



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
MARCH 25, 2015  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – March 11, 2015
9. PRESENTATIONS
  - a) 12<sup>th</sup> Annual Children's Water Conservation Poster Contest Winners. (Councilor Ives and Caryn Grosse) (5 Minutes)
  - b) Muchas Gracias – Laurie Trevizo. (Councilor Ives) (5 Minutes)
  - c) Muchas Gracias – St. Michael's High School SWAT Team. (Councilor Ives) (5 Minutes)
  - d) Proclamation – Stand Up for Transportation Day. (Jon Bulthuis) (5 Minutes)
  - e) Proclamation – Cesar E. Chavez Day. (Mayor Gonzales) (5 Minutes)
10. CONSENT CALENDAR
  - a) Request for Approval of Bid No. 15/07/B – City-Wide On Call Miscellaneous HVAC Services and Construction Agreement Between Owner and Contractor. (LeAnn Valdez)
    - 1) Yearout Service, LLC
    - 2) Welch's Boiler Services
    - 3) Mechanical Control Solutions

CITY CLERK'S OFFICE

DATE 3/20/15 TIME 3:30p

SERVED BY \_\_\_\_\_

RECEIVED BY \_\_\_\_\_



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CITY COUNCIL CHAMBERS

- b) Request for Approval of Amendment No. 1 to Professional Services Agreement – LFMC to Act as Project Manager for Fund 892 Capital Appropriation Project; La Familia Medical Center. (David Chapman)
- c) Request for Approval of Change Order No. 6 – Runway 2-20 Medium Intensity Runway Lighting (MIRL) System Replacement at Santa Fe Municipal Airport; Vis-Com, Inc. (Jon Bulhuis)
- d) Request for Approval of Sole Source Procurement and Professional Services Agreement – Construction Management Services for Reservoir Improvements; Weaver Construction Management, Inc. (Robert Jorgensen)
- e) Request for Approval of Application – FY 2015 Section 5307 Urbanized Area Apportionment to City of Santa Fe; Department of Transportation Federal Transit Administration. (Ken Smithson)
- f) Request for Approval of Procurement Under State Price Agreement – City-Wide Data and Phone Cabling Services for ITT Department; HEI, Inc. (Renee Martinez)
- g) Request for Approval of Memorandum of Understanding – Terrain Mapping and Orthophotography for ITT Division; Santa Fe County and Approval of Budget Increase in the Amount of \$75,000 in Water Fund. (Renee Martinez)
- h) Request for Approval of Revised and Restated Joint Powers Agreement – Santa Fe Metropolitan Planning Organization Planning in Compliance with all Federal, State and Local Regulations and New Provisions of MAP 21, the Current Federal Transportation Funding Act; County of Santa Fe, Tesuque Pueblo and State of New Mexico Department of Finance Administration and Approval of Budget Increase in the Amount of \$501,814 in Metropolitan Planning Organization Fund. (Mark Tibbetts)
- i) Request for Approval of Budget Transfer in the Amount of \$108,040 from Fire Impact Fees to Capital Improvement Program for Remodel and Expansion of the Fire Department's Training Facility. (Jan Snyder)
- j) Request for Approval of Procurement Under Cooperative Price Agreement – Structural Firefighting Personal Protective Clothing for Fire Department; L.N. Curtis and Sons. (Jan Snyder)



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REGULAR MEETING OF  
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CITY COUNCIL CHAMBERS

- k) Request for Approval of \$100,000 Grant Award and Budget Increase for Use of Funds to Procure F550 Ford Truck and Fire Protection Skid Unit Under State Price Agreement for Fire Department; Don Chalmers Ford. (Jan Snyder)
- l) Request to Publish Notice of Public Hearing for April 29, 2015:
  - 1) Bill No. 2015-11: An Ordinance Amending Section 2-22 SFCC 1987 to Rename the "Internal Audit Department" the "Audit, Accountability and Performance Management Department"; Establish a Position of a Fraud Auditor to Investigate Fraud, Waste and Abuse Allegations; and Make Such Other Changes as are Necessary to Clarify Certain Provisions of the Accountability and Performance Management Ordinance. (Councilor Maestas and Councilor Ives) (Liza Kerr and Kelley Brennan)
  - 2) Bill No. 2015-12: An Ordinance Relating to the Single-Use Carryout Bag Ordinance, Section 21-8 SFCC 1987; Amending Subsection 21-8.1 to Modify the Legislative Findings Related to Paper Grocery Bags; Amending Subsection 21-8.4 to Establish the Requirement that Retail Establishments Collect an Environmental Service Fee for Each Paper Grocery Bag Provided to Customers; Amending Subsection 21-8.6 to Establish a 60 Day Implementation Period; and Making Such Other Changes as are Necessary to Carry Out the Purpose of this Ordinance. (Councilor Ives, Councilor Lindell and Councilor Rivera) (John Alejandro)
  - 3) A Resolution Directing Staff to Propose an Operational Plan and Programming Options for the Establishment of a Teen Center that Would Benefit the Youth of Santa Fe. (Councilor Dominguez, Councilor Rivera, Councilor Dimas, Councilor Ives and Councilor Bushee) (Chris Sanchez)
- m) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Ives and Councilor Bushee)  
A Resolution Directing Staff to Work with the Santa Fe Area Home Builders Association to Incorporate the Water Efficiency Rating System ("WERS") Into the Residential Green Building Code and Related Administrative Procedures. (Gregory Smith and Rick Carpenter)
- 11. Update on Community Hospital and Health Care Study Group – Established Pursuant to Resolution No. 2014-19. (Kate Noble)



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REGULAR MEETING OF  
THE GOVERNING BODY  
MARCH 25, 2015  
CITY COUNCIL CHAMBERS

12. MATTERS FROM THE CITY MANAGER
13. MATTERS FROM THE CITY ATTORNEY
14. MATTERS FROM THE CITY CLERK
15. COMMUNICATIONS FROM THE GOVERNING BODY

## **EVENING SESSION – 7:00 P.M.**

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
  - Mayor's Committee on Disability
  - Transit Advisory Board
  - Planning Commission
- H. PUBLIC HEARINGS:
  - 1) CONSIDERATION OF BILL NO. 2015-6: ADOPTION OF ORDINANCE NO. 2015-\_\_\_\_. (Councilor Lindell, Mayor Gonzales, Councilor Maestas and Councilor Bushee)  
An Ordinance Amending Subsection 23-6.2 SFCC 1987 to Permit the Sale and Consumption of Alcohol at the Railyard Park for the Bike and Brew Event. (Kate Noble)
  - 2) CONSIDERATION OF BILL NO. 2015-7: ADOPTION OF ORDINANCE NO. 2015-\_\_\_\_.  
**Case #2014-104. 2504 and 2505 Siringo Lane Rezoning.** Daniel Smith, and Linda Duran for Robert H. & Sarah S. Duran, Request Rezoning of Approximately 2.00± Acres (Two 1± Acre Parcels) from R-1 (Residential – 1 Dwelling Unit Per Acre) to R-3 (Residential – 3 Dwelling Units Per Acre). The Two Parcels are Currently Developed with Residential Uses and are Located at 2504 and 2505 Siringo Lane. (Zach Thomas)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
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CITY COUNCIL CHAMBERS

- 3) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_.  
**Case #2014-109. Hands of America General Plan Amendment.** Monica Montoya, Agent for Leonel Capparelli, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 1.50± Acres of Land From Rural/Mountain/Corridor (1 Dwelling Unit Per 1 Acre) to Office. The Property is Located at 401 Rodeo Road. (Donna Wynant)
  - 4) CONSIDERATION OF BILL NO. 2015-8: ADOPTION OF ORDINANCE NO. 2015-\_\_\_\_.  
**Case #2014-110. Hands of America Rezoning.** Monica Montoya, Agent for Leonel Capparelli, Requests Rezoning Approval of 1.50± Acres of Land From R-1 (Residential, 1 Dwelling Unit Per Acre) to C-1 (Office and Related Commercial). The Property is Located at 401 Rodeo Road. (Donna Wynant)
  - 5) **Case #2014-91 & Case #2014-92 - Consolidated Appeals.** Allen Jahner (Applicant Appellant) and Old Santa Fe Association (Organization Appellant) Both Appeal the September 9, 2014 Decision of the Historic Districts Review Board (HDRB) in Case #H-11-105 Approving the Application with Conditions at 237 & 239 East de Vargas Street Located in the Downtown and Eastside Historic District. (David Rasch and Zachary Shandler) (Postponed at February 11, 2015 City Council Meeting) **(Postponed to April 8, 2015 City Council Meeting)**
- I. 2015/2016 Budget Planning Discussion. (Oscar Rodriguez)
  - J. ADJOURN

**Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.**

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

**SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
March 25, 2015**

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
<b><u>AFTERNOON SESSION</u></b>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-4
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING - MARCH 11, 2015	Approved	4
<b><u>PRESENTATIONS</u></b>		
12 <sup>TH</sup> ANNUAL CHILDREN'S WATER CONSERVATION POSTER CONTEST WINNERS		5
MUCHAS GRACIAS – LAURIE TREVIZO		5
MUCHAS GRACIAS – ST. MICHAEL'S HIGH SCHOOL SWAT TEAM		6
PROCLAMATION – STAND UP FOR TRANSPORTATION DAY		6-7
PROCLAMATION – CESAR E. CHAVEZ DAY		7
<b><u>CONSENT CALENDAR DISCUSSION</u></b>		
CONSIDERATION OF RESOLUTION NO. 2015-28. A RESOLUTION DIRECTING STAFF TO WORK WITH THE SANTA FE AREA HOME BUILDERS ASSOCIATION TO INCORPORATE THE WATER EFFICIENCY RATING SYSTEM ("WERS") INTO THE RESIDENTIAL GREEN BUILDING CODE AND RELATED ADMINISTRATIVE PROCEDURES	Approved	7-8
<b><u>END OF CONSENT CALENDAR DISCUSSION</u></b>		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
UPDATE ON COMMUNITY HOSPITAL AND HEALTH CARE STUDY GROUP – ESTABLISHED PURSUANT TO RESOLUTION NO. 2014-19	Postponed to 04/08/15	9
MATTERS FROM THE CITY MANAGER	None	9
MATTERS FROM THE CITY ATTORNEY	Information/discussion	9
MATTERS FROM THE CITY CLERK	None	9
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	9-12
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	13
PETITIONS FROM THE FLOOR		13-15
APPOINTMENTS	Postponed to 04/08/15	15
<u>PUBLIC HEARINGS</u>		
CONSIDERATION OF BILL NO. 2015-6: ADOPTION OF ORDINANCE NO. 2015-7. AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND BREW EVENT	Approved a/a	16-19
CONSIDERATION OF BILL NO. 2015-7: ADOPTION OF ORDINANCE NO. 2015-8. <u>CASE #2014-104</u> . 2504 AND 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF APPROXIMATELY 2.00 ± TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE	Approved	19-32

<b><u>ITEM</u></b>	<b><u>ACTION</u></b>	<b><u>PAGE #</u></b>
CONSIDERATION OF BILL NO. 2015-8: ADOPTION OF ORDINANCE NO. 2015-9. <u>CASE #2014-110</u> . HANDS OF AMERICA REZONING. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS REZONING APPROVAL OF 1.50 ± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT 401 RODEO ROAD	Approved	32-38
CONSIDERATION OF RESOLUTION NO. 2015-29. <u>CASE #2014-110</u> . HANDS OF AMERICA GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.50 ± ACRES OF LAND FROM RURAL/MOUNTAIN CORRIDOR (1 DWELLING UNIT PER ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401 RODEO ROAD	Approved	38-39
<u>CASE #2014-91 &amp; CASE #2014-92 – CONSOLIDATED APPEALS</u> . ALLEN JAHNER (APPLICANT APPELLANT) AND OLD SANTA FE ASSOCIATION (ORGANIZATION APPELLANT) BOTH APPEAL THE SEPTEMBER 9, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD (HDRB) IN CASE #H-11-105, APPROVING THE APPLICATION WITH CONDITIONS AT 237 & 239 EAST DE VARGAS STREET LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (DAVID RASCH AND ZACHARY SHANDLER)	Postponed to 04/08/15	39
FY 2015-16 BUDGET PREPARATION – SPENDING PRESSURES & BALANCING STRATEGY	Presentation/discussion	40-49
ADJOURN		49

**MINUTES OF THE  
REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
March 25, 2015**

**AFTERNOON SESSION**

**1. CALL TO ORDER AND ROLL CALL**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Pro-Tem Peter N. Ives, on Wednesday, March 25, 2015, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Bill Dimas  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

**Members Excused**

Mayor Javier M. Gonzales  
Councilor Patti J. Bushee  
Councilor Carmichael A. Dominguez

**Others Attending**

Brian K. Snyder, City Manager  
Kelley A. Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

Councilor Rivera extended his condolences to the Gonzales Family and Mayor Gonzales on the loss of their father who was a previous Mayor in the City and he will be missed by all.

**6. APPROVAL OF AGENDA**

Brian Snyder, City Manager, said he would like to postpone Item #11 on the Afternoon Agenda and Item G on the Evening Agenda, to the Council meeting of April 8, 2015.

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, to approve the agenda as amended.

**VOTE:** The motion was approved on a voice vote with Mayor Pro-Tem Ives, Councilor Dimas, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo voting in favor of the motion, and none voting against.

**7. APPROVAL OF CONSENT CALENDAR**

**MOTION:** Councilor Maestas moved, seconded by Councilor Dimas, to approve the following Consent Calendar, as amended.

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

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

**Against:** None.

**10. CONSENT CALENDAR**

- a) **REQUEST FOR APPROVAL OF BID NO. 15/07/B – CITY-WIDE ON CALL, MISCELLANEOUS HVAC SERVICES AND CONSTRUCTION AGREEMENT BETWEEN OWNER AND CONTRACTOR. (LeANN VALDEZ)**
  - 1) **YEAROUT SERVICE, LLC**
  - 2) **WELCH'S BOILER SERVICES**
  - 3) **MECHANICAL CONTROL SOLUTIONS**
- b) **REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – LFMC TO ACT AS PROJECT MANAGER FOR FUND 892 CAPITAL APPROPRIATION PROJECT; LA FAMILIA MEDICAL CENTER. (DAVID CHAPMAN)**
- c) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 6 – RUNWAY 2-20 MEDIUM INTENSITY RUNWAY LIGHTING (MIRL) SYSTEM REPLACEMENT AT SANTA FE MUNICIPAL AIRPORT; VIS-COM, INC. (JON BULTHUIS)**

- d) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – CONSTRUCTION MANAGEMENT SERVICES FOR RESERVOIR IMPROVEMENTS; WEAVER CONSTRUCTION MANAGEMENT, INC. (ROBERT JORGENSEN)**
- e) **REQUEST FOR APPROVAL OF APPLICATION – FY 2015 SECTION 5307 URBANIZED AREA APPORTIONMENT TO CITY OF SANTA FE; DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION. (KEN SMITHSON).**
- f) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – CITY-WIDE DATA AND PHONE CABLING SERVICES FOR ITT DEPARTMENT; HEI, INC. (RENEE MARTINEZ)**
- g) **REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING – TERRAIN MAPPING AND ORTHOPHOTOGRAPHY FOR ITT DIVISION; SANTA FE COUNTY AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$75,000 IN WATER FUND. (RENEE MARTINEZ)**
- h) **REQUEST FOR APPROVAL OF REVISED AND RESTATED JOINT POWERS AGREEMENT – SANTA FE METROPOLITAN PLANNING ORGANIZATION PLANNING IN COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS AND NEW PROVISIONS OF MAP 21, THE CURRENT FEDERAL TRANSPORTATION FUNDING ACT; COUNTY OF SANTA FE, TESUQUE PUEBLO AND STATE OF NEW MEXICO, DEPARTMENT OF FINANCE AND ADMINISTRATION, AND APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$501,814 IN METROPOLITAN PLANNING ORGANIZATION FUND. (MARK TIBBETTS)**
- i) **REQUEST FOR APPROVAL OF BUDGET TRANSFER IN THE AMOUNT OF \$108,040 FROM FIRE IMPACT FEES TO CAPITAL IMPROVEMENT PROGRAM FOR REMODEL AND EXPANSION OF THE FIRE DEPARTMENT’S TRAINING FACILITY. (JAN SNYDER)**
- j) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – STRUCTURAL FIREFIGHTING PERSONAL PROTECTIVE CLOTHING FOR FIRE DEPARTMENT; L.N. CURTIS AND SONS. (JAN SNYDER)**
- k) **REQUEST FOR APPROVAL OF \$100,000 GRANT AWARD AND BUDGET INCREASE FOR USE OF FUNDS TO PROCURE F550 FORD TRUCK AND FIRE PROTECTION SKID UNIT UNDER STATE PRICE AGREEMENT FOR FIRE DEPARTMENT; DON CHALMERS FORD. (JAN SNYDER)**

**l) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING FOR APRIL 29, 2015:**

- 1) BILL NO. 2015-11: AN ORDINANCE AMENDING SECTION 2-22 SFCC 1987, TO RENAME THE "INTERNAL AUDIT DEPARTMENT," THE "AUDIT, ACCOUNTABILITY AND PERFORMANCE MANAGEMENT DEPARTMENT;" ESTABLISH A POSITION OF A FRAUD AUDITOR TO INVESTIGATE FRAUD, WASTE AND ABUSE ALLOCATIONS; AND MAKE SUCH OTHER CHANGES AS ARE NECESSARY TO CLARIFY CERTAIN PROVISIONS OF THE ACCOUNTABILITY AND PERFORMANCE MANAGEMENT ORDINANCE (COUNCILOR MAESTAS AND COUNCILOR IVES). (LIZA KERR AND KELLEY BRENNAN)**
- 2) BILL NO. 2015-12: AN ORDINANCE RELATING TO THE SINGLE-USE CARRYOUT BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ESTABLISH THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 60-DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE (COUNCILORS IVES, COUNCILOR LINDELL AND COUNCILOR RIVERA). (JOHN ALEJANDRO)**
- 3) A RESOLUTION DIRECTING STAFF TO PROPOSE AN OPERATIONAL PLAN AND PROGRAMMING OPTIONS FOR THE ESTABLISHMENT OF A TEEN CENTER THAT WOULD BENEFIT THE YOUTH OF SANTA FE (COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR DIMAS, COUNCILOR IVES AND COUNCILOR BUSHEE). (CHRIS SANCHEZ)**

**m) *[Removed for discussion by Councilor Maestas]***

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING - MARCH 11, 2015.**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Rivera, to approve the minutes of the Regular City Council meeting of March 11, 2015, as presented.

