be less than 26 feet in width when the building exceeds 30 feet in height'." He said "the two tower elements which are simply architectural features, are higher than that. The architect had a conversation with Ray Gonzales to see if those requirements, in fact, were specific to this particular development, and what they determined is since the tower is not occupied and is a fire proof structure, that that requirement did not apply."

Mr. Siebert said "it is my understanding that Ray gave that information, Ray Gonzales the Fire Marshal, gave that information to the Land Use staff verbally. So I just didn't want to get stuck with that condition without discussing that.

Mr. Seibert said "we are in agreement with all other conditions as stated by staff." He offered to answer any questions.

Chair Harris asked Mr. Esquibel to verify what Mr. Seibert just said.

Mr. Esquibel said it is true he did talk to Ray Gonzales. He said, "What Mr. Gonzales told me was that Jacobo Road would be able to be utilized for that access and that it would meet the criteria." He wished Mr. Gonzales was present to corroborate that, but he did say that.

Mr. Esquibel said he would also like to add that the application before you is before you without any variances to any of the standards listed in chapter 14 either to the Airport Road overlay or to the [inaudible].

Chair Harris thanked Mr. Esquibel and Mr. Siebert.

Speaking to the Request

There was no one speaking to the request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Villarreal asked Mr. Esquibel for clarification. She said in his report he had indicated under Section 2, Airport Road Overlay; there is a paragraph that states that *'the project is in general compliance with overlay site design standards'* and then states *'that some details were not addressed in application submittals and would be checked at building permit review'*. She said she is curious what specific details that includes.

Mr. Esquibel said "there were some issues that he had with landscaping and the driveway visibility. They had some trees that were going to be planted right at the entrance and while it did buffer the parking area as required by the parking requirements, it also created a problem for that visibility triangle as they were pulling out." He said "we had to fix that area."

He said "I think there were some issues regarding color, in terms of the different flames they had. If you look at the drawing they provide the color along the border of that, but I believe that they had to color the different projections different colors as well and we had to make sure that was adhered to. There were just minor anomalies that we looked at, but we addressed at the building permit."

Commissioner Villarreal asked to clarify that the plot in question had already been purchased.

Mr. Esquibel said he is not aware of that. He said, "They were telling me that they were moving forward with the request. The application did have the owner's signature." But as to whether they purchased it yet or not, he didn't know.

Commissioner Villarreal asked Mr. Siebert if that is contingent on the Commission's decision tonight, or if that has been done.

Mr. Siebert said "it is actually under contract right now by Dean Alexis and will be so until it goes to the City Council and he is sure he has entitlements and at that, will close."

Mr. Esquibel said this application, unless appealed, will not be conducive to that, so this is the final [inaudible].

Commissioner Gutierrez asked Mr. Siebert if Mr. Alexis would be operating this separate from ...with other staff, from the storage facility that's right behind it.

Mr. Siebert said this is on a separate lot currently and when Mr. Alexis purchases the property it will be a lot consolidation and all of this will be under the same management, and everything taking place now will just be an extension of the existing storage unit.

Mr. Gutierrez asked if there is any intention to turn the office into living quarters for employees.

Mr. Siebert said no, in fact what they do inside the office, because this is probably going to be one of the most sophisticated storage units in Santa Fe, they will have actual examples of the size of the units that are being rented, so a lot of that space is simply taken up by the examples of storage units.

Chair Harris asked about the opaque glazing. He confirmed that this is essentially a false front.

He asked how that is going to be detailed.

Mr. Siebert said he has an example of that, because he thought that might come up. He provided two photographs [Exhibit "4"]. He said, "In front of you is an example of what this will look like. You have two drawings— one is from a distance and one is close up of what it would look like if you are standing next to the windows. The idea is it is a marketing aspect of storage units and apparently something that is now being used across the United States for more sophisticated storage units. The idea being that people driving by can see exactly what it is. The other thing it does is satisfy the glazing requirement of the Airport overlay." He said it does cast natural light into the space.

Disclosure: Commissioner Gutierrez said before moving forward on the case he wants to disclose "that Mr. Alexis does have another storage facility located on the same road where he operates his business, so they are neighbors and acquaintances, but that is the extent of it."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Bemis, to approve Case #2015-18 Camino de Jacobo Special Use Permit, with all conditions of approval as recommended by staff.

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].