**VOTE:** The motion was approved on a voice vote with Mayor Pro-Tem Ives, Councilors Dimas, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

## **9. PRESENTATIONS**

### **a) 12<sup>TH</sup> ANNUAL CHILDREN'S WATER CONSERVATION POSTER CONTEST WINNERS. (COUNCILOR IVES AND CARYN GROSSE)**

Mayor Pro-Tem Ives said this year 421 students submitted entries in the poster contest. He said the judges had a very difficult task in narrowing the selection to 3 for each grade. He said the Water Conservation Office thanks all of the teachers, students, parents and the judges who participated in this process. He said the winning posters are on the wall in the corridor.

Mayor Pro-Tem Ives, assisted by Caryn Grosse, presented the 12<sup>th</sup> Annual Childrens Water Conservation poster awards, giving each child a plaque bearing their entry and a bag bearing the logo of the event. He said the grand prize poster will be featured on one of the City buses for the next year, and the other posters will be featured in the 2016 Water Conservation Calendar.

### **b) MUCHAS GRACIAS – LAURIE TREVIZO. (COUNCILOR IVES)**

Mayor Pro-Tem Ives presented a Muchas Gracias Certificate, to Laurie Trevizo who is leaving the City. He said Ms. Trevizo was the Water Conservation Division Director for many years. He said Ms. Trevizo and family are moving to Arkansas, and introduced Ms. Trevizo and her two beautiful daughters. He said she will be missed and thanked her for all her hard work on behalf of the City and all the great accomplishments she had at the Water Conservation Office. He said, "This will be a hard act to follow. So thank you."

Ms. Trevizo said water conservation is, was and has been her passion, and she is proud to have worked for the City, commenting she has worked with some of the best people who are extremely professional, dedicated and hard working. She said she made the decision to leave, saying, "I think my two beautiful girls are worth every moment of that." She encouraged everyone to continue to conserve water. She said, "I'm going to miss being here and I am going to miss everyone of you and all of your faces."

Councilor Maestas thanked Ms. Trevizo for everything she did for our community and said she will be missed.

Councilor Trujillo thanked Ms. Trevizo for all she did for Santa Fe. He said he enjoyed listening to her on Thursday mornings on the Water Show, and appreciated it very much when he could join her and talk about, among other things, the Fishing Derby. He wished Ms. Trevizo and family well in Arkansas.

Councilor Rivera said Ms. Trevizo will be missed. He said he has enjoyed working with her on some of her projects, and appreciates her efforts on behalf of the City. He congratulated her on the new addition to her family.

**c) MUCHAS GRACIAS – ST. MICHAEL’S HIGH SCHOOL SWAT TEAM. (COUNCILOR IVES)**

Doug Enlow thanked the Council for this honor. He said there are more than 100 students that participate in SWAT at St. Michael’s High School. He said SWAT stands for Student Wellness Action Team which is a service oriented group. He said they have done many projects throughout the school year – working for gun safety, coat and glove drives for the homeless, food drives for Adalente, as well as a pledge about no texting and driving. He said they went to the Legislature and wrote letters to the Legislators on gun access prevention by children. He said, “This is their group. They are the ones that decide the kinds of projects they want to work on, and are a very committed, dedicated great group of kids.”

Councilor Rivera told the students to keep up the good work, saying, “I’m sure future generations of Horsemen will follow your example and keep doing great things for our community, so thank you very much.”

Mayor Pro-Tem Ives and Councilor Rivera presented a Muchas Gracias Certificate to the St. Michael’s High School Swat Team. Councilor Rivera said he is very proud of this group, noting he is an alumnus of St. Michael’s High School.

A member of SWAT thanked Ms. Garcia and Mr. Enlow, saying they worked closely together on projects. She loves helping the community, and helping with anti-bullying. She said they do their best to help everyone, and thanked the City for this honor.

**d) PROCLAMATION – STAND UP FOR TRANSPORTATION DAY. (JON BULTHUIS)**

Jon Bulthuis, Director Transportation Department, introduced Garrett Robinson, the business representative on the Transit Advisory Board. He said Mr. Robinson has the perspective that investment in transportation is extremely for Santa Fe, its residents, the tourism community. He said this is a day of advocacy where we’re asking this community for partnerships between the State and federal governments, noting some of the support has diminished causing local communities to step up and fill the gap.

Garrett Robinson said partnerships have been a powerful assist in everything we’ve been doing lately, commenting it is amazing how the federal cutbacks have impacted the community. He said the partnerships help us keep moving forward. He said, “It is the intent of the Transit Advisory Board to make Santa Fe No. 1 in Transit. Under the watchful eye of Jon Bulthuis, and Colin Messer the Chairman, we were so proud of the City at the recent Southwest Transit Convention, because everywhere we went, everybody complimented us, not only the City, but our transit presentations, our buses. Everything about this is propelling forward and we’re so proud of it all. Jon thank you, and on behalf of the mighty Transit Board, thank you Mayor.”

Mayor Pro-Tem Ives read the proclamation into the record declaring Thursday, April 9 , 2015, as Stand Up for Transportation Day in Santa Fe and presented it to Garrett Robinson and Jon Bulthuis.

Councilor Maestas said we really need to focus on transportation, given the lack of a Federal Transportation bill, and the collapse of the Capital Outlay bills as well as a bill that called for a gasoline tax increase. He said, "It's time for use to stop relying on federal and State resources and start looking at ourselves to see how we can fund transportation at a much much higher level. Thank you for raising the awareness of the importance of transportation. It's time for us to get in the drivers seat and realize our own destiny. And thank you for your service to the City."

**e) PROCLAMATION – CESAR E. CHAVEZ DAY. (MAYOR GONZALES)**

Councilor Trujillo read a proclamation into the record declaring March 31, 2015, as Cesar E. Chavez Day in Santa Fe, and presented it to Jose Villegas.

Mr. Villegas said it is such an honor to receive this proclamation in the name of Cesar Estrada Chavez. He said, "My memory of this man was back in the day, 7 years old working in the onion fields when I met this man with the black black hair." He said he fought for equity for the poor and the disenfranchised. He said Cesar Chavez passed away in 1993. At that time he asked Congressman Richardson to establish a memorial day for Cesar Chavez. He followed through in 1998 with the New Mexico State Legislature to declare the first State holiday in honor of Cesar Chavez. He said it was passed, but Governor Johnson vetoed the bill. He said, "I am going to push once again for a State holiday in New Mexico in honor of Cesar Chavez on March 31<sup>st</sup>. I will be pushing for that in the Legislature in 2017."

Mr. Villegas invited everyone to La Cieneguilla, to the Capilla de San Antonio, on March 31, 2015, for a memorial service. Mr. Villegas prayed to Our Lady of Guadalupe for justice in honor of Cesar Chavez whose patron saint was Our Lady of Guadalupe.

**CONSENT CALENDAR DISCUSSION**

**10(m) CONSIDERATION OF RESOLUTION NO. 2015-28 (COUNCILOR IVES AND COUNCILOR BUSHEE). A RESOLUTION DIRECTING STAFF TO WORK WITH THE SANTA FE AREA HOME BUILDERS ASSOCIATION TO INCORPORATE THE WATER EFFICIENCY RATING SYSTEM ("WERS") INTO THE RESIDENTIAL GREEN BUILDING CODE AND RELATED ADMINISTRATIVE PROCEDURES. (GREGORY SMITH AND RICK CARPENTER).**

Councilor Maestas said he read the Resolution, but he didn't read the FIR. He said, "Lately we have become hypersensitive on budget, particularly any actions we take that have a budget impact. I see there's an estimate of \$334,000 to implement this. But i think the FIR recommends that we hire two FTEs,

one to implement this amendment to the Green Code and another to assist. Could you explain the FTE deficit and how its affecting Planning."

Mr. Carpenter said this will be for Planning & Land Use and not the Water Division. His understanding is that they would need to add new positions in order to interface with the Homebuilders Association, the Green Builders and the development community in general, a fairly large effort.

Councilor Maestas asked if there is budget identified and Mr. Carpenter said no.

Councilor Maestas asked if this were to be incorporated into the Green Code, would it be one of many options someone can select if they're building a new home or remodel. He asked, "Would it be in the Green Code as an option with points allocated to it, or would this be a mandate across the board."

Mr. Carpenter said, "My understanding is it would be a mandate across the board."

Councilor Maestas said, "I think this effort is going to flush that out, because when you develop this, you will come back to us in the form of a proposed amendment to the Green Code. Right. So we still have another bite at the apple."

Mr. Carpenter said that is correct, yes.

Councilor Maestas said we can speak on the merits when we get the results from the Resolution. He said, "I do support the Resolution, but I think it has to be on the proviso that we identify budget through the budget hearing process. By virtue of our approval.... I don't think we're really in a position to approve the budget action at this point. And I know we just had an issue I brought forward with fiscal impact, and one of the provisions for its passage was that it go through the budget hearing process."

**MOTION:** Councilor Maestas moved, seconded by Councilor Lindell, to adopt Resolution No. 2015-28, with the condition that budget be identified through the budget hearing process.

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

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

**Against:** None.

#### **END OF CONSENT CALENDAR DISCUSSION**

**11. UPDATE ON COMMUNITY HOSPITAL AND HEALTH CARE STUDY GROUP – ESTABLISHED PURSUANT TO RESOLUTION NO. 2014-19. (KATE NOBLE)**

This item has been postponed to the Council meeting of April 8, 2015.

**12. MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager.

**13. MATTERS FROM THE CITY ATTORNEY**

Mr. Brennan said, "Mayor Pro-Tem, I just wanted to report that we have been asked to sign onto an *amicus* brief in the Immigration Case. It needs to be signed tomorrow. I just wanted to tell you that is a case related to the case that we have already agreed to sign onto. And we don't have time to take it to Executive Session, but it seems to me that you would approve that, and I just wanted to let you know that we will be going forward with that on the assumption that you would approve it."

Mayor Pro-Tem Ives said, "Then presumably, the submission would be subsumed from the prior action because of the relationship of the issues involved."

Ms. Brennan said, "That would be correct, Mayor Pro-Tem."

Councilor Maestas said we adopted legislation calling for an enforcement program for the living wage. He said we set a lot of timeframes for action, but we're coming up on the expiration of that deadline that was included on the Resolution. He asked Ms. Brennan to follow up and find out the status of bringing forth a minimum wage enforcement program.

**14. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**15. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 25, 2015, is incorporated herewith to these minutes as Exhibit "1."

### **Councilor Rivera**

Councilor Rivera wished his father an early happy birthday, noting his birthday is March 29, 2015.

### **Councilor Trujillo**

Councilor Trujillo introduced the following:

1. An Ordinance amending Section 12-6-1.3 of the City of Santa Fe Uniform Traffic Ordinance to authorize the Governing Body to make speed limit alterations in the City of Santa Fe through the adoption of a Resolution. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2."
2. An Ordinance amending Subsection 23-6.2 SFCC 1987, to change the level of security required for professional baseball games at Fort Marcy Ball Park. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Trujillo said now that the Rail Runner Report has come out, he wants that to start moving forward, and through Committees if that is necessary.

Councilor Trujillo said at Zia Road and Yucca, a drunk driver went through a fence, noting he went to the site yesterday. He would like staff to get him some information dealing with crashes at that intersection, noting this has been going on for quite some time. He think it poses a public safety issue.

Councilor Trujillo said we are now on Daylight Savings Time, and practices have started at all the fields. He wants to insure the fields are unlocked and people are able to park. He got a call yesterday that one of the parks wasn't unlocked.

Councilor Trujillo said he will keep asking about the pocket gophers to be sure they are removed from the parks so we don't have any accidents with our kids.

### **Councilor Lindell**

Councilor Lindell had no communications.

### **Councilor Dimas**

Councilor Dimas wished Councilor Rivera's father a happy birthday, noting they graduated from high school together..

### **Councilor Maestas**

Councilor Maestas Introduced a Resolution directing staff to evaluate the dedication provision of the Municipal Gross Receipts Tax Ordinance, Subsection 18-10.4 SFCC 1987.

### **Mayor Pro-Tem Ives**

Mayor Pro-Tem Ives introduced a Resolution directing staff, in the interest of water conservation, to complete an inventory of all toilets/urinals at City facilities in an effort to determine the need and cost for low flow toilet;/urinal replacements.

Mayor Pro-Tem Ives introduced the following on behalf of Mayor Gonzales:

A Resolution authorizing the Parks and Recreation Department to establish a special rate schedule for Santa Fe's veterans for the use of the City's four recreation facilities. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Mayor Pro-Tem Ives introduced the following on behalf of Councilor Bushee:

A Resolution accepting the "Mayor's Challenge for safer people, safer streets," and directing staff to explore the resources and programs to promote safer streets for pedestrians and bicyclists.

### **Condolences to Mayor Gonzales and family**

Councilor Trujillo extended condolences to Mayor Gonzales and the Gonzales on the loss of George Gonzales, husband and father. He said he will be missed.

Councilor Maestas expressed his personal condolences to Mayor Gonzales on the loss of his father, George Gonzales, a former Mayor of Santa Fe. He said I have been told that "George could really belt out a song We will miss him and his voice. He was a great community servant and did such a great job as a businessman and in raising his children. It is a great loss for the community, and my heart goes out to the Gonzales family."

Mayor Pro-Tem Ives said he also would join in sending condolences to the Gonzales family. He said his in-laws who had many businesses in the valley were friends of George and advertised on the radio and have many good and happy memories of interactions with the family over the years. He said we all treasure our memories of our families and that acknowledges their presence on a daily basis.

Councilor Dimas said he sends condolences to the entire Gonzales family, commenting that George gave him his first job in radio as a full time radio news director radio in the 1960's and he pursued a career in radio and was in radio for 27 years, part time and full time, as the result of that opportunity. He

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said he and George remained very close friends, and said he visited him at KSWV after George bought that station, noting he [Dimas] worked at KAFE which was later bought by KSWV. He knows the Gonzales family well, but he didn't know Javier because he wasn't that connected with the radio station. He said Anthony, the Mayor's brother, who passed tragically a few years ago, worked for him in radio as program director. He said, "So my condolences to the entire family. It was a great loss. And we will miss George greatly. We're going to miss that fabulous voice that he had. He did some records back then. He was a very talented and humble man and very down to earth. Never changed over the years. I guarantee he will be missed and Santa Fe will never quite be the same without George."

**END OF AFTERNOON SESSION AT APPROXIMATELY 6:00 PM.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor Pro-Tem Ives, at approximately 7:00 p.m. Roll Call indicated the presence of a quorum as follows:

#### **Members Present**

Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Bill Dimas  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

#### **Members Excused**

Mayor Javier M. Gonzales  
Councilor Patti J. Bushee  
Councilor Carmichael A. Dominguez

#### **Others Attending**

Brian K. Snyder, City Manager  
Kelley A. Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

### **F. PETITIONS FROM THE FLOOR**

**Bruce Weatherbee, Rosario Hill**, said, regarding the Hospital Study Committee, he has worked with the nurses, noting for the record, "I don't represent them as the spokesperson on these issues. I do a lot of work with them as I do with many people in the community, some doctors, lawyers, consumer individuals and two groups that are concerned about these issues.

Mr. Weatherbee continued, "It's been over a year as you all know. And a little over a year ago a commitment was made by people on both sides to try to put this committee together. It would be held until after the negotiations between the local union which represents the workers at St. Vincent's Hospital. At Holy Cross we have this study committee going. They agreed to hold it until negotiations were complete. As you know that went on much longer than everybody thought, but it's been 5 going on 6 months since those negotiations ceased. We submitted a whole bunch of names, not just people representing the union, but consumers, doctors and others. We're concerned that the hospital isn't living up to its word that they want to move this forward, and we're hoping that we can encourage them to do that because they made those commitments. And I do say that, as happened in Taos, there was a reluctance on the part of Holy

Cross Hospital to come forward and be involved. But once the governing bodies put in place this commission or group, the hospital began showing up at the meetings. I understand you're going to have some meetings next week. We would like for you to contact us as well so we can be involved in that discussion. If you don't want to talk to me that's all right, there are others you can talk to, but we do think it's time to move this forward. We appreciate the effort that went into this last year and that's basically what I have to say. Thank you."

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**VERBATIM TRANSCRIPT  
OF THE REQUESTED PORTION OF PETITIONS FROM THE FLOOR, ITEM #F  
CITY COUNCIL MEETING  
March 25, 2015**

STEPHANIE BENINATO:

Good evening, [my name is] Stephanie Beninato. I just want to let you know that I have made some public records requests, and [inaudible] and have not received anything from the City. Clearly the new position this person holds, has qualifications, trainings, things that you would think would be readily accessible. So if I don't get those back, I'll be back again asking why not. I also would urge the City to do what our new State Auditor did and find many find hundreds of thousands in funds that haven't been audited and [inaudible] completely. And it seems like there are some funds where there are excess cash, or excess funds that get used for maybe purposes, so that could be looked at, especially when the City can come up with money to keep the Homeless Shelter open. And I'm not criticizing that decision. It is a lot of money, and yesterday there was an article about it in the paper, and everybody who was standing up for the shelter was interviewed, but they're from out of State. You may want to think twice about that. And then the other thing I have to say is I appreciate those of you who have questioned proposed placements on the Planning Commission, because it does seem like politics as usual, rather than [inaudible]. So I just think people should have some qualifications to be on the Planning Commission and I don't think being [inaudible] or being in somebody's campaign should be a qualification, especially when you have [inaudible] through people with that kind of tie. It seems more like the SCR packing the Supreme Court, excuse me for making that reference, but that's just what I wanted to share with you. Thank you very much."

*I certify that this is a true and accurate transcript of the requested portion of Petitions From The Floor, Item #F, City Council Meeting, March 25, 2015*

  
Melessia Helberg, Council Stenographer

**Tom Montoya** extended his heartfelt condolences to Mayor Gonzales and the entire Gonzales family. He said, "As we enter this Easter season, I feel a profound obligation to speak on a matter which strikes both at our conscience and at our soul. It is a matter that I believe must be addressed at every level, in places just like this and beyond. In this very chamber there has been passionate discussion on almost every conceivable issue, from growing our economy to the plight of our homeless, from supporting our veterans to fighting for a living wage, from tourism to the environment, from the arts to creating greater opportunity for our young people, all with the intention of making life better for us all. In spite of our determined efforts, how sincere our intentions, or how eloquent and powerful our words, we have failed to provide for the dignity of all life. And shouldn't that be our ultimate goal. We continue to be that shining example, that beacon of hope to a watching world on the cause of social justice as we continue down our present course. In essence, what would we have truly accomplished in our short moment of life, what contribution would we have truly made to humanity if we have failed to defend the most innocent and the most vulnerable of our society, the unborn. We hold this truth to be self evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. The last two matter not at all without life. What will future generations say of us, if our fear of losing an election kept us silent and indifferent in the face of the greatest atrocity of our times. Let us summon the courage, the moral leadership and above all, the love, and put an end to faceless abortions. In the words of Tennyson, 'Come my friends, 'tis not too late to seek a newer world.'"

**David McQuarie, 2997 Calle Cerrada**, said tonight he will talk about two subjects. First, he would like to send his condolences to the Gonzales family whom he has known for years. Tonight Mr. Rodriguez is speaking about budget. He said he hopes he doesn't forget that four years ago this Governing Body approved a transition for City buildings to be made accessible, and asked what happened to it. He said now they're saying it's because we don't have the money. He said Councilor Dimas *[inaudible]* to pay attention to the transition which includes this room which isn't readily accessible. The last thing, is according to Court Order, Kinney v. Jerusalem, in 1993, when the City overlays a road they will install curb ramps at all intersections in the overlay area. He said last year, in 2014, they did an overlay of Montezuma and Sandoval. According to a letter I got from last year's engineer, people that use mobility devices are not allowed to use the sidewalks which are inaccessible, to the Courthouse. Why. Why isn't that discrimination. Thank you."

## **G. APPOINTMENTS**

Mayor Pro-Tem Ives reiterated that the appointments are postponed to the next City Council meeting on April 8, 2015, and will not be heard tonight.

## H. PUBLIC HEARINGS

- 1) **CONSIDERATION OF BILL NO. 2015-6: ADOPTION OF ORDINANCE NO. 2015-7 (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILOR MAESTAS, AND COUNCILOR BUSHEE AND COUNCILOR TRUJILLO). AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987, TO PERMIT THE SALE AND CONSUMPTION OF ALCOHOL AT THE RAILYARD PARK FOR THE BIKE AND BREW EVENT. (KATE NOBLE)**

Kate Noble said this bill would allow for [liquor] service in the Railyard Park only for the Bike & Brew event, and everything would have to comply with 23-6.2, except for allowing craft beer to exceed 5%, noting that the amendment is included in the bill.

### Public Hearing

*Mayor Pro-Tem Ives gave each person 2 minutes to speak to this issue.*

**Shelley Mann-Lev, Director, Santa Fe Underage Drinking Prevention Alliance**, said this matter has been addressed and discussed thoroughly at several Committees. She would bring to the Council's attention in making this exception to the City's practice in not allowing sales of alcohol on public property, it is importation that we built in an evaluation component. Last year there were several concerns, and they are trying to get information from SIC. It is important we have best practices, and she understands the intention of those in charge to follow best practices which is excellent. She said we need to be sure that there are no sales to minors or intoxicated persons, and there is no driving or riding bicycles while intoxicated which is dangerous for the person and the bikers. She said she doesn't know if there is a mechanism in the ordinance, but she wants to be sure that the City do an evaluation following this exemption that we learn from this experience.

**Sandra Brice, Director Events & Marketing, Santa Fe Railyard Corporation**, said when Chris Goblet came to her last year for the first Bike and Brew Event, noting that only a portion of it took place in the Railyard Park, they were very excited. It is something that is fresh, exciting and hit the bull's-eye for Santa Fe. A number of groups have been looking for something that would bring in young people, attract the outdoors industry, emphasize multiple modes of transportation. It seems it was perfect setting in the Railyard. She said last year's event was very successful. She said the organizers looked at this event and how to grow it even more successful in bringing even more people to Santa Fe, and chose the Railyard Park to be its home base. She said they understood this variance is essential for the event, and the Board reacted favorably, understanding how this could be such a positive successful event. The Board asked her to support the amendment, and that it be limited to this event only, and set in the model of the amendment made for Fuego games, and that we sign off on the logistics of the event. She said, "Thank you for looking at this, and we're going to make it safe, secure and very successful event."

**Christian Goblet, Event Organizer**, said he is here this evening to answer questions after public comment. He appreciates this opportunity, and he has been working with a variety of young people who are on the steering committee to put together an event he believes will meet the standards and expectations of the community, and which he hopes become one of the signature events of Santa Fe moving forward. He said, "We appreciate you taking the time to really understand all of the concerns of the community, the Prevention Alliance, as well as the brewers, in understanding how this festival can function in its highest format. We will be working ongoing over the next two months with all of the entities, the Fire Marshal, Police, people in Parks Department, Sandy Brice of Santa Fe Railyard as well as Yolanda for our alcohol permits and we hope to live up to your expectations that this event meets the quality and standards of those events you supported in the past. Thank you."

**Tim Fowler, Past President, and current Club Ambassador for the Santa Fe Fat Tire Society**, the local chapter of the International Mountain Bicycling Association. He said, "I wanted to say briefly that Chris Goblet and Bike and Brew had our full support last year and this year as well. And in exchange, we have received a lot of support and a lot of good exposure to the community and to the nation at large, raising the profile of mountain biking in Santa Fe as a fun way to experience the beauty we have all around us. I believe this is a great event, and I'm here on behalf of the Mountain Biking community to say that we are very much in favor of it."

**Paul Goblet** said he is here to support his son, Chris Goblet. He said he understands the importance of a number of issues to this City, economic development and all of the things that go to make the City a better place to be. He would encourage the Governing Body to support this. He said a big issue in Santa Fe is how to keep the young people – attract and keep the smartest and brightest in Santa Fe. He said takes creativity, vision, a lot of energy. He knows the energy his son has put into making this a long, successful, meaningful impact on the City and all the things important to the businesses in Santa Fe.

**David McQuarie** said he wants to speak on the request of Bike and Brew. He said, "It sounds like a real conflict of interest when we have an alcohol problem, we're not supposed to allow alcohol and driving."

#### **The Public Hearing was closed**

**MOTION:** Councilor Lindell moved, seconded by Councilor Maestas, to adopt Ordinance No. 2015-7, as presented.

**DISCUSSION:** Councilor Lindell said, "I think that everyone that addressed this has a similar goal and that is to have a safe and fun event in the Railyard. I do believe it will become another signature event for Santa Fe. I also want to speak to all of the respect and cooperation shown by all the groups involved in

this. We had a pretty tight timeline to bring this together. And Ms. Noble, Mr. Goblet, Ms. Brice, everybody worked on this in such a cooperative manner. I would hope this kind of effort would be a living model in how we can move things forward. I think you guys did a terrific job on this in a very short amount of time, so thank you for working on it the way that you did."

Councilor Maestas said he is a cyclist, and he used to go to Durango for the Iron Horse Race from Durango to Silverton. He said they had criteria, a mountain bike race course, and people doing mountain bike tricks. His hope is we have people stay here in Santa Fe as this event expands. He said hopefully we will have a shuttle service to begin to Hyde Park, where there is a large network of mountain bike trails. He said they are trying to work with Santa Fe County in marketing our outdoor amenities and events, and they see great potential in economic development and promoting Santa Fe. He said this could be the beginning of something great, but he wants to see it grow. He is excited about this event and hears nothing but good things about it.

Councilor Rivera said he is in favor of the event. He said he would hope that a week after the event that Ms. Noble can meet with Police and Fire and do an evaluation on calls and emergency incidents we had related to this event, and report that back to us at a convenient time for her.

Councilor Trujillo said he shares the hopes of Councilors Lindell and Maestas, and hopes this is a signature event. He said alcohol is a serious matter in Santa Fe, but he believes that alcohol can co-exist with these events, noting they have had no problems at Fuego games. He said we have to be sure people consume no more than three 12-ounce beers, and that nobody gets intoxicated. He said we want to them to have a good time and enjoy Santa Fe, commenting this will put Santa Fe on the "Biking Map," and asked to be added as a sponsor.

Councilor Maestas noted the Department of Public Safety has a Special Investigations Group that does a covert type evaluation, and suggested that we call the DPS Special Investigations and ask them if they would like to observe, evaluate and report on this event.

**Disclosure:** Mayor Pro-Tem Ives said, "For the record, let me note, that the conveyance previously approved by the Governing Body of the conveyance of the Conservation Easement on the Railyard Park that had the Trust for Public Lands as grantee, has been successfully conveyed pursuant to the authority of the Council, to the Santa Fe Conservation Trust. And so my apparent conflict on that matter is, at this point in time, I believe resolved. And I've spoken with the City Attorney, so fortunately I believe I'm free, I believe at this point in time, to vote on these matters."

**CLARIFICATION OF THE MOTION BY THE CITY CLERK PRIOR TO ROLL CALL VOTE:** Ms. Vigil asked Councilor Lindell if her motion Included the amendments. Councilor Lindell said yes."

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

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

**Against:** None.

- 2) **CONSIDERATION OF BILL NO. 2015-7: ADOPTION OF ORDINANCE NO. 2015-8. CASE #2014-104. 2504 AND 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF APPROXIMATELY 2.00 ± TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE. (ZACH THOMAS)**

A Memorandum dated March 9, 2015, with attachments, prepared March 25, 2015, for the 2015 City Council meeting, to the City Council, from Zach Thomas, Senior Planner, Current Planning Division, regarding this case, is incorporated herewith to these minutes as Exhibit "5."

Zach Thomas, Senior Planner, presented information in this case. Please see Exhibit "5," for specifics of this presentation.

**Questions by the Governing Body prior to the Public Hearing**

- Councilor Maestas said he is concerned about the status of the street and how we can install City infrastructure in it for operations and maintenance, but the ownership is not determined. He understands we can't accept dedication because it doesn't meet the curb to curb standards, room for sidewalks and such. He doesn't understand why the ownership hasn't been determined and asked if the City can exercise its power of eminent domain to at least acquire the easement, maybe not own the street but gain easement to it. He realizes you can't get an easement from the owner if you can't identify the owner. He is concerned we've let this go so long without determining ownership, but we've invested in infrastructure and we maintain the street and the infrastructure in it. He asked if staff is prepared to formalize that aspect even though it doesn't meet our standards for dedication.

Mr. Thomas said a similar statement and request was made by Planning Commission Chair Harris. He said since that time, the City Attorney's Office, along with Ed Vigil, City Property Manager, have been looking into the further history and what we can do in establishing easements at this point. He said he has no answer, commenting it is a unique situation. It appears to have been created in the 1950's, but it was not created through standard means, i.e., a right of way or some kind of easement. He said as recently as today, there was discussion with Zach Shandler in the City

Attorney's Office regarding researching this. So we are looking into it.

- Councilor Maestas said he is uneasy with the City trespassing on somebody else's property, and we don't know who owns it. He thinks we need to resolve this, so the City's use of the property is legitimate, instead of, "Well nobody's come forward to take ownership, so we're going to continue managing infrastructure, the street." He asked Ms. Brennan to speak to this.

Kelley Brennan, City Attorney, said, "I believe I can add some additional information. I believe the improvements were made by the City using funds that were specially granted by the Legislature. So the funding was available, it was for a specific purpose and I assume the opportunity was taken to provide sewer and other services to the neighborhood without any interest in the street which is apparently a lot, an independent lot created by the subdivision. And the other factor is we do have easements for existing utilities in the ground as a matter of law, so there is no issue of trespass, and there's an implied easement and we have rights to access it. So I think we're comfortable with that. I don't think we would be comfortable taking it as a street, because it's not compliant, but I think this seems to meet the neighborhood needs and the realities of the street as it's been built."

- Councilor Maestas asked, if there is subsequent development of any of the lots, if the we could impose City requirements, because this is just a rezone, or would they be grandfathered in, even if there was additional development on that street..

Mr. Thomas said the rezone before you tonight is for two lots, two rezone from R-1 to R-3. That increased zoning would allow development on a one acre lot up to, in theory, 3 units per acre. Every other lot on the street is zoned R-1. It would continue to be 1 unit per acre at that zoning. The stated purpose for the rezone is, one, to bring one of the lots into compliance that already has 3 units on there since the 1970's, and two, ultimately a lot split to develop another house at 2505 Siringo Lane. He said in theory, if further rezones were to come forward, such as to increase the density, then yes, further requirements could be made to improve the street, have sidewalks. He said at this stage, he is unsure how to handle it because the ownership is still unclear. "But, that's the answer to your question, yes, it would be."

- Councilor Lindell said her concern is that there are 8 lots, and at the ENN other neighbors were supportive and said they might be interested in doing future lot splits, and asked if that is correct.

Mr. Thomas said, "Yes, that was mentioned. Correct."

- Councilor Lindell said with 8 lots, if future lot splits were approved and they ended up with a density of 3 units on each lot, perhaps 24 houses on this little lane, how can we go back at that time and request people to dedicate an easement and put in a sidewalk – if we approve this as it came to us from the Planning Commission which did not include the conditions recommended by staff.

Mr. Thomas said any future request for rezone would follow a similar process – to the Planning Commission and ultimately to the Council for consideration. At that point, a similar recommendation would be made by the Planning Commission with the initial conditions of approval, basically Code requirements. He reiterated, “The Commission found that the unique circumstances warranted the use of the innovative streets criteria.” He said the door would be open to any future requests and it could be considered and approved or not. He said it would depend on the desire at that time.

- Councilor Lindell said her question is, if there were more lot splits on the street and we approve this without the requirement of the easement and sidewalk, can we go back and ask for the easement and the sidewalks.

Mr. Thomas said no, not for these parcels. He said any future lot splits would require rezones, noting none of the other parcels are zone R-1, and couldn't be further subdivided today. He said in future rezones that may come at some point, or a subsequent lot split after that, you could request additional right of way and improvements along those properties, but not this property retroactively.

- Councilor Lindell said there are two lots, both of which are being split.

Mr. Thomas said only one is proposed to be split. He said the other parcel already contains 3 units and we're just bringing it into compliance.

- Councilor Lindell asked how many units will there be between these two lots.

Mr. Thomas said a single family residence on 2505 and currently 3 units on 2504, and assuming a future lot split and development it would be 5.

- Councilor Lindell said as configured, if others followed suit, there could be 20 residences on Siringo Lane.

Mr. Thomas said if there are 8 lots times 3, you could get to that, not looking at other development standards.

- Councilor Rivera said the City annexed Siringo Lane into the City, noting this is just a handwritten note, on June 9, 1965, and asked if we currently maintain that Road.
- Councilor Rivera said even though it was annexed in June 1965, it's a City road, but it belongs to somebody else or the property owners.

Mr. Thomas said it is not, in fact a City road, noting Ms. Brennan explained its history, that it was paved with State funds appropriated by the Legislature with the City acting as a construction manager, overseeing the private contractor that paved it, and distributed the money to them. He said that did not result in any kind of ownership by the City, because these were State funds funneled through the City to pave the road and construct the water main.

- Councilor Rivera said then you can annex a road without really owning it.

Ms. Brennan said, "Yes. There are annexation requirements now. I'm not sure what happened in 1965. Many private roads get annexed. If we're annexing, we're required to annex certain adjacent roads as you know, but this really is an unusual situation. And I think if it hadn't been for the intervention of the paving and installation of utilities with funds from the Legislature, it would be very clear that it was a private road. And I think, by virtue of not being a public road, it is a private one."

- Councilor Rivera asked if Fire Department weighed- in on this, and what were their recommendations..

Mr. Thomas said, "The Fire Department provides comments to comply with Fire Code, one of which is 20 feet access, which they wouldn't have, another being typically reviewed at the time of development or a house was proposed to be built, adequate distance between the fire hydrants and the house that exists. They had no concerns or problems with it, noting basically, it was a list of standard conditions that you would comply with and would be reviewed at the time of any future building permit."

- Councilor Rivera said typically the Fire Department would require a secondary ingress and egress, and asked how that would happen on a cul de sac, or if it even would be considered.

Mr. Thomas said in the event a second means of ingress and egress isn't available, there are alternatives the Fire Department will consider at the time of development, which could include sprinklering a building or another kind of enhanced building feature that would increase fire safety. So in lieu of providing things such as two points of access, they do review at the time and permit what they consider variances to the Fire Code at that time.

- Councilor Rivera said then that would come to the Council if they decided to build on these lots.

Mr. Thomas said, "The threshold for two points of access is actually 30 units. That's kind of a rule of thumb the Fire Department uses."

- Councilor Rivera said then it is 30 units and the length of the road, and he is unsure of the length of this road.

- Councilor Lindell asked if there is sufficient room to have on-street parking currently.

Mr. Thomas said there is no on-street parking on the private Lane.

- Councilor Lindell reiterated her concerns that there potentially could be 24 units on this street if owner owners were to follow suit, and without sidewalks and no room for on-street parking. She is concerned we could be creating a future mess.
- Councilor Maestas asked about the whole notion of public investment in infrastructure on a private street, noting the Anti-Donation Clause in the New Mexico State Constitution prohibits the use of public money for private interest. He asked if we are running afoul of that, in terms of anti-donation, by investing any public funds on that private street, for example if this is approved and they want a stub-out of the main line to a private street.

Ms. Brennan said, "Well, I would say we have not invested City funds. Certainly, they were appropriated by the Legislature. As I understand it, we were essentially in the position of a fiscal agent and I think maintaining our system benefits the City as well as its users. So, otherwise, it's speculative, in terms of what may happen in the future, and I think we'll have to cross that bridge when we come to it. There may be other methods by which things would be paid for, like Impact Fees and those kinds of things. I think it's hard to see how future development may affect this, because I think there probably are a number of limitations like that which would come up in the future that would limit development."

- Councilor Maestas said it sounds like we're not going to be done with this area in the future, so perhaps we should get to work and clarify those sideboards on making sure we're not in violation of anti-donation, that we do have the easement, clarifying the extent of it. "It would make me feel better going forward.
- Councilor Rivera said some of the other neighbors have said they would like to do the same thing on their lots. He asked, "If we approve these two lots, would that set precedence for what happens with the rest of the lots and would we clearly still have a good basis to potentially denying any others."

Ms. Brennan said, "I believe that each parcel or each application is considered on its own merits, but there is a cumulative effect of decision making, and some of the issues that you've expressed. There may not be a need for sidewalks and so forth now, or for everybody to take down their walls, for everybody to make that investment now. But as it develops, it may turn out that there is a need to have a sidewalk or a wider street or required curb and gutter, in which case an easement might be a good thing and would provide for that expansion, if necessary, if future areas develop."

- Councilor Rivera said that is Councilor Lindell's concern, as well as planning for future growth, with which he is concerned as well.

- Mayor Pro-Tem Ives said you mentioned one of the existing lots which is zoned R-1, but has 3 units on it, and asked if that is correct.

Mr. Thomas said that is correct, that would be the lot at 2504, Mr. Smith's property.

- Mayor Pro-Tem Ives asked when those units were built.

Mr. Thomas said according to information provided by Mr. Smith, he purchased the property in the 1970's and they existed at that time, so it predates his ownership, and that is the extent of the records we have. He said Mr. Smith is here and perhaps he can add more detail.