3. CASE #2015-20. 600 GALISTEO STREET GENERAL PLAN AMENDMENT. EVA PARKER, TRUSTEE FOR THE LUCY C. ORTIZ ESTATE, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR A 5,581 SQUARE FOOT LOT FROM MODERATE DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 600 GALISTEO STREET. (ZACH THOMAS, CASE MANAGER)

Items F(3) and F(4) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared March 18, 2015 for the April 2, 2015 meeting, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, regarding this case is incorporated herewith to these minutes as Exhibit "5."

A color photograph of the subject site, entered for the record by Charles Parker, is incorporated herewith to these minutes as Exhibit "6."

A copy of relevant portions of *Bennett v. City Council for City of Las Cruces*, No. 18478, submitted for the record by Stefanie Beninato, is incorporated herewith to these minutes as Exhibit "7."

A copy of a letter from Peter B. Komis, Don Gaspar Neighborhood Association, submitted for the record by Former Councilor Karen Heldmeyer, is incorporated herewith to these minutes as Exhibit "8."

Mr. Zach Thomas presented the Staff Report in this case. Please see Exhibit "5," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Charles Parker, husband of Eva Parker, Trustee for the Lucy C. Ortiz Estate, P.O. Box 212, Tesuque, New Mexico was sworn. Mr. Parker said, "The property was purchased in the early to mid 1930s and it was turned into a business and the building was built in the mid-to-late 30's. It had always been a business; it was a grocery store for a long period of time."

Mr. Parker asked if everyone was familiar with 600 Galisteo and what the property looks like. [Exhibit "6"]. He said, "As you will notice from the street view of the property, it has no resemblance for a house. It has a glass front like a store, because that is what it was built for and was used for about seventy years; until the loss of nonconforming status. Everybody involved with the family at present and with the estate had no idea that this nonconforming status existed. Evidently it was done when the original zoning was put in place, for the BCD."

He said if you look at the history of the area that is actually the only business that was there. He said all of the houses that were put into the BCD along Don Gaspar are now businesses where there used to be homes; the one business is now residential.

Mr. Parker said this has caused problems for the family. He said, "Lucy Ortiz was living at our house. She had to sell the house across the street at 526 Galisteo, which was the family home, because we lost her income. The property was handled at that time by a conservatorship company, Dosier State Life Management. They are the ones that allowed it to overlap; they did not do their job."

Mr. Parker said, "Therefore she [Ms. Ortiz] lost roughly \$3,000 per month income off of that property; the company prior to that was paying \$2,500 a month, so she lost \$36,000 a year. He said over 10 years we figure we have lost somewhere between \$200,000 and \$400,000 on that property, because it was not zoned properly."

Mr. Parker said, "Therefore we're asking that it be corrected at this time and put where it should be; as a C-1 or a BCD, and allow the family to sell it and clear the estate out. As it stands now, we have done an appraisal and there is a considerable amount of difference between residential for that property, and commercial."

Mr. Parker asked that the Board please consider correcting the error that was done before their time.

Eva Ortiz Parker, Trustee for the Lucy C. Ortiz Estate, at 06 Rancho de Ortiz in the Village of Rio Medio, P.O. Box 212, Tesuque was sworn. Ms. Parker said she is a fourth or fifth generation... She was born here, her father was born here and her sister is here also tonight. She said she was actually born in that building and so was her sister Angela and they used to live behind the store and the grocery store was in front. She said "in 1945 her father built the house across the street that is now a restaurant and that is where she grew up."

Ms. Parker said, "I have a lot of history with that building. I was born there; I ran a business there at

one time, a photography studio." It breaks my heart that we've been unable to do anything at all with that building." She said her dad was Mayor of Santa Fe between 1948 and 1952 and he was also on the City Council before that for eight years.

Ms. Parker said she would just ask the Commission to please help them; they are at their wits' end and it has cost them heavily.

Chair Harris asked Mr. Parker to step forward also. He asked if Mr. and Ms. Parker understand and accept the conditions that are being proposed by staff.

Mr. and Ms. Parker both said yes. Mr. Parker added that Mr. Thomas has been working with them very closely and has helped them along the way and staff has been very good.

Public Hearing

All those speaking were sworn en masse

Alonzo Lopez, 702 Los Lovatos Road [previously sworn], said "I am a lifelong resident of Santa Fe; paid taxes all my life and I am married to...my sister-in-law is the Trustee Eva Ortiz Parker." Mr. Lopez said he is married to her sister and remembers working at that store "before I got married to Angela and even after." He said it was a vibrant little store, lively; kind of the pulse of the old community of Santa Fe. It was a pretty good experience and was zoned commercial. He said that little grocery store later became of course, Maddies. He said "the family has taken a big loss financially and I don't see why it can't be zoned commercial again." He thanked the Commission for listening to him.