- Mayor Pro-Tem Ives asked if it was zoned R-1 before the homes were built, and if exceptions to zoning requirements were sought previously. Or are our records in such a state that we have no way of knowing.

Mr. Thomas said it is two-fold. The entire property originally was zoned R-1. In recent history, there have been a variety of rezonings, immediately north of the property to R-3 and R-5. He said the original plat from the 1950's shows a lot of one-acre lots, but today not so much. He said, "This one street is basically a remnant of what it looked like originally from the 1959 plat. The surrounding areas, since that time, have been further subdivided, rezoned as a result. I don't know exactly, unfortunately when it was initially zoned R-1, but that designation would have matched the original configuration from 1959.

- Mayor Pro-Tem Ives said clearly we have non-conforming uses which may or may not have been permitted, but we don't know. We don't have records that indicate that any rezoning occurred. He asked if permits were drawn for the construction of these residences.

Mr. Thomas said, "We don't have records that show that, but again Mr. Smith may. We don't have records that go back that far that would indicate a structure from the 1970's, but again, Mr. Smith may or may not have records on his own regarding that."

- Mayor Pro-Tem Ives said he finds this property and its history fascinating on any number of fronts, not only that particular one, but the fact that the Legislature apparently appropriated funds to pave it. And that paving was done without any dedication of a public street, or other things that would be fairly standard in the role of development with any other lot, at least with which he is familiar.
- Mayor Pro-Tem Ives said on packet page 7, paragraph 20, it states, "Siringo Lane is not a public street." So that's an affirmation that this is not a public road, nor owned by the City.

Ms. Brennan said, "That is correct, Mayor Pro-Tem. "

- Mayor Pro-Tem Ives said, and then it says, "Ownership of this 20 foot wide corridor is unknown." He asked how accurate that is, commenting he would think everyone that lives on it thinks they have some kind of ownership, an easement or otherwise.

Ms. Brennan said, "I believe that the street is actually a lot that was created by the original subdivider, rather than created even as a private right-of-way. And the original subdivider has died, so it would belong to the heirs, and perhaps even their heirs. And so the unknown refers to that perhaps large unidentified body of people with an interest. I think it is clear that there are proscriptive or implied easements across that lot, but it is a mix of a number of different interests."

- Mayor Pro-Tem Ives said he would agree. He asked, if a fire were to occur at the lot at 2404 or 2405, what exactly is the City's right to use that road to drive a fire engine in to deal with a fire.

Ms. Brennan said, "I believe our firefighters go where they need to go, as they need to go."

- Mayor Pro-Tem Ives said this appears to clarify potentially our rights to at least drive emergency vehicles on the property. He said he isn't a fan of doing anything to this roadway given the ownership, or extending additional water lines, or anything until some of this is clarified. He doesn't mean to hold these folks up, but, "to state from my perspective, a cautionary note that this is strange enough and unusual enough that I am very uncomfortable with our rights as a City, especially when I read that we're doing street cleaning and other things, which I would hope is not the case, for the reasons Councilor Maestas has put forward. Because I share his concerns about anti-donation provisions in connection with this property."
- Councilor Maestas said regarding fire access, in his past experience in dealing with similar circumstances where there was not adequate ingress and egress for fire protection, the properties had to have a sprinkler system. He asked if we have waived that. He said, "I'm thinking, in exchange for grandfathering these properties there really has to be some kind of limited liability by the City if the street doesn't meet our Fire Code requirements for ingress and egress. So where are we in complying with the Fire Code, and relaxing some of the requirements in this situation, particularly for ingress and egress."

Ms. Brennan said, "Our Fire Codes are not retroactive. They would be reviewed at the time of new construction and permit application. However, as Mr. Thomas noted, any additional houses would trigger their own requirements. So improvement is incremental. I think in Santa Fe, there are very tight, densely developed areas where access is limited and the buildings are old, and they are not sprinklered. But new construction is constructed according to Code, and sometimes that involves sprinklering the property."

- Mayor Pro-Tem Ives noted on packet page 42, there is a statement, "However, in reality Siringo Lane is actually a 17 foot lane providing access to only 7 one acre lots." He asked Councilor Rivera how wide roads need to be for our engines to come in and whether they need turnaround points.
- Councilor Rivera said it's been too long since he was with the Fire Department for him to answer that.
- Mayor Pro-Tem Ives asked Land Use staff if they can answer that question.

Mr. Thomas said, "Early on in the entitlement application process, this was reviewed by Fire. Again, standard comments were received. What they really focus on in a project like this, is typically looking at it at the time of development. So when a future house comes in, how big that house is, where that is situated on a lot, how close it is to adjacent structures, to be honest with you, as Ms. Brennan explained, they deal with all kinds of widths and standards, especially in certain parts of the City. So not all of them are adequate per modern Code. Typically, they like to cite 20 feet as being a required minimum. However, in the event only 15 feet, for example, or something less than 20 feet is available, they may require additional conditions such as sprinklering a building, or providing additional turnaround on a piece of property, or something like that. That's typically reviewed at the time of actual development. What their preferred standard minimum.... I think it's fair to say it's 20 feet, that's generally what we hear. They do work with less on a case by case basis and provide additional requirements."

## **Public Hearing**

### **Speaking to the Request**

**Linda Duran, daughter of owners Robert H and Sarah S. Duran, was sworn.** Ms. Duran said, "My name is Linda Duran and I am representing my parents Robert and Sarah Duran. They are the landowners at 2505 Siringo Lane. We have spent numerous numerous hours going over the Code. The Planning Department has spent an enormous time going over this situation. And we've been doing it since August 2014. So, when we went to the Planning Commission, we were able to persuade them to see how unique this Siringo Lane is. Yes, it was paved with State funds in 1983. And we have all the utilities there. We have two fire hydrants, one smack in the middle of the lane and one at the top of the lane. So as far as fire, I think there have been fires there, and we've all lived successfully to this point."

Ms. Duran continued, "The whole intent of the rezone was so that I could build an affordable home in Santa Fe next to my parents who have resided for over 50 years at 2505 Siringo Lane. We're all getting up in our years, and the idea was, how wonderful it would be for us to be able to share this family lot and go forward with our lives. It's a little upsetting to see how very difficult it is to want to do something for your family with property that has been owned since my parents were young adults when they purchased it in the 1960s."

Ms. Duran continued, "So now my dad, he has a beautiful 106 foot adobe wall right at his property line, and in order for us to come in, oh, now they want us to dedicate easements and put in sidewalks that would mean he would have to knock down his beautiful wall. My family, we have all been in New Mexico, and our ancestors, and we've been able to date our ancestry back to the 1700s. And so, we are of Spanish and Native American ancestry."

Ms. Duran continued, "So there's a lot of requirements they asked us to put forth when we were going in for this rezoning and lot split process. One of the things it says is in the Code is, is there affordable housing in Santa Fe. I work in a public school. I worked and became educated in New Mexico all my life, and work in public education as a Speech Language Pathologist in Pojoaque. I've been there for the last 15 years. And I also worked in the southern part of New Mexico in Sunland Park for a good deal of my career. I want to come home, build a house that's affordable in Santa Fe, right next to my parents. And boom, no. You've got to do this, you've got to do that. You've got to jump all of these hurdles."

Ms. Duran continued, "So I went to the Planning Commission. I said look, there's things in your Code that says, there's if and may statements in the Code that says things like, that in order to put in all of those improvements that you can also consider that it's not necessary to these improvements, and you also have to consider what the potential future impact may be. This is a potential future that we're talking about. And I'm saying this Lane in the past 50 years has only had 2 houses built on it, and they're all the same family. So if you look at the history, we have to stay good. This is a place that is not going to change very much, or until I die or my parents die. And then, maybe, then in the future, maybe something will happen. But typically all of these lots on this street are owned by families, and I call them forever landowners because they've been there forever."

Ms. Duran continued, "So, that's what we're asking you. And we were able to get the Planning Commission to see that there's a human element to this, and not just, oh, are we going to need parking. There's very little pedestrian, minimal, minimal on that street. There's minimal vehicle traffic on that street. We have two fire hydrants, one in the middle of the street and one at the top of the street. So all of your worries are for the future, and that future is pretty far off. I don't know about most of you, but when you have land ownership and your ancestors and heritage is of a place, you also need to consider the cultural impact that is going to be promoted here. I have 4 children. They've all gone away to college in New Mexico schools in Albuquerque at UNM, 3 of them have graduated. And now they're making their world here in New Mexico. That's our culture."

Ms. Duran continued, "And by you passing this and allowing me to make 1 residence, not 30, not 20, 1 residence on this beautiful Siringo Lane that basically has kept its rural history for all these years, chances are it's not going to change very quickly. And if some of the neighbors want to come in and rezone, it's more than likely so they can put their children next to them. So I would urge you to not put this off any further because we've been waiting since August for this, but to consider the human elements of it. And you are allowed to, because the Code says you are allowed to have an innovative street design. And on our street, we don't want sidewalks and we don't want to dedicate easements. We like our street the

way it is. So I would urge you to approve it as the Planning Commission approved it. Thank you very much.

**Dan Smith [previously sworn]** said, "When I learned that Linda wanted to put in a request for rezoning, I talked to her father about it. We've been neighbors for years. I'm the newcomer on the street. I bought the property in 1972. I had lived a block away in 1966, and the owner of the house that I bought in 1972 is a friend who retired to Arizona."

Mr. Smith continued, "Mr. Duran who lives across the street said the property they have there was built in the early to mid-60s, and I heard somewhere that this area was annexed in 1965, I didn't know that. When I bought the property it had a two bedroom house and 3 contiguous one-bedroom apartments on it. After I bought it, I converted one of the apartments into the master bedroom of the house, and there remains on the property a house. It's never had more than a couple in that house, and two one-bedroom apartments that had *[inaudible]* by a single person. So the property hasn't had a lot of use. It's got 4 people on it."

Mr. Smith continued, "On my lot there is a fire hydrant and rather than trying to be legal, non-conforming or illegal non-conforming, or whatever it might be for my property, what I wanted to do in joining this is to be zoned R-3, so I would be legal with what I have and what I have had for thirty some-odd years. It's been there for well over 50 years. The properties contiguous with mine are zoned R-3 and R-5. And it just seems appropriate for this zoning to be put in place to where I have no legal question about the units around my property that have been there for over 50 years. Thank you very much."

**Robert Duran, owner of property at 2505 [previously sworn].** Mr. Duran said, My name is Robert Duran and I'm the owner of the property at 2505 Siringo Lane, along with my wife, Sarah. We put in an application to get the property rezoned from R-1 to R-3, so that my daughter Linda could build an affordable home there via a family transfer. After the application was put in, we found out later that there were some conditions needed to get the property rezoned. And those conditions were a 10 foot easement to build a sidewalk and a buffer zone. Of course we were very surprised about that. We hoped it would pretty much go through with any type of condition."

Mr. Duran continued, "So then of course we objected to those conditions, because of the fact that a 10 foot easement for a sidewalk on a private lane, or as the staff refers to it as a lot access driveway, and considering that the road is only 17-18 feet wide, it would impact the infrastructure that are already in place, like my adobe wall, all of my shrubbery on the other side of the wall, and to give an easement to build sidewalks at my own expense, and keep them up on a private street or lot driveway access. And the other residents have fences built to the property line. So we were totally against that."

Mr. Duran continued, "I guess I'm really here to request from the City Councilors that you approve the R-1, R-3 rezoning at this time, and without those conditions. It is just totally unaffordable. I can't afford to do that. As far as the water lines are concerned, they're already in place on the street. The sewer line is in place. Fire hydrants are on the streets, no problem if there's a fire there, and they can get access to those houses on that private street, it's no problem. They've already done that. There was a fire at Dan Smith's house, the Fire Department came in there and took care of it. No problem."

Mr. Duran continued, "Also, the City staff discussed this problem we're having right now, and they couldn't come up with any type of designation for Siringo Lane, so they decided it was not a public street, but it was a private lane or a lot access driveway. And according to the Code, for a private driveway or a lot access driveway, described in Table 14-9.2.1, which is the design criteria for street types that indicates for a lot access driveway or a private lane, that easements are not required. That's in the Planning Division's own standards. They're not required on a private lot access or private lane."

Mr. Duran continued, "And also, the average daily traffic is minimal. And it says the dwelling unit access to the lot, according to staff, those can be exceeded. We don't have to put in sidewalks or give easements. And that's in accordance with your own Code 14-9.2.1, and that pertains to a lot access driveway which defines a lot access driveway gives us access onto Siringo Lane to our lots. So, to me, I don't see why we have to have to meet those conditions, based on what I'm telling you, and your own design criteria for lot access driveways and private lanes. We don't need them."

Mr. Duran continued, "So, I guess what I'm saying is, I think that you should really approve this request based on this criteria that I'm giving you, and also the same criteria that is recommended to you by City Planning staff. And their recommendation is that you can approve it based on an innovative street design, which means it can be changed. It doesn't have to meet those conditions. So I would appreciate it, if you would approve the rezoning without the conditions of approval and as approved by the Planning Commission on January 8, 2015. So thank you for your consideration of this request."

**Mary Schruben, 2119 Rancho Siringo Road, and member of the Board of the Rancho Siringo Neighborhood Association [previously sworn]**, presented information via the overhead, using two aerial photographs that were not entered for the record.

Ms. Schruben said, "The Durans and the Smiths came to us with this problem after the ENN, when the City had mentioned nothing about sidewalks. I have with me two historic photographs, one is actually historic and one is contemporary that show the condition of the land in the late 1950s. You can clearly see that there's the Manhattan Project at one end of it, north of Siringo Road, there's one ranch on Siringo Road, there's one ranch on the Arroyo Chamiso and the Ragle Airport south of Arroyo Chamiso. A road was cut from Ragle Airport, which is now Yucca Street, to the Manhattan Project for purposes of off-loading materials from the Manhattan Project Airport to the Manhattan Project Depot which is now the University of Art and Design. Much of that land is City land, State land, schools and so on."

Ms. Schruben continued, "You can see from the land, first of all, that it's very desiccated because this is right after the 1950s drought. There are no large trees except where there are wells. We're going to take this in small chunks. 'Here' is the Manhattan Project. 'Here' is Siringo Road. 'This' is the oldest of the ranches and you see there are trees on it. 'This' is Los Pinos Court that was... at that time, we were able to ford it in a tractor or a wagon or whatever. 'This' is Rancho Siringo Road. 'This' is now Rancho Siringo Drive, it connects to Yucca Street. Yucca is the access to Ragle Airport 'here,' which was the Manhattan Project airport. 'This' is the other ranch. 'This' is Charley Siringo Ranch at the south end. 'This' is the Arroyo Chamiso through here. 'This' Siringo Lane, was the access to 'this' small ranch. That's the historic ranch that was on the property."

Ms. Schruben continued, "When this property was deeded from homestead property into the County and it was platted as one acre plots, back in, we think in the '50s sometime. 'This is the Anderman Ranch over here, and they're the people who let all the property to the east that went for Santa Fe High School, and then Siringo Road is extended across there."

Ms. Schruben said, "You can see that this is very desiccated. There is a hill right 'here.' 'This' is the high point, the High School sits on it, Temple Baptist Church sits on it. There is no way this road could be extended through because there is a hill there and it can't go any further. It dead-ends right 'here' at the Gallegos property. It was the access, rutted muddy lane for this project. The Durans' property is right 'here,' just to the left or southwest. And the [inaudible] is right 'here.' 'This' was later purchased by the Fiorinas. 'This' ranch 'here,' you approved a subdivision for the two acres that are around it right now. 'This' line demarcates the Bellamah properties that were developed to the west. So that's what it looked like back then. Drainage basically is along 'this' line right 'here' for the high point to Los Pinos Arroyo to the north and to the Arroyo Chamiso to the south. And we have the old stormwater system in the neighborhood."

Ms. Schruben continued, 'This is what it looks like in 1992 photography. This shows the acre size plots over much of this land. 'This' land right 'here' is the [inaudible] where I live. There's a little bit of it right 'there.' 'This' is an acre lot, 'that's' an acre lot, 'this' is a three-acre lot. All of these acre lots have maintained their ownership since the original purchases. All of 'these' have maintained their ownerships as well as 'these,' with this split right 'here,' and this is a split right 'here.' 'This' is Los Chamisos Condo Association, and 'here' is the arroyo. 'This' is the Condo Association right here, and 'here's' the arroyo going through. There's another Condo Association right along 'there.' 'This' is the historic Charley Siringo Ranch right through 'here'."

Ms. Schruben continued, "So you see that this neighborhood retains its original ranch character with these acre lots. Most of these lots have a single home on them. Many of them are not able to be subdivided with lot splits because of the configuration in the placement of the original home. Our sense is from the neighbors we've talked with, and we've discussed this with many of them, is that they have no intention of splitting off their lots, they've no intention to develop anything else, and they very much and very emphatically want to retain the character of this neighborhood. When Cactus Lane was put in, when Ponderosa Lane was put in, when Rancho Siringo Drive was put in, no sidewalks were put on any of these

properties. The only sidewalks are in the PUD, which is a federal housing project and along Siringo Road. That's the only place we have sidewalks now."

Ms. Schruben continued, "So we would very much like your approval of this lot split and the rezoning that are before you tonight, because we definitely want to retain the character of this neighborhood as an open ranch area, and single family homes, detached homes. We do not plan to have any development, and we have fought-off all the developments that have been proposed for this area."

### **The Public Testimony Portion of the Public Hearing Was Closed**

Councilor Trujillo said that was a very interesting history of the area.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas and Councilor Rivera, to adopt Ordinance No. 2015-8 approving the 2504 and 2505 Siringo Land Rezoning as recommended by the Planning Commission, including the Planning Commission's Findings of Fact and Conclusions of Law.

**DISCUSSION:** Councilor Maestas said, "I want to express my agreement with Linda that, yes, this really was a human element case, and I think it was really a balanced decision. We typically deal with developers, and I'm not insinuating that developers aren't human, but they can be a lot more difficult to deal with and many times defy Planning and Zoning Commission directions, and they tend to appeal to the Council quite a bit. But I think this is a great story of families growing and being able to live here in Santa Fe. And the same cannot be said for many many families who have kids that grow up and they don't have land, and they can't afford to buy a home. So it kind of warmed my heart to see that your City and cooler heads can prevail and make things work for your family. So I definitely will support this."

Councilor Rivera said, "Thank you Mr. Duran for getting up and speaking. You so much reminded me of where I grew up and the residences that my parents and my sister still live in which were build by my grandfather. It also reminded me that my father-in-law used to go to the arroyos in Buckman every weekend and get river rock and he came back and built many of the walls around his house as well. There are special considerations we have to do, and obviously we need to ask the tough questions as well. So there may be some frustration on your side Ms. Duran, but again, it's just part of the job and having to ask those tough questions. So thank you for getting up and speaking tonight."

Mayor Pro-Tem Ives said, "And I would note that in this whole thing, I've been puzzled about the reason folks would want sidewalks there. I couldn't figure it out, which is why I was asking question about ownership of the Lane and why we would impose requirements for sidewalks when we don't own the lane in the first instance. So I have no problem supporting this. I will say though, that I think you will face challenges, potentially in the future, because there is no ownership by the City. I'm curious to see how it all plays out. And I think most of our discussion here is focusing on that future, not so much the matters in this particular item. I think for me, it's pretty straightforward, but I do worry about it, because we have Code requirements, etc., that may give you challenges in the future as you move to do with this property what you're speaking of."

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

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

**Against:** None.

- 3) **CONSIDERATION OF RESOLUTION NO. 2015-29. CASE #2014-109. HANDS OF AMERICA GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.50 ± ACRES OF LAND FROM RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT)**

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

A Memorandum, with attachments, prepared March 13, 2015, for the March 25, 2015 Council meeting, to the City Council, from Donna Wynant, Senior Planner, Current Planning Division, regarding Case #2015-109 Hands of American General Plan Amendment and Case #2014-110 Hands of America Rezoning, is incorporated herewith to these minutes as Exhibit "6."

A letter dated March 25, 2015, to To Whom It May Concern, from Martha Cannon and Curtis Cannon, in support of this request, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "7."

A letter dated March 11, 2015, to To Whom It May Concern, from Scott Rosenberg, in support of this request, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "8."

A letter dated March 202015, to To Whom It May Concern, from Buck Rackley, in support of this request, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "9."

A letter dated March 25, 2015, to the Governing Body of the City of Santa Fe, from Gina M. Federici, in support of this request, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "10."

Three (3) pages of a petition headed, *We wish to express our support for the rezoning and development plan applications for Hands of America located at 401 E. Rodeo Road, we fully support C-1, Light Commercial Zoning in this area of East Rodeo Road*, entered for the record by Monica Montoya, are

incorporated herewith collectively to these minutes as Exhibit "11."

A copy of a letter dated February 16, 2015, with attachment, to Elena Benton, Helen Tomlin, Arroyo Chamiso, Sol y Lomas [ACSYL] Neighborhood Association, from Christopher L. Graeser, Esquire, regarding 401 E. Rodeo Road C-1 Zoning Application, setting out matters discussed at a meeting with Leonel Capparelli, Monica Montoya and himself, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "12."

A color photograph of the subject side as it exists today, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "13."

A color rendering of the subject site in what was originally permitted by the State, entered for the record by Monica Montoya, is incorporated herewith to these minutes as Exhibit "14."

Donna Wynant presented information in this case. Please see Exhibit "6," for specifics of this presentation

### **Public Hearing**

#### **Presentation by the Applicant**

**Monica Montoya, agent for the owner was sworn.** Ms. Montoya said, "I am here, along with Chris Graeser on behalf of Leonel and Elena Capparelli, to request your approval of the proposed General Plan Amendment and Rezoning Application. I first want to thank staff for their assistance and fairness throughout the entire application process. They truly are professional and in our opinion represent the City very well.

Ms. Montoya said, "The Capparellis have owned their property and operated a furniture restoration business and incidental sales at this location for almost 25 years. Hands Of America is a custom design and handcrafted, antique furniture making and restoration business, with an office and incidental on-site sales. The overall use is low impact and environmental friendly. All materials in the restoration and crafting process are reused or recycled from old Mexican and New Mexican antique furniture."

Ms. Montoya continued, "The annexation of their property by the City, coupled with the recession, put the Capparellis in a precarious situation which they now hope to resolve with this application. Generally, before their property was annexed into the City limits, while they were officially County residents, the Capparellis received appropriate permits from the State and County to construct a building to house an office and gallery on the south end of their property nearest to East Rodeo Road. All the while the furniture making process continued in the warehouse building on the north side of the property."

Ms. Montoya continued, "Because of the economic condition of the country at the time, the construction process of the new building on south end slowed down considerably. The entire 3 acre property was then annexed and given the residential zoning, which resulted in their long standing business of 25 years becoming a non-conforming use."

Ms. Montoya continued, "The non-conforming status of the property is problematic to the Capparellis and for this reason they ask you to grant the appropriate General Plan Amendment and the Zoning designation of C-1, Light Commercial, to allow the business to come into conformance with the Land Use laws. As staff mentioned, the General Plan and C-1 zoning classification will apply only to the south end of the property closest to Rodeo road. The furniture restoration will continue on the north building and retain a non-conforming status."

Ms. Montoya continued, "Mr. Capparelli has worked closely with staff to create this land use pattern which intends to satisfy the Code, create a buffer to the north residential properties, bring zoning conformance to the south tract and take into consideration the unfortunate situation brought on by events out of the Capparelli's control. This pattern was tailored specifically to allow compliance for the subject property as well as maintain harmony with the General Plan policies and zoning designations for the area."

Ms. Montoya continued, "We propose that the minimum criteria of the City Code supports the request, and that the proposed General Plan designation and C-1 zoning accurately represent the historic pattern and use of the property. No changes to the use of the property are proposed, other than to complete a partially constructed building on the south end of the site to house their office and gallery. As mentioned, the restoration process will continue in the shop on the north end of the property and retain non-conforming status."

Ms. Montoya, using the overhead, said, "If I could use the projector [overhead] I would like to show the Council.... the first photo I will show you [Exhibit "12"] is a rendering of the building and what was originally permitted by the State. You will see that it is architecturally pleasing and it's a beautiful representation of Historic Santa Fe architecture. And the second photograph I'll be showing you is the status of construction as it exists [Exhibit "13"]. This is how far the building has come. This is a photograph as of yesterday, and as you can see, Mr. Capparelli has come a long way and it is beautiful. I don't know if you had a chance to make it out there before the Council meeting, but it is coming along and it is a very beautiful building on East Rodeo Road at that location."

Ms. Montoya continued, "What Chris Graeser handed you before the presentation was a petition showing absolute support for the Capparellis. There are total of 19 signatures from area residents that show their support for Mr. Capparelli [Exhibit "13"]. You also have 4 letters of support from immediate neighbors in the area [Exhibits "7," "8," "9" and "10"].

Responding to Ms. Montoya, Chair Ives said it is not necessary for Ms. Montoya to summarize the letters with excerpts.

### Speaking to the Request

**Christopher Graeser, Attorney [not sworn because he is a member of the bar].** Mr. Graeser said, "I have known Leonel for years, and he called me last year and left a message. He said I've got this zoning thing going on with the City and maybe you can help me out. So I called him back the next morning and he said, 'Chris I can't talk to you right now, I'm standing in the smoldering ruins of what used to be my wood shop.' A couple days later he came in and explained the situation. And it's one of these classic law exam fact patterns when you're looking at it from a lawyer's perspective."

Mr. Graeser continued, "He got all his approvals from the County to build the showroom. He started building it, he ran out of money. He does a lot of work for hotels and stuff, and the economy slowed down and he ran out of money to keep building it. Then he got annexed. He had actually gone to an annexation meeting where the representation was made that this wasn't going to affect what he was doing there, and I think it was along the lines of this isn't going to change anything, I think was the representation. And he thought he was fine going ahead."

Mr. Graeser continued, "So then he gets annexed, and meanwhile he is keeping his building permit live, his business registration live. Then the shop burns down, so he goes into the City to figure out what to do and no one quite knew. And from my perspective, I think he has a right to continue doing what he is doing, exactly how that works, I don't know. So we sat with City staff and they were quite helpful and quite cooperative, Tamara and Donna, and said we'll figure out a way to do this that will work. So that involved splitting a lot. He actually could do 3 lots if he wanted, but chose not to because it didn't make sense, split the lot so the real lot remains residentially zoned backing up to the residential zoned lots behind it. The front lot gets zoned with the same zoning as all the lots in front of it so he can proceed with this project."

Mr. Graeser said, "And we just need support from all the neighbors. We represented to the Planning Commission that we would cooperate and work with the Arroyo Chamiso Sol y Lomas [ACSYL] Neighborhood Association. We met and there were some particular uses that are allowed in the office use list that they were concerned about the impact to the neighborhood. And we agreed to prohibit those uses. There were other uses that they were concerned that, depending on how those developed, might or might not be okay. And we agreed initially that we would call those special use permits and we would have to come in and have a public hearing process and stuff to get that approved. That was our agreement, and we subsequently learned that the City is not really interested in imposing prohibitions or special use permits where they don't exist in the Code."

Mr. Graeser said, "So what I want to say on the record, very clearly, is that we have made an agreement with the ACSYL Neighborhood Association. There's a copy of that agreement in front of you and now in the record, and we intend to stand by that. Certainly anything that we've agreed is a prohibited use such as mobile homes, kennels, national chain grocery stores, the Capparellis simply would never use the property."

Mr. Graeser continued, "And I want to be clear, they have no intention at this point to do anything other than what he's doing there and has been doing there for 25 years, but the zoning comes with the use list in looking forward to the future. So they would not engage in any of the prohibited uses."

Mr. Graeser continued, "I guess I'm not quite sure how the special use permit would shake out, but I think I would make the representation on the record that [inaudible] and me agreed would be a special use permit. The Capparellis would work with, cooperate, negotiate in good faith with the Neighborhood Association if they ever were looking at putting in something along that line, a monastery for instance."

Mr. Graeser continued, "So that said, we appreciate staff working with us, certainly the neighbors all supports this, the Planning Commission supports this and we would your support as well. If you have questions, I'm happy to answer them."

**Elena Benton, representing the ACSYL Association [previously sworn].** She said, "Just as Chris has stated, we've met and we had discussions over what the Neighborhood Association is concerned about in the uses, this being changed from Residential to Commercial. We have found Leonel to be a very good neighbor, and well respected by the people around him, and we believe Leonel has the best intentions for this property and also for the neighborhood. The concerns from various people in the neighborhood is the potential for commercial creep. And we discussed some of the things we would be concerned about in the usage. And the list as we go in here is fine, like Leonel's children say, if they wanted to open a neighborhood grocery store or something when his children become dentists, I think that's something that would benefit the neighborhood. And our concerns, I think, were met and that any commercial potential that could possibly be detrimental to the immediate neighbors and also the neighborhood will so address."

Ms. Benton continued, "And so the Neighborhood Association is backing Leonel. I do have a question and we had a discussion in the hallway, which is the special request as a far as restrictions on what can and can't be done, can that be entered into the Lot Split criteria or now."

Ms. Brennan said, "In answer to that question, I am willing to say that when you grant the zoning, I think we've said this a number of times, you're granting the zoning with all the uses that come with it. However, the Applicant and other parties can enter into agreements that can restrict the use of the land as between them, but the City can't impose that as a condition on the rezoning."

Ms. Benton said, "So I think that what you have before you shows the intent and what we want to restrict. Are there any questions for myself as representing the Neighborhood Association."

Mayor Pro-Tem Ives noted that at the bottom of the letter [Exhibit "12"] it says, "We propose an agreement memorializing these terms that endures for ten years." He said presumably that means after 10 years, none of these issues would any longer apply, it would have C-1 zoning and be subject to all permitted uses under C-1. He said, "And I'm just trying to be clear."

Ms. Benton said she would like for it to be longer, but she doesn't know if Leonel would agree to a longer period of time.

Mayor Pro-Tem Ives said he would say this is her one shot on behalf of ACSYL to impose restrictions unless there was beneficence in the future on the part of the landowner or whoever might own the land at the time to agree to some sort of modification. He said, "I'm not sure if Chris has contemplated doing some sort of deed restrictions as a mechanism that might be used to accomplish this which could certainly be more permanent in nature than a 10 year time frame."

**Disclosure:** Mayor Pro-Tem Ives said, "I am a member of the ACSYL Association. This has no impact on my property over on Zia Road."

Mayor Pro-Tem Ives said, "We just want folks to be clear what the Ps and Qs are of how you go about this. The City does not get involved in these issues. These are matters of private contractual relations. So it would be up to ACSYL and the landowner to put it in place to enforce it. All those sorts of things. We don't have really much to say that I'm aware of in conformity with what Ms. Benton has stated."

Ms. Brennan said, "That's correct. The parties can enter into a contractual agreement. You can't grant zoning and impose conditions that restrict the uses that are allowed. Obviously, there's something on the record tonight about an agreement, and it seems that they've reached agreement, so that supports their contractual undertaking, but is not an action of the Council."

Mayor Pro-Tem Ives said, "Folks you need to speak on the record or not. This is a public hearing here, and this really isn't the place for negotiation I would have to say. So this is, again, something you need to work out privately and again, we can't give you guidance in that regard and the City will not be there to enforce it, so you just have to make sure you reach an agreement that's acceptable to everybody. Our consideration tonight would be on the basis of, well this is a statement of intent, it's certainly not an agreement, so, from my perspective you're talking in good ways, but again, it's not something we would presumably be able to help you with."

**Leonel Capparelli, Applicant, was sworn.** Mr. Capparelli said, "I've been on the property for over 25 years that we've been talking about, and I've been doing the same thing. I've been preserving the history and culture of New Mexico. I have no intent to change that. That's the only thing I know how to do. I'm a second generation restorer. That's what I've done all my life. My daughters are learning how to do it. They're great at it, as I see it, but that's the way we are moving forward with my family. The question here is 10 years, 15 years, 30 years, I don't know. I don't think that nothing is going to change in 50 years from now. I hope it doesn't. Unfortunately, who knows what the arroyo is going to become 20 years from now and things may change. After 10 years we can sit down and talk again. I act in good faith. They asked for some restrictions, I complied with it. The City asked me with all kinds of things, I complied with

everything. I have a 3 acre lot, I divided it in half. I only want half commercial, I don't need everything. I'm not greedy. I like what I do, I want to keep doing it and I want to have a future for my daughters in this City, that's all. Thank you."

Ms. Benton said, "It's probably not very often that you get where they work together, huh."

Mayor Pro-Tem Ives said, "Not uncommon, and certainly much appreciated by the Council when it occurs. So did you have anything more to say here tonight."

Ms. Benton asked if there are questions for her, and there were none.

### **The Public Testimony Portion of the Public Hearing Was Closed**

**MOTION:** Councilor Rivera moved, seconded by Councilor Maestas, to adopt Resolution No. 2015-, approving Case #2014-109, Hands of America General Plan Amendment, as recommended by the Planning Commission with all conditions of approval as recommended by staff, and accepting the Planning Commission's Finding of Fact and Conclusions of law as our own.

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

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

**Against:** None.

- 3) **CONSIDERATION OF BILL NO. 2015-8: ADOPTION OF ORDINANCE NO. 2015-9. CASE #2014-110. HANDS OF AMERICA REZONING. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS REZONING APPROVAL OF 1.50 ± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT)**

**MOTION:** Councilor Rivera moved, seconded by Councilor Maestas, to adopt Ordinance No. 20915-9, approving Case #2014-110, Hands of America Rezoning, based on the recommendations of the Planning Commission with the conditions that have been set, and accepting the Planning Commission's Findings of Fact and Conclusions of Law as our own.

**DISCUSSION:** Councilor Maestas said, "To Mr. Capparelli. You've overcome annexation and the recession and a fire, so sir, you are determined to make that a successful business and a place for your family to prosper. So I'm very pleased to see your business developing, and by all indications, it's going to turn out great. I am very happy for you and your family."

Mayor Pro-Tem Ives said, "I would note that clearly you have the trust of your neighbors in terms of your intent in connection with your property. Of course property is perpetual and ownership changes, and certainly Mr. Graeser and I, as attorneys, have seen occasions where what was once a good agreement between neighbors dealing with each other, falls apart with new ownership and future intentions. I am intrigued by these cases, because we have put in our Charter references to neighborhood heritage and trying to preserve that."

Mayor Pro-Tem Ives continued, "I think, personally, there is a weakness in some of our Code reads when it does allow a multitude of uses, some of which would make sense within a neighborhood and some of which, quite frankly would not, but which are permitted by virtue of the general provisions of the Code. That's not something we're dealing with here tonight, although I think that maybe a discussion that we, as a Council and as a Governing Body, given the changes to the Charter, should have. And I think we'll have many opportunities in the not distant future as the various matters that are happening around the City come to us to tackle in a much more serious way. So I wish you the best in this, and you certainly have capable counsel and capable of drafting a good agreement on your behalf. I do hope you personally take account the sense of the neighborhood, because they're the ones in the future who either will support changes or not. So enough said. Thank you."

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

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

**Against:** None.

- 5) **CASE #2014-91 & CASE #2014-92 – CONSOLIDATED APPEALS. ALLEN JAHNER (APPLICANT APPELLANT) AND OLD SANTA FE ASSOCIATION (ORGANIZATION APPELLANT) BOTH APPEAL THE SEPTEMBER 9, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD (HDRB) IN CASE #H-11-105, APPROVING THE APPLICATION WITH CONDITIONS AT 237 & 239 EAST DE VARGAS STREET LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (DAVID RASCH AND ZACHARY SHANDLER) (POSTPONED AT FEBRUARY 11, 2015 CITY COUNCIL MEETING) (POSTPONED TO APRIL 8, 2015 CITY COUNCIL MEETING.**

This case is postponed to the City Council meeting of April 8, 2015.

**I. FY 2015-16 BUDGET PREPARATION – SPENDING PRESSURES & BALANCING STRATEGY.  
(OSCAR RODRIGUEZ)**

Mr. Rodriguez said overall the total revenue that is coming in seems to be about what was budgeted, and expenditures about 5% below that, which might be there is \$6 million more than what we thought would be there if things stay as they are right now. This doesn't mean we're out of the woods and things are solved. There are still a lot of very big challenges ahead of us.

Mr. Rodriguez said at Finance last week, he presented the stack of accumulated deficits with which we have been working, and that are significant in the budgeted planning. Mr. Rodriguez said he updated that stack and reviewed *General Government Deficits and Accumulated Liabilities* which is in the Council packet. Please see this document for specifics of this presentation.

Mr. Rodriguez reviewed the *Vacant Positions Management Plan* which is in the Council packet. Please see this document for specifics of this presentation.

Mr. Rodriguez said, "What I would recommend to you at this point is, unless we are directed otherwise that we start with that proposal immediately starting on Monday."