Sally Randall, 901 Alto Street, [previously sworn], said she is a real estate broker here to speak in support of properties that have always been commercial and somehow got zoned residential. She said she represents a property that has been for 200 years a commercial building, that got zoned residential and the owner lost it. She said "I am so happy to see this happening and the consideration of these kinds of properties is before your Commission. Thank you very much for righting the wrong that was done to people who were always commercial and zoned residential; it is a real hardship."

Former Councilor Karen Heldmeyer, 325 E. Berger Street [previously sworn], said she is speaking on behalf of the Don Gaspar Neighborhood Association and Peter Komis, President of the Association. She said Mr. Komis could not be here today because he promised to take his son to see spring training in Arizona, but sends his regards.

Ms. Heldmeyer said, "We all know this is a difficult piece of property." She said she will hit the highpoints of the letter [Exhibit "8"]. She said "we worked with the family over the years to try to get an appropriate use into it. Some uses that they have had in there have been appropriate; some have not."

She said, "When we went to the ENN [Early Neighborhood Notification] way back in May; almost a year ago, we were told by staff that because of the proximity issue the only kind of zoning that they could apply for was BCD. The Neighborhood Association strongly opposes BCD. In fact it was formed over 30

years ago to keep BCD from intruding any further in our neighborhood than it already does. But that doesn't mean that we don't think there aren't appropriate commercial uses for this and that those couldn't be worked out."

Ms. Heldmeyer said what they are requesting is that "the Planning Commission recommend to City Council that they look at more appropriate zoning categories like C-1, like RAC." She said "the only thing they ask, because those weren't discussed at length in the ENN because they kept being told it could only be BCD; that there be a meeting with the neighbors prior to the City Council to consider whatever change in zoning you recommend."

Hubert Van Hecke, 871 Don Diego Neighborhood Association [previously sworn]. Mr. Van Hecke said he recently learned at the ENN meeting about the history of the property and the plans to move forward. He said "clearly this is a parcel that is zoned ...the history is complicated, but it is clearly not a proper parcel for a residence." He said "it has been a small business as they heard before and for all of its history."

Mr. Van Hecke said "it appears that we think that it would be appropriate to have a small business move in there and bring that building to life again. He said the part we worry about...as in Don Gaspar; is we are worried about commercial encroachment, in particular BCD. So we are objecting to the BCD request, but we would be amenable to a C-1." He said, "C-1 is a much more gentle zoning type that would reflect the size and use of a building of that type."

Mr. Van Hecke said, "Also this particular meeting came as a little surprise to us, because we thought there would be another meeting with the various parties involved to make sure we are all on the same page. And I think we are moving to be all on the same page. So, our request is for a more gentle zoning and such as C-1, and maybe perhaps another meeting with all parties."

Greg White, 612 Don Canuto, a member of Don Diego Neighborhood Association [previously sworn] said he is here to speak in favor of the zoning to commercial, as the gentleman before him.

Mr. White said he wanted to again state that, "We understand that the General Plan of the City of Santa Fe was written to promote harmonious development and that it is intended to allow for some changes to occur. We think that this is an example of when the General Plan should be looked at."

Mr. White said he thinks also that the ability of this Commission to go forward with a lesser zoning than what has been requested by the applicant, was an excellent example of why a zoning ordinance should work. He said he would just like to put the response in to support a zoning C-1.

Rick Martinez, 725 Mesilla Road, President of Neighborhood Network [previously sworn], said he wanted to work with the neighborhoods that are here. He said he thought the neighborhoods "are speaking well that they are willing to compromise and go with the C-1. He said, "I think the BCD boundary line was set for a reason and I don't think the boundary line should be jumping from one side of the street to the other; except for that whole side there. Leaving it BCD on the other side of the street makes it more appropriate use for that side. The C-1 is appropriate for that house in that part of the neighborhood and so I

agree with the neighborhood and stand by the neighborhood.”

Mable Chen, 615 Galisteo [previously sworn], said she has lived in the neighborhood since 1991 and specifically at 615 since 1992. She said she is not totally in favor of C-1 and she couldn't find out exactly what C-1 was. She said, “RAC seems more fitting with the neighborhood; like a framer/arts and crafts type of thing. Her concern is neighborhood creep. She said if you look across the street from Galisteo Street on the same side as Paseo del Peralta, there are 3 units that are basically rental and when the Ortiz grocery store lost its land; these people lost their backyard.”