*The Governing Body commented and asked questions as follows:*

- Councilor Maestas thanked Mr. Rodriguez for the presentation. He said tonight he introduced a Resolution asking staff to revisit a dedication of the 1/4% GRT. The GRT was intended to fund the bus system, but it gives the bus system and any costs associated with financing the operation. Any balances remaining, 2/3 would go for operation and 1/3 to Quality of Life programs. He has become familiar with the needs of the public transit system, and there are great capital needs, noting we spoke earlier about the disappearance of transportation funding, no federal bill, no State legislation. It is a reason for us to look at our own funding sources. He said there appears to be a pre-allocation of those funds, but there is no true and honest up front assessment prior to budget formulation by departments. He said we have fallen into this pre-set allocation of the GRT instead of giving our Transit system first priority. He wants to see how we've been implementing that and if it is consistent with the original dedication which was a referendum, the primary purpose of which was to establish and maintain a public transit system, noting currently they are getting \$1.25 million for General Fund operations from the GRT.
- Councilor Maestas wants to see if the split is meeting contemporary needs and if we need to give the Transit system more funding, noting Transit has first priority and any balance being split as indicated previously. He said an additional \$1.25 million could be added to the system which is going to fall because it is so heavy with accumulated debt. He said he isn't jumping to conclusions, but believes we need to look at that dedication to be sure we are meeting the spirit of GRT dedication for a public transit system.

- Mayor Pro-Tem Ives said Mr. Rodriguez is telling us this is the process he is going to use, but it does not invite us to consider it as a policy matter. He asked the further intent in that regard, but we need not answer that tonight. He said he will be frank to have detailed example of the provision of not less than a monthly update as we move forward so he can better understand the practicality of the application of these principles. He suggested adding a line that provides if the position hasn't been filled for two years that we eliminate it.

Mr. Rodriguez said that would send more savings into the pot. He would hesitate to say that is a great idea is because there are a lot of positions, for various reasons ns that you would agree to hold which haven't been filled. He said, for example, a department director position where one department is filling more than one director position, or an employee has accumulated so much leave they use that leave in conjunction with retirement which could run for months. He has a problem in a blanket application of that policy.

- Mayor Pro-Tem Ives said then we let employees accumulate years of leave, and Mr. Rodriguez said yes.
- Mayor Pro-Tem Ives asked if we don't try to pay them for the leave so we can get back to operating the City.

Ms. Snyder said for some classifications of employees there are limits based on years of service, but if you have 25 years of service, there are hundreds of thousands of hours on the books. There is no limit on accumulation of annual and sick leave for exempt employees.

- Mayor Pro-Tem Ives said one thing that will help him in these discussions is to understand what positions we have, the number of hours of accumulation, and the value of those hours. He said, "We may need to look at providing a limitation, because it hurts our capacity to conduct the City's business, in a nonsensical way quite frankly."

Mr. Rodriguez asked if he would like a count of employees with more than a year of accumulated leave.

- Mayor Pro-Tem Ives said he would like a list of those employees with a half year of accumulated leave, saying he doesn't understand this.

Mr. Rodriguez said employees organize their careers this way, many do, especially in a situation where they can accrue compensatory time and things like that.

- Mayor Pro-Tem Ives said he appreciates that and understands, and doesn't mean to suggest that he doesn't recognize the years of service. He said, however, that tends to create a huge unpaid liability, commenting he doesn't know where we carry that liability on our books, and would like to know. He said to promote the efficient operation of the City, you really need people "in chairs

doing work.” He asked what the City will do if we have 100 people with 2 years of leave who decide to take it all at once. He said this is a problem and he wants to better understand it.

Mr. Snyder said there are lots of dynamics. He said, “I’ll use myself as an example. I’ve been with the City for 11 years, I have close to 900 hours of annual leave. I am in my chair, I am working, but at the same time I’m not using my annual leave. 900 hours, do the simple math, that’s over half a year right there, just annual leave. We haven’t talk about payout of sick leave when and if I leave the City or I’m asked to leave the City, which has different rules in place. There are complexities to it. In the flush times years ago, we would buy out time so we didn’t have to have that person on the books for extended periods of time so we could maintain efficient government. But as Oscar said, the threshold of one year, unfortunately, looking at a year and above is a nice number. Looking at half a year and above, is a large number of employees throughout the City, and I agree it is a large liability. I wanted to be honest, and that’s why I used myself.”

- Mayor Pro-Tem Ives said he understands and appreciates the nature of the system, and from his perspective it’s not a system that serves the City well at some level. He wants to understand the issues more fully so we can talk about it, and any needed policy changes.

Mr. Rodriguez said it won’t take much to generate that report.

Mr. Rodriguez said, to get back to the question, “Shall we just *pro forma* say any position that has been vacant for two years. I would feel such a broad brush decision would put us in a situation of eliminating positions that we really don’t want to eliminate.”

- Mayor Pro-Tem Ives said he understands the accumulation in the case of department directors, although our inability to fill a department head position for two years almost causes him more angst than saying that eliminating it would be a problem. He said he looks forward to talking with Mr. Rodriguez you more about that.
- Mayor Pro-Tem Ives said, regarding Investments in technology and/or process reform can be traded for vacancies, he honestly has no clue what that means, and doesn’t know what process reform is a reference to.

Ms. Rodriguez said it is written in the language that there would be communication with department heads. He said that is part of the tradeoff to looking at reducing the number of people to fill vacancies or make an investment in technology which will allow them to do the job. He said it takes about 6 people to do payroll, not including all of the payroll monitors that come from throughout the City every pay period to collect checks and then they go out and distribute them throughout the organization. He said, “It’s a very disruptive for work flow effort. His preference is to make the technological improvements and the policy change improvements so we don’t have to fill those vacancies. That would be one way to handle vacancies.

Mr. Snyder said currently on the books we have 160-180 vacant positions, not all in the General Fund. On average, every 20 of those positions, salary and benefits, is \$1 million. So the thought in our conversations is, if we can reduce 20 positions through attrition, we can take that \$1 million in savings and reinvest it on a percentage basis – in technology, training, staffing – to grow our staff City-wide. He said that is their thought on working smart. Now, we need to reinvest in our technology and employees and in what makes City government move forward and this is one way to do that.

- Mayor Pro-Tem Ives said if there 160-180 vacant positions, that's \$8 to \$9 million in vacancy savings which are built into the budget.

Mr. Snyder said this is a snapshot in time, and people are constantly leaving and coming on board. He said those 180 positions haven't been realized over a full year.

- Mayor Pro-Tem Ives asked, during the last 12 month period, how many vacant positions were there on the last day of each month during that year, so he can understand how that changes through time.

Mr. Snyder said it sounds like it should be an easy task, but as everybody has heard here, we don't have a system that will do that, noting a lot of that will have to be done manually. He would like to discuss it with the IT and HR staff to see how easy it would be to generate that information, noting that number is constantly in flux.

- Mayor Pro-Tem Ives said he apologizes if he doesn't understand how complex this is. However, you have information and you say it varies over time.

Mr. Rodriguez said it is tying it to a date in the past which makes it difficult saying every 6 hours there would be changes. He said, for example lots of retirements happened at the end of December of last year in response to the changes in PERA. He said it will take some extra effort to tie down what was vacant on, for example, December 31<sup>s</sup>, January 31<sup>st</sup>, and so forth.

- Mayor Pro-Tem Ives asked if it can be done on a quarterly basis, to get a sense of the vacancies over a year.

Mr. Rodriguez said he'll take a stab at doing that.

- Mayor Pro-Tem Ives said he wants to see how that is put together on the right-size criteria. He said Mr. Rodriguez notes some sample cities and he doesn't know comparative sizes, but he would think Colorado Springs is much bigger.

Mr. Rodriguez said the population is 200,000, Tucson at 400,000, Amarillo 100,000, Lubbock 200,000, Rio Rancho 100,000, Las Cruces 100,000, Topeka 150,000, and Carson City, Boise and Lincoln at 80,000.

- Mayor Pro-Tem Ives said it is important to look at statistics in a way that allows us to make policy judgments on the basis of those, and he would like Mr. Rodriguez to bring that forward only if he has great confidence that the comparable numbers are solid.

Mr. Rodriguez agreed. He thinks it's healthy to introduce in the conversation how we stack up to the average. We're a special City, but we're not incomparable.

- Mayor Pro-Tem Ives thanked Mr. Rodriguez for the information. He said we need to get a handle on it to do more serious budgeting, and he appreciates the effort to take the City forward on this particular issue.
- Councilor Lindell said to follow up on Councilor Ives' question on two year vacancies, she asked if we have had 3 year vacancies.

Mr. Snyder said he knows of at least one – himself – the position he has a reversion clause to has been vacant for 7 years.

- Councilor Lindell said she thinks Councilor Ives' request to look at two years is reasonable. She understands there may be an occasional position we don't want to eliminate after two years. However, we should use the two year period to go through and look. She said for most of them, after two years, we should start the process of elimination. She said maybe we should use the two year period to look at vacancies, but after two years start the process of elimination of some of those positions.

Mr. Rodriguez said up to this year it was the practice to keep an inventory of the unfunded positions. He said this year we made a decision that that accounting stops. So if the Council didn't fund a position, this means it was cut. He said there are hundreds of positions that have been vacant for more than two years and these are those unfunded positions. So now we're narrowing it to a few positions for which money has been appropriated, but which haven't been funded year after year, so it's a much smaller number. This is how this practiced evolved.

- Councilor Lindell said we understand, but we would like to have that information.
- Councilor Rivera asked how long have we had vacancies in the Police Department.

Mr. Snyder said he doesn't know the number of years, but there are always vacancies in the Police Department. He said last budget cycle there was a request for 10 new officer positions for annexation, and 5 were granted. The thought was if we were fully staffed by mid-year, we would consider the additional 5 positions as part of the Annexation Plan. His point is that there always are 10-20 vacancies, and it is always a moving target. He said P.D. has been expanded by 15 positions for annexation and we hired 15 additional people. However, by the time they're trained there is a 6 months block of time and there are 6-10 more vacancies because of retirements and such. It's not consistent, but he would say it's a moving 10-20 vacancies.

Mr. Snyder said we're going to run reports by the number of positions, but there always will be a large number of vacancies in the P.D.

- Councilor Rivera said, "Based on what Councilor Ives asked, I would ask us to take some caution as a Council in how we proceed with the line of sick leave questioning. Clearly, people with large amounts of annual and sick leave, are people that traditionally come to work every single day for their whole career. And they've been putting in the time, they've been here and haven't been using their leave for anything that comes up. So any discussion about doing away with a benefit or looking at taking away a benefit I think would send the wrong message to the employees that really work hard every single day, and I don't think we want to do that. I don't think we want to scare people into thinking that might happen. Even though they are good questions, I think we need to proceed with caution on those and with caution on where we think we might go with those."
- Mayor Pro-Tem Ives said, "On that point, let me just say I'm interested in having the conversation and we need data to do that."

Mr. Snyder said he agrees, but often we can't pay what the market may dictate and what we should be paying, but we can build a package where it's the pay and the benefits that make the job desirable. He said there is a liability that is looming out there, but it is a touchy situation when we can't pay the market rate.

- Mayor Pro-Tem Ives said all we're doing is deferring that payment, and carrying enough of those into the future it may in time affect the City's ability to do business under it's budget.

Mr. Snyder agreed, saying we've never carried this in the budget. We could get a history of retirements in the different areas and predict the liability that is out there and how that liability is potentially covered in the different budget strategies.

Mr. Rodriguez said there are some cases where there are employment contracts with employees, such that if you tell the City when you're going to retire, then we can organize it in terms of planning. He said if you take that benefit away, then people say they will just show up sick one day and we'll have to deal with it that way. He can't imagine we're talking of hundreds of people doing this, but there are a lot that would do it for a few months.

- Councilor Maestas said, as a federal employee, the feds only allow accumulation of 230 hours per year and you lose it if you don't use it. He said you can carry it over under extenuating circumstances. He said there is no limitation on accumulating sick leave, and it is paid as a service credit. He said perhaps we can come up with some options to reward employees without incurring the financial liability, such as service credit. He realizes that under PERA it would take changes beyond the City.

Mr. Snyder said we had a similar discussion several years ago about the number of hours you could be paid, but the legal opinion at the time, was if we made a change, everybody in the system would carry the leave forward – would be grandfathered. He thinks it was an accumulation of 400 hours and above, and there was another calculation that wasn't as straightforward for paying for 50% of the accumulated sick leave. We have more than 1,500 employees locked into the system, but it doesn't mean it doesn't make sense for us to do it moving forward.

- Councilor Maestas said it seems inevitable that the County is increasing GRTs which will be imposed in the City, but we haven't come up with a position. The County will impose the tax by vote and not by referendum. He said our accumulated deficit will approach about \$15 million. He said the broader discussion on revenue enhancements should start now, and he urges his colleagues to consider whatever our consensus is on revenue enhancements, and think about putting these on the ballot whether GRTs or property tax. He thinks a G.O. bond is in order to cover some of these one-time capital costs for infrastructure associated with annexation. He would feel more comfortable asking the people if they want to pay a higher property tax or gross receipts tax to pay for some of these things. He is unsure we can continue kicking the can down the road."

Ms. Brennan said, "With respect to property tax and putting it on the ballot, there is case law indicating that is a delegation of legislative authority. So to the extent you have the authority to do it without putting it on the ballot you are required to do it and not put it on the ballot."

Mr. Snyder understands we have 3 mils. of property tax which would net about \$17 million if all 3 mils. were imposed at the Council's decision, but you can do it in various implements.

- Councilor Maestas doesn't want us to get into the budget discussion without the big picture, and thinks this is starting to give us the big picture. We need to have a dialogue with the entire Council. The County has had this dialogue and it will impact our citizens, and he thinks it will force our hand into having a serious dialogue about revenue enhancement.

- Councilor Rivera said, with regard to the leave issue, and being in a financial crunch and not knowing where that liability comes, discussions like this on the Governing Body scare people with hundreds of thousands of hours of leave into deciding to leave before these changes come. He reiterated we need to exercise caution, commenting we can't afford a mass exodus of people who have more than \$100,000 worth of leave. He said when he retired, many people left at the same time because the Council was having this very discussion and people were afraid their leave was going to be cut in half or taken away.

- Mayor Pro-Tem Ives said it sounds like we're being told that can't happen because of the existing contractual commitments, so it's on a going forward basis.

Ms. Brennan said, "I think that will be a major consideration. I think that discussion and the cost of living discussion at PERA did precipitate a noticeable number of retirements, and it was 20-25 year veterans leaving all at once. It was sort of an experience loss that was noticeable."

- Councilor Trujillo said there were a lot of people that left, especially because of the COLA. And now people like him have to wait 7 years, as we all do. He said the discussion still needs to take place. He said people like Brian have 900 hours and we're not going to take that away because he's earned that. He said PERA has bumped retirement to 30 years. New employees are coming in and there are new criteria for their retirement. This is a valid discussion we can have during the budget hearing. He can carry forward only 240 hours, but he can carry as much sick leave as he wants, and leave over 600 hours, he gets paid at ½.

Mr. Rodriguez said they will move forward and provide the reports and he looks forward to engaging with you in the future.

- Councilor Maestas said he had asked for an accumulation of the unfunded one-time costs, and he still would like to see that – annexation, IT and such.

Mr. Rodriguez said he will work on that list.

- Councilor Lindell asked Mr. Rodriguez if he is considering this discussion tonight as an approval to go forward with this position vacancy management plan.

Mr. Rodriguez said, "What we're telling you is this is how we intend to proceed. The way it works now is that all vacancies to be advertised to be filled have to be approved by the City Manager. At his discretion he can say fill it, or don't fill it. We're putting before you the methodology by which positions will not be filled, so we are transparent and you know how it's moving forward, that we're doing this and there's a logic behind it and it starts now."

- Councilor Lindell said then we are starting this policy now.

Mr. Rodriguez said, "Yes ma'am, unless you direct otherwise."

- Mayor Pro-Tem Ives said he would say we're starting the process now within the powers delegated to the City Manager, and if we want to change policy in this matter, that's up to us to do.
- Councilor Maestas said, regarding right-sizing, he wants to make sure we don't arbitrarily cut positions. He said we had a long conversation that the City has adapted to doing more with less. The people in the chairs have had their jobs change because we haven't curtailed services. He said let's do smart right-sizing, and look at the positions that are left and evaluate their job descriptions and modify them to reflect their expanded duties to be sure we truly are right sized and in the context of the entire division providing the service, and how it has adapted without those vacant positions.

Mr. Rodriguez said the positions that have adapted, staffing is going down and people are doing more, and those aren't at risk. It is those positions which, when they come up, are compared to the staffing levels in other places, and they can't justify the reason, those would be at risk. He said, "We understand the mandate. Don't cut services, don't raise taxes at this point."

- Mayor Pro-Tem Ives said he is unaware of us making any policy decisions that would be stated like that, as a Council.

Mr. Rodriguez said, "In our budget presentation, we put there how we are going to go forward, I thought there was a robust conversation, and there wasn't a formal vote, but one of the tenants that was in here was don't cut services. The general direction I got was that, at least, because I heard it."

- Mayor Pro-Tem Ives said it was a management proposal that was put forward, and there is consensus that the Councilors don't want to go down that path, but to describe it as a policy is just "in my mind going a little bit far."

Mr. Snyder said we haven't heard any services to be considered for evaluation to be cut. If we hear otherwise we'll gladly run the numbers and see what that challenge may be.

- Mayor Pro-Tem Ives said we have talked about right-sizing government, based on the experience in other cities. So if we have 10-25% more people in a particular department providing services to some degree, he presumes we will look at how we provide service.

Mr. Snyder said recently it was this Council, in order for us to fund something, we right-sized, for example, the buses. We no longer have big buses going to Museum Hill. We have a smaller van because it doesn't make sense for us to be driving all the way out there when the ridership is at the level it is. And it's a good conversation for us to look at the way we provide the services. At certain times of the day it doesn't make sense to have buses riding up and down Cerrillos Road.

At other times of the day, we probably need a bus and a half to ride up and down Cerrillos Road. So it is right sizing government. He said, in the past, he doesn't think we've gotten clear direction to look at scaling back services, and oftentimes you are the first ones to hear when we do start talking about scaling back services. He said several years ago we talked about scaling back library hours and looking at right sizing what we do, and very quickly the Friends of the Library came out and spoke against it. And there was a regression against scaling back the Library hours. We are here to try to try to right size government. We're here to look at all the options, but if we get clear direction from the Governing Body, we'll definitely look at what we believe is truly right sizing government.

Mr. Snyder said, "Until then, we're looking at opportunities within the framework where, as Oscar said at one of the last Council meetings, we haven't heard directly to look at scaling back services. So we're operating within the framework of keeping the same level services, and we're trying to be innovative in looking at right sizing the government through attrition and taking that savings and putting it in the right places. But we'll definitely stand for your direction."