Ms. Chen said, “You do BCD or C-1 it's going to creep over here because properties without yards are not very sellable. She said they will now apply; the place next door is a residential, but as families change, just like with the Ortiz family; that also may start to apply for also C-1, BCD or whichever.” She said her concern is “all of a sudden you start creeping down into the neighborhood into C-1.”

She said, “Directly adjacent, Max Garcia just died and that property is for sale.” She said that is directly on her block and she can see his property from her window. She said her fear is, “If you do C-1, which has a greater range than RAC, eventually over the years, properties will creep. Right behind is also members of the Garcia family and they have a big lot that goes back three or four houses; those are also all rentals, and I can see that creeping as well.” Her fear is “if you do a BCD or a C-1; all of that is going to change and all of a sudden you're going to be coming down Galisteo Street and it is not going to be the same anymore.”

Christina Lindstrom, 630 Galisteo Street [previously sworn], said she lives 3 houses down and uses Galisteo, which is a one-way street. She said, “In the morning with the congestion coming from the west, east and from the school as well, and they get the buses and the drop off and the children; they have a congested corner.” She said she doesn't know how familiar they are with the location...it is difficult for cars when they are entering egress. She said, “You look at the traffic; a traffic study would really tell you what it should be.”

Ms. Lindstrom said she didn't even believe that it was only C-1 zoning...the size of the location. She said she sees more accidents between Paseo de Peralta, which is the exit or Galisteo, which is just 25 feet from the traffic light. She said she is recommending if the city were maybe looking at residential, to please make a study and look at this issue very carefully. She said she experiences this issue every morning and every time she drives in and out.

Stefanie Beninato at 604 ½ Galisteo Street [previously sworn] said she owns 604 Galisteo and she is the property directly south of 600 Galisteo Street. She said she has owned the property since '01 and has lived on the property either in one or the other since '04. She said she knows what it is like to have it be commercial.

She said, “First of all I want to say ‘point of order’: There was not enough notice. The yellow notice board was down Tuesday night on the 24th and did not go back up until Sunday morning on the 28th and was back down on Sunday afternoon and has remained down.” She said she received one notice on the 20th and another notice on the 26th. The Don Diego Neighborhood Association did not get notice until the

23rd, so these are all less than 15-day full notices. I am bringing that to your attention. They have already had the hearing and she thought that people appreciate that they don't have to come back again."

Ms. Beninato said again what the Commission is being asked to do is make an exception based on supposed historic use; or historic use rather than on the law. She said she will focus the Commission more on the law itself and the factors she thought the Commission should consider. She said also "it says you can consider going to a less intensive zoning than what the applicant requested; not what the city requested. The city requested BCD; the applicant requested C-1; so what is less than C-1, I don't know." She said she believes under the law that they can consider not C-1.

She said, "With the city's condition of no egress onto Paseo de Peralta, unless they are intending to acquire her property and having a big circle coming out of there; there is going to be less than three parking spaces. The only parking spaces that will be able to be used are the ones to the east of the building; the ones closest to Galisteo Street. Normally people are pulling in and facing the south. If you have three people already parked there it's going to be hard to not to back out into Paseo in order to get around the other two cars to go out onto Galisteo." She said that condition in itself, makes it virtually impossible to be fulfilled.

Ms. Beninato said, "It's been empty for 10 years. There has been no effort until recently to either sell it or get it rezoned. There has been talk, but nothing really done. For me, the sticking point has always been that there is not enough parking. The fact is that when it was Madalyn's it wasn't her property at the time, but they had vents coming out into 604/604½ Galisteo Street. She said to say it is not intensive use really depends on what commercial use is in there. If you have a photography studio and they have to vent out the chemicals; it is not the most healthy place to have to live next to."

Ms. Beninato said there hasn't been much effort to keep that building up. "There has been graffiti for 2½ years on the building and I don't know why. The City would have been willing to get rid of it." She thought it had to do with owner's permission.

Ms. Beninato said she has had homeless people climbing on her structures to get into the building next door; so "yes, it would be good to get used..." She said it is zoned residential; there are residential spaces to the west; the north..."You cross Paseo in the BCD to the east on W. Santa Fe Avenue and of course on mine and the people south of me."

She said, "It could easily be a duplex and yes, it would require some input, some changes in the structure, but I believe that it could be a duplex." To say that nobody wants to live there is not true. The General Plan does control, but you are changing the General Plan in order to basically do spot zoning. And what you have heard over and over again from the Ortiz's and from even people in the public, is that somehow that one little piece of property should be benefited differently than any other property in that area."

Ms. Beninato said, "The Casados property to the West has been residential since the 1890s; my property has been residential since the 1890s and there was some development on W. Santa Fe Avenue, but later on." She said again, residential was what was going on there and there has been commercial creep in that block from Gomez to Galisteo since she has lived here and she has been here since 1975. She said she knows someone who has been the caretaker at the Eugenie Shenard House when it was still residential and that was post 1975. She said "as for that it is less valuable; yes, residential is less valuable

than commercial. Again the Commission is not supposed to be making changes to the General Plan or to a zoning to benefit one property based on financial that they would like to make more money."

Ms. Beninato pointed out that "they [Ortiz] own 610 Galisteo Street and it was extremely run down and their ex-in-laws have called them slum lords." She said "they sold that for about a half million dollars in about 2005 or 2006; they then sold the property across the street [Restaurant Martin] later on." She said "she is sure that they sold that for approximately the same amount and knows that they sold 610 for a half million because she looked it up in county records."

Chair Harris said Ms. Beninato's comments were not relevant and asked that she move on.

Ms. Beninato said she would like to talk about spot zoning. She said from her point of view what the Commission has is a very irregular commercial zoning section on the south side of Paseo de Peralta between Gomez and Galisteo. She said she believes the ordinance, from what the planner said, does not allow to rezone this commercial, because it is not contiguous. Her suggestion, to avoid a legal problem/challenge, because of spot zoning to the General Plan, is that "they decide to take the furthest part south, which is Las Brisas –what used to be Mayflower Storage Company- and go from at least Cerrillos all the way to old Santa Fe Trail and rezone that commercial." She recommended that so that everybody in that area would have the opportunity to have a commercial zoning if they chose; they don't have to. "They could still be residential and taxed as residential." She said, "You would have some, hopefully, rationale for doing that and that is what you need here; a rationale other than benefiting one property and/or even historic use, because it has not been used like that for 10 years."

She said she would read a few things and highlight some of these from a case: *Bennett v. City Council for City of Las Cruces, December, 1998* that has to do with spot zoning. She said, "They wanted to rezone a parcel from R-3 to C2c and the Court of Appeals said: '*our Supreme Court adopted the following definition of spot zoning in the City of Albuquerque v. Paradise Hills*' (she quoted from that 1983 case): '*Spot zoning is an attempt to wrench a single law from its environment and give it a new rating that disturbs the tenor of a neighborhood in which it affects only the use of a particular piece of property, or a small group of adjoining properties and is not related to the general plan for the community as a whole, but is primarily for the private interest of the owner of the property so zoned.*'"

Ms. Beninato continued to read: "*This term spot zoning refers to the rezoning of a small parcel of land to permit a use that fails to comply with the comprehensive plan or is inconsistent with the surrounding area, grants a discriminatory benefit to the parcel owner and/or harms neighboring properties or the community welfare. The smaller the property being rezoned, the more likely the finding of spot zoning, while the larger tract, the less inclined the courts are defined.*" She said when they are talking about less in size, 68 acres is a good size; four acres might be too small and that is in a range of cases that are cited in the Bennett case. She said, "Size is often the most important factor, but not the only one. Rezoning of a small lot in a residential area is generally considered spot zoning."

She said in another case cited in the Bennett case: *Lee v. District of Columbia*, a district court case- she read: "*zoning decision is spot zoning if inconsistent with the comprehensive plan and benefits only the owner of the land as opposed to the general public. Finding that ordinance that solely benefited mobile home courts to the detriment of owners of an adjacent land, and adopted not in accordance with the general plan, is spot zoning. Conformity with the comprehensive plan is an indication that the intent of the rezoning has potential benefits beyond just the property owner.*"

Ms. Beninato said her problem here is that the Commission is being asked to change the General Plan specifically so they can rezone this. She said, "You need a rationale for changing the General Plan and needs to be a larger change than just for this one lot. As the owner of the next lot; when it was Gold Leaf Framers, people were pulling onto my property all the time wanting to park there even after I would tell them it was not Gold Leaf Framer's parking. I would get trash in my yard because there was a dumpster on the west side and they were not taking trash out in plastic bags and would leave the top open; there were often lights and machinery running at night that were disturbing since there is a zero lot line in that area." She said her property could also be zoned commercial and it would be so much easier for her to sell her property than as a residence. She said again, there could be a little gallery in her front house and she could've sold her house, which she has been trying to do, for five times over. She said "to listen to that rationale doesn't really...who are you going to benefit? You need to benefit the community."