- Mayor Pro-Tem Ives said, "Part of the issue here is that we, as Councilors, don't have the depth of experience of living this day by day, nor are we designed to by our system of governance quite frankly. So we rely upon staff to come forward with measures appropriate to the task at hand and in ways that allow us to make informed decisions on these matters. There isn't a desire to just cut services, I don't think there is on this Council. That said, if we're way over-staffed in areas against norms, it's telling us we have a problem in what we're doing, and if that means looking at adjusting staff and service therefore or requiring an uptick in services performed by fewer staff, that's some of what we're saying we want to look at."

Mr. Snyder said, "Understood."

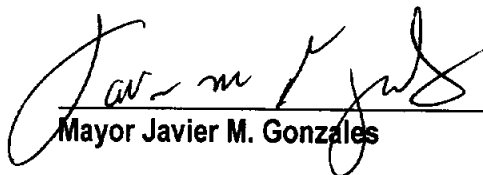
- Mayor Pro-Tem Ives thanked staff for their hard work on this, because it isn't easy, especially when, as have in years past, continuing deficits. People have described it as "putting band-aids on it." He said, "I think you're hearing we don't want band-aids anymore, so we're willing to try and tackle those tough issues and make those tough decisions as a Governing Body."

Mayor Pro-Tem Ives thanked all the Councilors "for hanging in there for this discussion, which is an important one. He said, "And for those who did it twice because they were at Finance or Public Works, sorry about that."

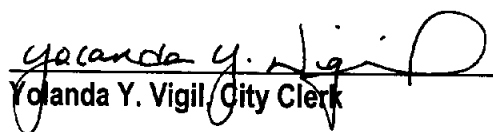
## **I. ADJOURN**

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 10:20 p.m.

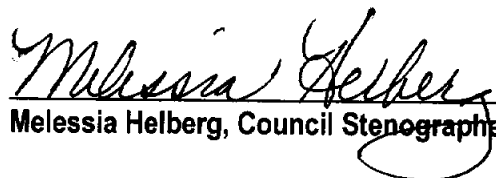
Approved by:

  
Mayor Javier M. Gonzales

ATTESTED TO:

  
Yolanda Y. Vigil, City Clerk

Respectfully submitted:

  
Melessia Helberg, Council Stenographer

\*Color copies and full-sized maps are available in the clerk's office.



**CITY COUNCIL MEETING OF**  
**March 25, 2015**  
**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION**  
**BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor Javier Gonzales</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
Councilor Ives	A RESOLUTION AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO ESTABLISH A SPECIAL RATE SCHEDULE FOR SANTA FE'S VETERANS FOR THE USE OF THE CITY'S FOUR RECREATION FACILITIES.	Public Works Committee – 4/6/15 Finance Committee – 4/13/15 City Council 4/29/15
<b>Councilor Patti Bushee</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION ACCEPTING THE "MAYORS CHALLENGE FOR SAFER PEOPLE, SAFER STREETS" AND DIRECTING STAFF TO EXPLORE THE RESOURCES AND PROGRAMS TO PROMOTE SAFER STREETS FOR PEDESTRIANS AND BICYCLISTS.	Bicycle & Trails Advisory Committee – 4/15/15 Public Safety Committee 4/21/15 Public Works Committee – 4/27/15 Finance Committee – 5/4/15 City Council 5/13/15
<b>Councilor Bill Dimas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Carmichael Dominguez</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Peter Ives</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION DIRECTING STAFF, IN THE INTEREST OF WATER CONSERVATION, TO COMPLETE AN INVENTORY OF ALL TOILETS/URINALS AT CITY FACILITIES IN AN EFFORT TO DETERMINE THE NEED AND COST FOR LOW FLOW TOILET/URINAL REPLACEMENTS.	Public Works Committee – 4/27/15 Public Utilities Committee – 5/6/15 Finance Committee – 5/18/15 City Council – 5/27/15

Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING STAFF TO EVALUATE THE DEDICATION PROVISION OF THE MUNICIPAL GROSS RECEIPTS TAX ORDINANCE, SUBSECTION 18-10.4 SFCC 1987.	Finance Committee – 4/13/15 City Council – 4/29/15
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING SECTION 12-6-1.3 OF THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE TO AUTHORIZE THE GOVERNING BODY TO MAKE SPEED LIMIT ALTERATIONS IN THE CITY OF SANTA FE THROUGH THE ADOPTION OF A RESOLUTION.	Public Safety Committee - 4/21/15 Public Works Committee - 4/27/15 Finance Committee - 5/4/15 City Council (request to publish) - 5/13/15 City Council (public hearing) - 6/10/15
	AN ORDINANCE AMENDING SUBSECTION 23-6.2 SFCC 1987 TO CHANGE THE LEVEL OF SECURITY REQUIRED FOR PROFESSIONAL BASEBALL GAMES AT FORT MARCY BALL PARK.	Public Works Committee - 4/6/15 City Council (request to publish) – 4/8/15 Public Safety Committee - 4/21/15 Finance Committee - 5/4/15 City Council (public hearing) - 5/13/15

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, [mdbyers@santafenm.gov](mailto:mdbyers@santafenm.gov) or Rebecca Seligman at (505)955-6501, [rxseligman@santafenm.gov](mailto:rxseligman@santafenm.gov).

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-\_\_

3 INTRODUCED BY:

4  
5 Councilor Ronald Trujillo

6  
7  
8  
9  
10 AN ORDINANCE

11 AMENDING SECTION 12-6-1.3 OF THE CITY OF SANTA FE UNIFORM TRAFFIC  
12 ORDINANCE TO AUTHORIZE THE GOVERNING BODY TO MAKE SPEED LIMIT  
13 ALTERATIONS IN THE CITY OF SANTA FE THROUGH THE ADOPTION OF A  
14 RESOLUTION.

15  
16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17 Section 1. Section 12-6-1.3 of the City of Santa Fe Uniform Traffic Ordinance  
18 (being Ord. #2011-4) is amended to read:

19 12-6-1.3 ESTABLISHMENT OF SPEED ZONES.

20 A. Whenever the ~~[administrator]~~ governing body determines, upon the basis of an  
21 engineering survey and traffic investigation, that any speed limit permitted under state law or local  
22 ordinance is greater or less than is reasonable or safe under the conditions found to exist upon any  
23 part of a street within ~~[his]~~ their jurisdiction, ~~[he]~~ the governing body may declare a speed limit  
24 alteration for that part which is effective at times determined, through the adoption of a resolution.  
25 The public safety committee and public works committee shall review and make a recommendation

1 to the governing body on whether or not to alter the speed limit through the adoption of the  
2 resolution. The governing body has the final authority to alter the speed limit. After the adoption of  
3 the resolution, [when] appropriate signs giving notice thereof [are] shall be erected at the particular  
4 part of the street.

5 B. Alteration of speed limits on state highways by the ~~[administrator]~~ governing body are  
6 not effective until approved by the state highway commission. (66-7-303 NMSA 1978)

7 C. The ~~[administrator]~~ governing body shall adhere to and abide by all applicable state  
8 statutes in making his determination of speed limits in the municipality.

9 D. Whenever the ~~[administrator]~~ governing body declares a speed limit, ~~[he]~~ the  
10 administrator shall submit a schedule of the speed limit to the police department, the municipal judge,  
11 the municipal clerk and the municipal attorney. (\*)

12 E. Speed zones may be marked by a sign containing a flashing yellow light and, when  
13 the light is in operation, the speed limit, instructions or regulations on the sign are in effect.

14 F. The provisions of Subsection A of this section shall not apply to changes of speed  
15 limit in construction zones authorized pursuant to 12-6-1.3 G through K of this section.

16 G. When construction, repair or reconstruction of any street or highway is being done,  
17 the administrator or other governmental authority with jurisdiction over that street or highway is  
18 authorized to designate as a construction zone that portion of the street or highway where  
19 construction, reconstruction or repair is being done and to close the construction zone to traffic or to  
20 provide for a single lane of traffic on any two-lane or four-lane highway in the construction zone. (66-  
21 7-303.1 NMSA 1978)

22 H. The administrator or other governmental authority closing all or a portion of a street or  
23 highway or providing for a single lane of traffic on any two-lane or four-lane street or highway  
24 pursuant to Subsection G of this section shall erect or cause to be erected traffic-control devices or  
25 barricades to warn and notify the public of any change in speed limit and that such street or highway

1 is closed or limited to a single lane of traffic. (66-7-303.1 NMSA 1978)

2 I. Every pedestrian or person who operates a vehicle on any street or highway shall  
3 obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to  
4 regulate, control and guide traffic through a construction zone.

5 J. No person shall remove, change, modify, deface or alter any traffic-control device or  
6 barricade which has been erected on any street or highway pursuant to this section.

7 K. Any person who violates any provision of Subsection I or J of this section is guilty of  
8 a petty misdemeanor and upon conviction shall be sentenced in accordance with this code. (66-7-  
9 303.1NMSA 1978)

10 APPROVED AS TO FORM:

11  
12  
13 \_\_\_\_\_  
KELLEY A. BRENNAN, CITY ATTORNEY

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2015-\_\_\_\_**

3 **INTRODUCED BY:**

4  
5 Councilor Ron Trujillo

6  
7  
8  
9  
10 **AN ORDINANCE**

11 **AMENDING SUBSECTION 23-6.2 SFCC 1987 TO CHANGE THE LEVEL OF SECURITY**  
12 **REQUIRED FOR PROFESSIONAL BASEBALL GAMES AT FORT MARCY BALL PARK.**

13  
14 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

15 **Section 1. Subsection 23-6.2 SFCC 1987 (being Ord. #2012-20, as amended) is**  
16 **amended to read:**

17 **23-6.2 Permitted Locations for the Sale and Consumption of Alcohol on City**  
18 **Property.**

19 The sale or consumption of alcoholic beverages is permitted at the following locations on city  
20 property:

21 A. The Santa Fe community convention center and adjacent outdoor spaces under the  
22 center's control;

23 B. That area of the Santa Fe municipal airport main terminal building and adjacent areas  
24 operated as a restaurant; and

25 C. The Marty Sanchez Links de Santa Fe (golf course).

1           D.     The area of the Forty Marcy Ballpark designated for concessions and seating shall be  
2 used for the sale and consumption of only beer and only at professional baseball games.

3           (1)     A special dispenser permit shall be used to dispense alcohol. The alcohol  
4 dispenser shall comply with all state and local laws and regulations for dispensing alcohol  
5 pursuant to the special dispenser permit.

6           (a)     Persons desiring to consume beer shall be required to wear a  
7 wristband that restricts consumption to a maximum of three (3) twelve (12) ounce  
8 beers during the course of a professional baseball game.

9           (i)     The wristband shall be nontransferable and shall be issued to  
10 verify age and to indicate the number of alcoholic beverages purchased.

11          (ii)    The purchase of alcoholic beverages shall be limited to one  
12 (1) purchase per person at one (1) time.

13          (iii)   Twelve (12) ounce beverage containers shall be used for  
14 beer.

15          (iv)    Alcoholic beverage containers shall be distinguishable from  
16 nonalcoholic beverage containers.

17          (b)     The sale of beer shall terminate at the end of sixth inning of the  
18 professional baseball game.

19          (c)     In addition to alcoholic beverages, food and non-alcoholic beverage  
20 drinks shall be sold. Water shall be provided at no cost.

21          (d)     A manager of the alcohol vendor shall be present at all times in the  
22 concession area. A photograph of the manager and his or her name shall be posted at  
23 the point of sale of alcoholic beverages. At all times, the manager shall wear a  
24 nametag that identifies him or her as the manager.

25          (e)     Alcohol servers shall not drink alcohol during baseball games.

1 (f) The vendor shall place signs in the concession area and outside the  
2 concession area that indicate the illegality of selling, serving and providing alcohol to  
3 minors and intoxicated persons.

4 (2) The event sponsor shall comply with the security provisions in Subsection  
5 23-6.3(A)(4) except that security guards shall possess at a minimum, a level one security  
6 guard license, pursuant to the Private Investigations Act, Chapter 61, Article 27B NMSA  
7 1978.

8 ([2]3) Any professional baseball league games subject to this section, shall not take  
9 precedence over the scheduling of local youth baseball leagues using Fort Marcy Ballpark.

10 E. Buildings owned by another party located on land owned by the city.

11 F. On land or buildings owned by the city for which the city has entered into a lease  
12 with another party for six (6) months or more except for the Railyard Park, Plaza and Alameda (as  
13 defined in the Deed of Conservation Easement dated October 1, 2004) where alcohol is prohibited,  
14 unless specifically permitted under Subsection 23-6.2 SFCC 1987.

15 G. In or on railroad cars located on railroad tracks except as prohibited by state or  
16 federal law.

17 All other applicable approvals required by state or city laws and regulations shall be obtained  
18 prior to the sale or consumption of alcoholic beverages on the property described in this subsection  
19 23-6.2.

20 **Section 2. Effective Date.** This Ordinance shall become effective immediately upon  
21 adoption.

22 APPROVED AS TO FORM:

23

24

25 KELLEY A. BRENNAN, CITY ATTORNEY

*M/Legislation/Bills 2015/Security at Ft. Marcy*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015\_\_

INTRODUCED BY:

Mayor Javier M. Gonzales

A RESOLUTION

**AUTHORIZING THE PARKS AND RECREATION DEPARTMENT TO ESTABLISH A  
FEE SCHEDULE FOR SANTA FE'S VETERANS WHO USE THE CITY OF SANTA FE  
RECREATION FACILITIES.**

**WHEREAS**, the City of Santa Fe recognizes and appreciates the service of brave men and  
woman in our community who have served our great Country; and

**WHEREAS**, our older veterans are faced with many of the problems and issues associated  
with age; and

**WHEREAS**, our younger veterans are faced with problems and issues of unemployment and  
underemployment; and

**WHEREAS**, there are varying levels of services made available to veterans at the federal, state  
and local level, as well as services made available through local non-profits; and

**WHEREAS**, the ability to use the City's recreation facilities would promote better health and  
well-being of veterans in our community; and

**WHEREAS**, the Governing Body has shown support for local veterans in our community

1 through the adoption of various pieces of legislation; and

2       **WHEREAS**, there is a need to continue to assist local veterans in Santa Fe, therefore, the  
3 Governing Body desires for staff to establish a fee schedule for veterans who use the City's recreation  
4 facilities.

5       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
6 **CITY OF SANTA FE** that the Governing Body hereby salutes veterans, the brave service of local  
7 men and women in our community who have served our great Country.

8       **BE IT FURTHER RESOLVED** that the Governing Body authorizes the Parks and  
9 Recreation Department to establish a veteran fee schedule for Santa Fe's veterans. Such fee schedule  
10 shall be comparable to the "senior citizen rate" with an exception for disabled veterans who would be  
11 allowed to use the recreation facilities free of charge.

12       PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

13  
14 \_\_\_\_\_  
15 JAVIER M. GONZALES, MAYOR

16 ATTEST:

17  
18 \_\_\_\_\_  
19 YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21  
22 \_\_\_\_\_  
23 KELLEY A. BRENNAN, CITY ATTORNEY

24  
25 *M/Legislation/Resolutions 2015/Recreation Center Rates - Vets*

# City of Santa Fe, New Mexico

# memo

**DATE:** March 9, 2015 for the March 25, 2015 City Council meeting

**TO:** Mayor Javier M. Gonzales  
Members of the City Council

**VIA:** Brian K. Snyder, P.E., City Manager *BKS*  
Lisa Martinez, Director, Land Use Department *[Signature]*  
Tamara Baer, ASLA, Planning Manager, Current Planning Division *[Signature]*

**FROM:** Zach Thomas, Senior Planner, Current Planning Division *ZT*

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**Case #2014-104. 2504 and 2505 Siringo Lane Rezoning.** Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

## I. RECOMMENDATION

The Planning Commission recommends **APPROVAL** to the Governing Body without the conditions of approval proposed by staff.

At the request of the applicant, the Planning Commission postponed consideration of the applications prior to the December 4, 2014 hearing for consideration at the January 8, 2015 hearing. The applicants had objected to the requirement to dedicate additional right-of-way and to construct a sidewalk. The Planning Commission recommended, on a 5-1 vote, approval of the Rezoning without the proposed conditions of approval, finding that the unique circumstances surrounding the street warranted a finding that the property meets the standards under SFCC §14-9.2(B)(3) regarding innovative street designs.

## II. APPLICATION OVERVIEW

The two parcels (2504 and 2505 Siringo Lane), which are under separate ownership, are part of 23 parcels between 1 to 2 acres in size created in 1959. Since the original subdivision, many of the parcels to the north have been rezoned to higher densities and further subdivided. Adjoining zoning districts include R-1, R-2, R-3, and R-5. The General Plan Future Land Use

Map designates the subject parcels and immediate area as Low Density Residential which anticipates a density between 3-7 units per acre. The 8 parcels along Siringo Lane have remained as originally subdivided at a density of 1 dwelling unit per acre, below the density anticipated by the General Plan. Approval of the rezoning will bring these properties into compliance with the General Plan.

The request to rezone was initiated by Linda Duran, the daughter of Robert H. & Sarah S. Duran, and owners of 2505 Siringo Lane. The purpose of the rezone is to achieve zoning appropriate for a future lot split which will provide Linda Duran a piece of the family property on which she would construct a home. The current R-1 density does not allow the 1 acre parcel to be further subdivided. Development Code requirements stipulate that applicants for properties less than 2 acres may only request rezoning to a zoning district contiguous to the property. As such, the only and lowest possible density to which rezoning may be requested is the adjoining R-3 to the north.

During the pre-application stage, neighboring property owner Daniel Smith (2504 Siringo Lane) joined the application process to also request rezoning his property to R-3. Mr. Smith purchased his property in the 1970s, at which time it contained 4 dwelling units. He subsequently combined 1 of those units into the primary house thereby reducing the degree of non-conformity on the property. The proposed rezone would bring his property into conformance with regard to density.

#### Unique Circumstances of Siringo Lane

Initially it was understood that Siringo Lane is a privately maintained road. Subsequent to the postponement of the initial Planning Commission hearing and upon further conversations with the applicants, documentation was produced by the applicant that the City had assisted in the development of the road. Specifically, the City paved Siringo Lane with State Highway & Transportation Department funds and installed public sewer within Siringo Lane to serve the existing houses. This might suggest that because Siringo was paved/improved by the City, that it is in fact a public street. However, further research by city staff determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street.

The peculiar nature of Siringo Lane was further established through additional research. As far as can be determined, Siringo Lane was created through a Serial Subdivision and subsequently documented by a composite plat recorded in 1960 titled "Composite Plat showing Lands of Evelyn H. Lischke". This plat created the subject parcels and noted Siringo Lane as a "20 foot road", as opposed to noting it as an access easement or right-of-way as would be the practice today. As such, current ownership or maintenance responsibility of Siringo Lane cannot be determined at this time.