Ms. Beninato said she would ask again that the Commission postpone this and look at actually changing the General Plan in this area to a larger area to have rationale for making the change, not to just benefit one piece of property; one very small and inadequately sized property for commercial use. Exhibit "7".

Georgette Romero, a broker with Santa Fe Properties [previously sworn], said Eva Ortiz and Chuck Parker asked her to list their property about four months ago. She told them that she could not because there is too much indecision of what the property could be used for. She said she has encouraged them to do this process to see if they can come to some kind of agreement with everyone, in terms of usage. She said the property has been listed on and off for about 4 years, initially with Barker and then with Keller Williams.

Ms. Romero said that someone indicated that it could be sold residential. She said that has been the focus to sell it residential. She talked to the last two brokers who had the property and they have had no interest in anyone wanting to buy the property for residential usage. She said the configuration to the property to date is because the City of Santa Fe widened Paseo de Peralta, leaving this remnant property. She said since she was approached by Eva and Chuck to list the property; although she has not listed the property she has sought buyers for the property. She has found two who have made written offers. She said one would like to use the property for an antique business where clientele comes by appointment only. The other business that would like to buy the property is a gallery on Canyon Road and they would use it for art storage. She said, "They have not been able to move forward because of zoning and they can't...no one wants to get into good negotiations contingent upon a zoning change."

Ms. Romero said someone made the comment about language such as 'slum lords and the family having come into \$1 million', but what is not taken into account is there are many heirs in this family; not just Eva and her sisters. She said because they have been unable to sell the property, it has fallen into disrepair and the care of the property has fallen on the Parkers. They do not have the wherewithal to continue to carry this. She said her concern is a couple of things; vandalism to the property. She is most concerned about arson to the property. She has been by there every night and has seen homeless people at the back of the property that are camped out. She said that given the proximity of other homes to this property, she thought vandalism and arson should be a concern for everybody. She thought "if something were to happen to the property, there is a possibility that it definitely could affect the other properties due to proximity."

Ms. Romero thought it would definitely increase the salability of the properties nearby. She thought when the Paseo de Peralta was widened by the City, consideration should have been given to the family at that time for rezoning. Ms. Romero said because the property has fallen into disrepair, it now merits a much lesser value. She said regarding parking there is an area to the west of the building where people working there could park. There is room for 2-3 cars if parked in tandem; and in front of the building she is sure there is room for 3 cars. She said the businesses she has described do not have the usage.

Ms. Romero said this is affecting all of us because it is not pretty to look at. She said she thought the laws are important to everyone, but when it comes down to hurting people, she thought the laws are not doing anyone any good.

The Public Testimony Portion of the Public Hearing was closed

Commissioner Schackel-Bordegary asked Ms. Brennan if the opinion of the city is this seems to be a spot zoning action.

Ms. Brennan said no, she does not believe so.

Commissioner Villarreal asked if staff could explain to the Commission and to the public, the options for zoning. She said first staff recommended BCD, but that was coming from the applicant; or staff's recommendation initially. She asked how the conversation went to C-1 and if there is any other zoning possibilities. She said she is wondering about MU and RAC that people brought up and if staff could elaborate on that.

Mr. Thomas said yes. The applicant per the requirements of the Code, requested BCD. It is the only other contiguous zoning district other than R-21, which they are in, to that parcel. He said C-1 is in close proximity, however is separated by a single parcel. He said, "In early conversations with the applicant we suggested getting other neighbors involved, in essence going the C-1 route. That zoning district seems to adequately serve what they were interested in doing; low intensity, commercial activity such as gallery, etc." He said the adjacent neighborhood was not interested.

He said ultimately it was a request to be rezoned to BCD. Staff recommends approval of that, however per the section of the Code that also allows the Governing Body to rezone to a lesser intensive use such as the nearby C-1. He said staff is also in support of that. That is where that comes from.

Mr. Thomas said in regard to the question of RAC, that district is very similar to C-1. It is mainly the Canyon Road area and does allow restaurants and art galleries. This almost identical, in fact is marginally more per the use table; potentially more intensive depending on the type of business, or less intensive. They are very similar. But RAC is not in this area, which is why they did not have that discussion; it was focused more around the C-1.

Commissioner Villarreal asked if this were to be rezoned, it goes on to whatever recommendation staff gives to the City Council. She was told that is correct. She asked if they decide on the type of use for the rezoning, whether this would come back to the Commission for development plan. She asked Mr. Thomas to explain the process of what happens next.

Mr. Thomas said if it were to be rezoned to hypothetically BCD or C-1, any use that is allowed in that district would be in theory allowed on this property. Mr. Thomas said there will be no further discretionary hearing once it has the zoning. Basically it would be treated at business license or, if modifications are done to the building, perhaps the building permits, etc. The discretionary hearing is at rezone stage and any use allowed within that zoning district would be allowed.

Commissioner Villarreal asked if that would include staff looking at parking and if that would be at the building permit stage. Mr. Thompson agreed.

Chair Harris said looking at the list of permitted uses for instance for C-1, and thinking about the parking requirements for any number of these uses; it seems like there are so many restraints with parking or landscape requirements, etc. He asked if any thought had been given as to what might be acceptable for a C-1 designation.

Mr. Thomas said there was discussion of that early in the process. It focuses around the recent historic use of the property, which was frame shops, low intensity specialty shops like arts and crafts, etc. There are constraints on the property. It is an existing non-conforming structure and that would continue to be the case. It lost its non-conforming status from the use perspective, but it is a nonconforming structure as it exists today. Chair Harris is correct that any future use that potentially could go in would likely be constrained by parking and things like that.

Chair Harris asked, with the permitted uses, if a variance would be required to the city standards and if so, how that is handled. He assumes that would not come back to the Planning Commission since they are not looking at a development plan.

Mr. Thomas agreed. There are no proposed changes to the structure. Perhaps a variance may come to the Commission, but whether it would be recommended is hard to know without looking at the specifics and what is available on the site and the type of use that would go in. As indicated in the Staff Report with the one condition of approval; traffic engineering did review this to ensure there was a lesser impact at least on Paseo, trying to direct traffic more toward the Galisteo one-way exit and entrance.

Chair Harris asked Mr. Parker to come forward. He said to Mr. Parker, having heard the testimony from various people, he would like to hear from him. The Commission knows why this application, after the General Plan amendment and then the rezoning, is to go from R-21 to BCD. He asked if it would be acceptable to Mr. Parker and his group to go to C-1, a less intensive use.

Mr. Parker said yes. The only way they could get in front of the Planning Commission was to go BCD. He said they talked to the Casados next door several times and asked if they would like to join them and change their property to C-1; which would adjoin Margo Cutler, realtor, next to them. He said they would have had a continuous C-1. He said they even offered to pay the Casados' difference in taxes for the next 5 to 10 years to entice them and show them their property would be worth more. He said they were dead set against it and wants their children to inherit it as a residence and nothing more.

Mr. Parker said they tried to go the other routes, but BCD was the only thing they had left. He said they would be willing to consider anything less; it is just not a house.

Chair Harris asked if Mr. Parker would be willing to follow up with the Don Diego Neighborhood

Association and the other associations who spoke, basically on Mr. Parker's behalf.

Mr. Parker said yes. "We don't want to disrupt the neighborhood; we want a business there; maybe a lawyer, because the new courthouse is not too far away; someone who deals with appointments only, because there is limited space parking. They can schedule the people who are coming in and won't have to worry about parking." He said there is parking down Galisteo to the north that is a state lot.

Mr. Parker said they are willing to work with anyone they need to. He said they have to clear this estate out for the family. There are six families involved. He said they just got it through court about four years ago and have repeatedly listed it. He said he started with what they recommended and kept dropping the price, because nobody is interested in it, especially as a house. They have had one of the real estate agents draw up a plan for a duplex but the cost of doing that... "The estate has no money right now. We have had to loan money from our personal accounts at this time."

Commissioner Villarreal said the way it is zoned now is *moderate density residential*. She asked staff, if the zoning stays as it is now, how many housing units if for some reason that could be raised, could actually be put on that property.

Mr. Thomas said a quick calculation is probably one. It is zoned R-21, but it is a very small lot. He said it is basically a function of the density calculation and meeting the other development standards; so, without a site plan; conservatively he would say one, maybe 2 houses.

Mr. Parker said if they were to tear that building down; they could have a building approximately 15 feet wide and 50 feet long, because of the setbacks. He said they go up to the curb now and they wouldn't be able to do that if that building was demolished.

Commissioner Gutierrez said on the RAC zoning; they received a letter from the Don Gaspar Neighborhood Association that they would like to see that as opposed to the other zoning. Staff said it is really similar to C-1 and Mr. Romero mentioned two possible uses for the property, for art storage and antiques by appointment. He asked if those fit into both of those zonings.

Mr. Thomas said looking through the Land Use Table, quickly, generally, yes. He gave an example of a small scale studio or a gallery as permissible in both zonings. However, something more straight retail such as an art supply store would actually be permitted in RAC and not C-1. He said going back to what he explained earlier, generally something like a lawyer or a small boutique, specialty, like a gallery is really what C-1 is for. He said RAC is more like a Canyon Road situation where there is a more density of arts and crafts retail stores mixed in with restaurants, cafes, coffee shops, etc. Generally they were looking for a small office or small gallery that fits in better with C-1, as well as that there is C-1 in very close proximity.

Ms. Baer said she did a quick calculation and 2 dwelling units would fit on that property.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal for purposes of discussion, to recommend approval to the City Council, of Case #2015-20 600 Galisteo Street General Plan Amendment, with all conditions of approval as recommended by staff.

AMENDMENT: Commissioner Villarreal said she would like a friendly amendment to the Governing Body

to consider and further discuss the possibility for C-1 zoning, since staff recommends zoning BCD.

Ms. Baer explained the Commission's recommendation would be to approve the case, but to consider the lower intensity zoning of C-1.

Commissioner Schackel-Bordegary accepted the amendment as friendly to the maker.

Chair Harris pointed out they are really focusing on an amendment to the General Plan.

Ms. Baer said in that case, rather than community commercial, the C-1 designation would be "office as a land use. She said in this case your recommendation to the governing body would be to recommend approval of the change in the land use designation and that they consider rather than community commercial, the office land use designation.

FRIENDLY AMENDMENT: Commissioner Villarreal said she would like to amend the motion to recommend that the governing body consider office land designation.

THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.

Chair Harris stated the motion is to recommend to change the future land use designation from moderate density residential to office. He asked for a roll call vote.

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]

4. CASE #2015-21. 600 GALISTEO STREET REZONE. EVA PARKER, TRUSTEE FOR THE LUCY C. ORTIZ ESTATE, REQUESTS REZONING OF A 5,581 SQUARE FOOT LOT FROM R-21 (RESIDENTIAL – 21 UNITS PER ACRE) TO BCD (BUSINESS-CAPITOL DISTRICT). THE PROPERTY IS LOCATED AT 600 GALISTEO STREET. (ZACH THOMAS, CASE MANAGER.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to recommend to the Governing Body approval of Case #2015-21, 600 Galisteo Street Rezoning of the parcel to BCD per the Staff Report recommendation with consideration given to the lesser zoning.

DISCUSSION: Commissioner Villarreal said she wanted to remind them that in our historic neighborhoods the mixed uses like this, where residential is among businesses, are the norm and things change over time. She said unfortunately zoning does not capture historical use and it gets complex. She said she wants to add that because before people moved into the area it was a mixed use neighborhood and that was how it was done historically. She said she would like the ability to use mixed use zoning in the area, but as it stands they have limited options because of the widening of the roads and the particularities of this particular property.

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].

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.

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 pole is 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 Orallynn [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 to 10 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 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 [Turner] 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 *Gente Estrada*."

Dianna Coles, 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 accidentally 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 Maki , 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 employ 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, 2152 Calle 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 affected 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 Rey 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 laundry 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."

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].

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 from 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.

H. MATTERS FROM THE COMMISSION

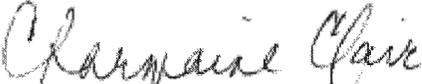
Commissioner Villarreal said when they received clarification of their term limits it was a little disconcerting to have expiration of terms that are all on the same date. She said it is poorly coordinated for all to be leaving the Commission at once. There would be no institutional knowledge, even for running the meeting. She encouraged her fellow Commissioners if they have interest, to resubmit their letter of interest to the Mayor by June.

Chair Harris thanked Commissioner Villarreal. He agreed that they do need to have some institutional memory on the Commission. He said tonight is a good demonstration of how important that is and was even hard for those have been here for four years to keep track and be intelligent, as well as fair and make the best decisions for the City.

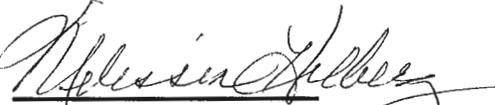
I. ADJOURN

There was no further business to come before the Commission, and the meeting was adjourned at approximately 12:05 p.m.

Michael Harris, Chair



Charmaine Clair, for Melessia Helberg



Melessia Helberg, Stenographer