Siringo Lane functions as a private driveway to the 8 lots it serves. While future subdivision of the proposed rezoned lots will incrementally increase traffic, the road cannot be physically extended beyond its current terminus.

An Early Neighborhood Notification meeting was held on October 7, 2014 at the LaFarge Library. Six members of the public attended. No objections were expressed.

### **III. SUMMARY OF PLANNING COMMISSION ACTION**

The Planning Commission took into account the unique circumstances surrounding Siringo Lane in making its recommendation to the Governing Body. Specifically, the Planning Commission adopted findings of fact regarding SFCC §14-9.2(B)(3) *Innovative Street Designs*. The Planning Commission found that due to Siringo Lane's history, an innovative street design designation is applicable and staff's recommended conditions regarding sidewalk construction and ten foot easements are not required.

The Planning Commission recommends that the property be rezoned to the R-3 zoning district without dedicating additional right-of-way or constructing a sidewalk along the property frontage.

#### **ATTACHMENTS:**

##### **EXHIBIT 1:**

- a) Findings of Fact and Conclusions of Law
- b) Rezoning Bill

**EXHIBIT 2:** Planning Commission Minutes January 8, 2015

**EXHIBIT 3:** Planning Commission Staff Report Packet January 8, 2015

# **City of Santa Fe, New Mexico**

## **City Council**

### **Exhibit 1**

#### **Findings of Fact Bill**

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

Case #2014-104

2504 & 2505 Siringo Lane Rezoning to R-3

Owner's Name – Daniel Smith and Robert & Sarah Duran

Applicant's Name – Daniel Smith & Linda Duran

THIS MATTER came before the Planning Commission (Commission) for hearing on January 8, 2015 upon the application (Application) for Daniel Smith (Applicant) and Linda Duran as agent Robert & Sarah Duran (Applicant).

Applicants request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
3. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
4. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
5. An ENN meeting was held on the Application on October 17, 2014 at the LaFarge Public Library.
6. Notice of the ENN meeting was properly given.
7. The ENN meeting was attended by the Applicant and City staff; there were seven members of the public in attendance and no concerns were raised.

8. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed rezoning.
9. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
10. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
11. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
12. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:

(a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

There was not an error in the original zoning, however, the General Plan Future Land Use Map designates the area as Low Density Residential (3-7 dwelling units per acre). The proposed rezoning will bring the zoning into conformance with the land use designation. Furthermore, several of the surrounding and contiguous properties are zoned at higher densities and have been subdivided into parcels smaller than 1 acre. The small increase in density makes efficient use of existing infrastructure and will allow one of the Applicants to live in close proximity to their daughter for mutual support. Policy 5-1G-1 of the General Plan states one goal is to: "[p]reserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing."

(b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.

(c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].*

The existing zoning of the parcels (Residential – 1 unit per acre) is not consistent with the existing land use designation of Low Density Residential (3-7 dwelling units per acre). The proposed rezoning to R-3 (Residential – 3 units per acre) will make the zoning consistent with the future land use designation.

(d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].* The General Plan Future Land Use designation of Low Density Residential (3-7 units per acre) anticipates a density that is higher than would otherwise be allowed by the current R-1 zoning. The proposed rezoning will bring the zoning of the parcels into conformance with the General Plan Future Land Use designation and thus in line with the growth rate anticipated by the General Plan.

(e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];*

- Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City water and sewer.
13. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:
- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*
  - (2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*
- The proposed rezone from R-1 to R-3, while increasing the potential density of the area, will not allow uses otherwise prohibited under current zoning or significantly change the character of the area. The subject parcels are surrounded by properties within the R-1, R-2, R-3 and R-5 zoning districts, all of which permit the development of residential uses at the identified densities consistent with the character of the area. The proposed rezone encompasses an area of 2 acres consistent with the minimum acreage required for rezoning.
14. Code §14-9.2(B)(3) establishes the criteria to be applied by the Commission in its review of innovative street designs.
15. Innovative street design in the Code authorizes the consideration of street designs that are not included among the street types and street sections described in Code § 14-9.2.
16. There were statements made at the public hearing by Staff, the Applicant and the Rancho Siringo Neighborhood Association regarding the unique nature and history of Siringo Lane.
17. Siringo Lane is a unique street with a particular history, originating as an area of large rancheros, which eventually developed into an infill area, but maintained a strong rural character.
18. Due to this history, an innovative street design designation is applicable and staff's recommended condition regarding sidewalk construction and ten foot easements is not required.
19. There were statements made at the public hearing by Staff, the Applicant and the Rancho Siringo Neighborhood Association that public funds have been used and are being used to create public benefits, such as City water and sewer and City staff cleaning the street, for Siringo Lane.
20. Siringo Lane is not a public street, and ownership of this 20'0" wide corridor is unknown.
21. No Public Right of Way or Utility Easement, as defined in Code § 14-12, are in place for any portion of Siringo Lane.

### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

General


1. The proposed rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The Rezoning

3. The Applicant has the right under the Code to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

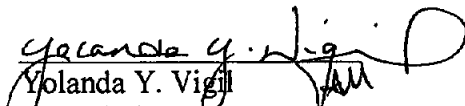
**WHEREFORE, IT IS ORDERED ON THE 19<sup>th</sup> DAY OF March, 2015 BY  
THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

- A. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3.
- B. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it adopt a finding that Siringo Lane has innovative street design.

  
Michael Harris  
Chair

3/19/15  
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

3/20/15  
Date:

APPROVED AS TO FORM:

  
Zachary Shandler  
Assistant City Attorney

3/19/15  
Date:

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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2015-7**

**AN ORDINANCE**

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;  
CHANGING THE ZONING CLASSIFICATION FOR PROPERTIES COMPRISING AN  
AREA OF APPROXIMATELY 2.00± ACRES OF LAND LOCATED ON SIRINGO  
LANE, AND LYING AND BEING SITUATED WITHIN SECTION 3, TOWNSHIP 16  
NORTH, RANGE 9 EAST, NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY,  
NEW MEXICO, FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE)  
TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE), AND PROVIDING  
AN EFFECTIVE DATE. (“2504 AND 2505 SIRINGO LANE REZONING”, CASE  
#2014-104).**

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

**Section 1.** That certain parcels of land comprising 2.00± acres (the “Property”) located within Section 3, Township 16 North, Range 9 East, New Mexico Prime Meridian, Santa Fe County, State of New Mexico, of which totals approximately 2.00± acres that is located within the municipal boundaries of the City of Santa Fe, is restricted to and classified as R-3 (Residential

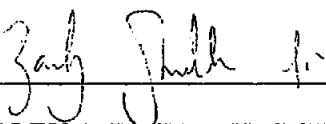
1 - 3 dwelling units per acre) as described in the legal descriptions attached hereto [EXHIBIT A1  
2 & A2] and incorporated herein by reference.

3       **Section 2.**       The official zoning map of the City of Santa Fe adopted by Ordinance  
4 No. 2001-27 is hereby amended to conform to the changes in zoning classifications for the  
5 Properties set forth in Section 1 of this Ordinance.

6       **Section 3.**       This rezoning action is approved with and subject to such conditions as  
7 may be approved by the Governing Body.

8       **Section 4.**       This Ordinance shall be published one time by title and general summary  
9 and shall become effective five days after publication.

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13 **APPROVED AS TO FORM:**

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16 **KELLEY A. BRENNAN, CITY ATTORNEY**  
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1756003

TRACT 1

Lot One (1) in Block Thirteen (13) as shown on plat entitled "LOS CEDROS SUBDIVISION, BLOCK 5 AND PORTIONS OF BLOCKS 3-4-6-13, SANTA FE, N M" which plat was filed for record in the office of the County Clerk of Santa Fe County, New Mexico on March 17, 1965 as Document No. 281,756;

TRACT 2

*2504 SIRIUNGO LANE*

Situated in Santa Fe County, N. M. being that certain tract of land in the SE1/4 of the NW1/4 of Section 3, T 16 N, R 9 E, N. M. P. M. which is designated as Tract "N" comprising one acre, more or less, as shown on that certain plat of survey entitled "Composite Plat Showing Lands of Evelyn H. Lischke in Section 3, T 16 N, R 9 E, N.M.P.M., Dec. 1959, Scale 1" = 200' ", which plat was filed in the office of the County Clerk of Santa Fe County, N.M. on Jan. 22, 1960 as Reception No. 238478 and recorded in Plat Bk. 8, p. 114.

## WARRANTY DEED (Joint Tenants)

Evelyn H. Lischke, a widow and single person

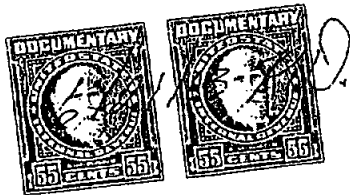
....., for consideration paid, grant...<sup>S</sup>

to Robert H. Duran

and Sarah S. Duran, his wife

as joint tenants the following described real estate in Santa Fe County, New Mexico:

That certain tract of land situated in the E $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 3, T. 16 N., R. 9 E., N.M.P.M., which is designated as Tract "I", comprising one acre, as shown on that certain plat of survey entitled "COMPOSITE PLAT showing lands of EVELYN H. LISCHKE in Sec. 3, T. 16 N. R. 9 E., N.M.P.M. Dec. 1959--Scale 1" = 200'," together with right of ingress and egress over that certain twenty foot private road along the southeasterly boundary of said tract and extending southwesterly to the County Road, all as shown on said map which was made by Jesse L. Gassman, surveyor, and on file in the County Clerk's office, Santa Fe, N. M.



# **City of Santa Fe, New Mexico**

## **City Council**

### **Exhibit 2**

**Planning Commission Minutes January 8, 2015**

Chair Harris said, "From my point of view, topography probably is the biggest issue. The topography drives.... we're dealing with 30% slopes, we're affecting the 52 foot right of way, affecting the ponds, the spillway. To me the topography is the most significant argument that the applicant has."

**MOTION:** Commissioner Pava moved, seconded by Commissioner Padilla, with regard to Case #2014-94 Hart Business Park – Phase II Final Subdivision Plat: "That the Commission finds for approval of the Plat with the conditions that appeared in the Staff Report [Exhibit "3"], and in addition the Commission finds in this case a connecting street is not warranted because the 100 foot diameter cul de sac and 20 feet wide emergency stub would be constructed in accordance with the Fire Marshal's comments on the Final Plat, and the Commission further finds that there are compelling arguments that the topography, minimizing soil disturbance and lot configurations and previous development patterns are also relevant in this case."

**VOTE:** The motion was approved on the following Roll Call vote [6-0]:

For: Commissioner Villarreal, Commissioner Bemis, Commissioner Gutierrez, Commissioner Ortiz, Commissioner Padilla and Commissioner Pava.

Against: None.

2. **CASE #2014-104. 2504 ANDS 2505 SIRINGO LANE REZONING. DANIEL SMITH AND LINDA DURAN FOR ROBERT H. & SARAH S. DURAN, REQUEST REZONING OF TWO 1-ACRE PARCELS FROM R-1 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO R-3 (RESIDENTIAL – 3 DWELLING UNITS PER ACRE). THE TWO PARCELS ARE CURRENTLY DEVELOPED WITH RESIDENTIAL USES AND ARE LOCATED AT 2504 AND 2505 SIRINGO LANE. (ZACH THOMAS, CASE MANAGER)**

A Memorandum, with attachments, prepared December 29, 2014, for the January 8, 2015 meeting, to the planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

An updated letter from the Rancho Siringo Neighborhood Association, dated January 8, 2015, in support of this application, submitted for the record by Debra Burns, is incorporated herewith to these minutes as Exhibit "6."

A summary of the Applicant's proposed approval of this applicant, entered for the record by Linda Duran, is incorporated herewith to these minutes as Exhibit "7."

Zach Thomas, Case Manager, presented information in this case from the Staff Report which is in the Commission packet. Please see Exhibit "5," for specifics of this presentation.

## **Public Hearing**

### **Presentation by the Applicant**

**Linda Duran, representing her parents, Robert H. & Sarah S. Duran, owners, was sworn.** Ms. Duran thanked the development team for all their time, hard work and professionalism for the project, and the Planning Commission for hearing this case. She said she submitted a detailed report indicating their position with regard to the conditions of approval proposed by the Land Use Department, saying she assumes you reviewed that report and won't read the report, but will summarize their position.

Ms. Duran read a statement into the record in opposition to the conditions of approval, as follows:

*Please keep in mind that we are not specialists in the Land Development Code, we are not developers by trade, or lawyers and that the Duran family has been in Santa Fe [for] generations, and that our family has resided on Siringo Lane for more than 50 years. Having said that, please understand that we have spent numerous hours reviewing the Land Use Development Code, specifically Article 14-9 Infrastructure Design, Improvements and Dedication Standards, in order to understand and present our position here tonight.*

*So the intent of the rezone for the Duran family was basically to initiate a family transfer lot split, so that I would be able to build an affordable home in Santa Fe close to my parents. So we are all getting up in age and the idea was how wonderful would it be to live next to my parents at this time in our life to be able to support one another, and what an opportunity for me to be able to take advantage of a little piece of heaven, the property that my parents have owned for a very long time, right here in my home town that would actually be affordable. In order for me to be independent of my parents, we felt the best way to go about this dream, would be to rezone and do a family transfer lot split.*

*Well, to our surprise, we were hit with a curve ball when we discovered that the process of rezoning wasn't as simple or user-friendly as anticipated. So after reading the November 18<sup>th</sup> Memo, we realized that our intent to read one family after the family transfer lot split was to completely change the character of Siringo Lane, our nice little quaint Siringo Lane. Because we were now being subject to a require that would take a substantial 10 foot easement, and we would then have to tear down an existing 144 foot beautiful adobe wall with four 17 ft. wing walls in order to put 5 foot sidewalks that would serve no public purpose or significant benefits, since there is less than pedestrian use and less than minimal vehicle traffic on Siringo Lane.*

*So the Land Use Department called Siringo Lane a unique street situation, in which they have determined it is not a public street and it is not a typical private street either. According to the Land Use Department, ownership and maintenance responsibility of Siringo Lane has not been determined. However, it is my belief that my father, Robert Duran, has played a paramount role in making certain that Siringo Lane received funding for pavement, curbs, sidewalks and gutters in 1993.*

*Siringo Lane once was a dusty, muddy mess, but now it is a very pleasant, functional, paved private driveway which is allowed for the sole purpose of allowing the residents access to 7 lots on Siringo Lane. My father has managed to maintain excellent documentation on the history of Siringo Lane dating back to the 1950's. I would say it has been through my father's efforts, that Siringo Lane is as nice as it is today, and he has documented all of the changes and who has provided the development team with answers to many questions regarding Siringo Lane. By the way, when the roadway was paved in 1993, only curbs were installed and the road was paved. There are not any sidewalks or gutters, even though there was funding provided for them at that time.*

*Therefore, it is our position that we are opposed to the additional requirements as conditions of approval proposed for this rezone project, which require easement dedication and sidewalk construction at the time of our family transfer lot split, or at the time of the construction of my home. It is our position that imposing these conditions of approval are unnecessary and unreasonable. It is also our position that we do not support the proposed expansion of Siringo Lane from a private driveway or lot access driveway into a private lane as proposed by the Land Use Department.*

*[STENOGRAPHER'S NOTE: Ms. Duran offered copies of the following, Exhibit "7," to the Commission, and gave a copy for the record to the Stenographer.]*

*Ms. Duran read the contents of Exhibit "7" into the record as follows:*

*The Applicants propose to the Planning Commissioners to approve the 2504 and 2505 Siringo Lane Rezone Project as follows:*

- 1. Approve Exemption from the Land Use Development Code (Reference: Article 15-9.2(E)(1), (2) (a,b & c) which requires easement dedication and sidewalk construction for this rezone project, at the time of a family transfer, construction permits or prior to issuance of a Certificate of Occupancy for Siringo Lane.*
- 2. Approve Siringo Lane to remain a private driveway or lot access driveway, according to Table 14-9.2-1 Design Criteria for Street Types. Siringo Lane is a 17 ft., paved, dead end street with no through traffic, less than minimum pedestrian and vehicle traffic. There are essentially only 7 lots that have access off Siringo Lane as the lot at the Northeast corner at the dead end has no direct access from Siringo Lane and is essentially Land Locked. The history of Siringo Lane indicates that within the past 55 years, there has been minimal development. There have been only 2 homes built via Family Transfer or inheritances of the land. There are 5 "forever" landowners on the entire street. The sole purpose of Siringo Lane is for the use of the private residents and serves no public purpose.*
- 3. The Applicants would like the Planning Commission/Governing Body to take into reconsideration the "If" and "May" statements (Ref: 14-3.5(D), Additional Requirements (1) and (2) of the Proposal Report for the 2504 and 2505 Siringo Lane Rezone Project and*

*future Duran Family Transfer Lot Split and determine that it is not necessary to consider the potential future impact at this time, but rather leave that consideration for the future when and if this potential for growth is created.*

Ms. Duran said, "After reviewing the current Memorandum of December 29, 2014, presented for this meeting tonight, it is the Applicants' position that we feel confident that Mr. Zach Thomas has presented enough avenues within the Development Code, which offer the Planning Commission the discretion and flexibility to consider Siringo Lane's unique circumstance in determining that the proposed conditions of approval do not apply, and that it is really up to the Planning Commissioners to allow innovation and exemptions in our unique circumstance. Thank you for your consideration. And we, the Applicants, would appreciate your support and your approval as I have outlined."

Ms. Duran said there are members of the Rancho Siringo Neighborhood Association in attendance this evening that are in support of their position, and thanked them for coming.

Chair Harris asked if Mr. Smith or Mr. Duran would like to speak to the issue as Applicants at this time.

**Robert Duran, owners [previously sworn]** said he and his wife Sarah are the owners at 2505 Siringo Road. He said, "The reason for the application to the City Land Use Department was simply for a rezoning from R-1 to R-3, and for a future family lot split for my daughter, Linda, to construct an affordable house next door to us. I am also in complete agreement with Linda's letter to the Planning Commission dated 12/29/14, for approval for rezoning the property from R-1 to R-3. Also the Memo to you dated 12/29/14 states by City staff, that Siringo Lane is not a public street, and therefore, it is our position that Siringo Lane should remain designed as a lot access driveway that does require right-of-way easements or sidewalks, according to the design criteria for street types as noted in Table 14-9.2.1. Therefore, I am requesting that this Planning Commission grant an exception to the proposed conditions of approval for rezoning, and at the time of the future request for a building permit, then this, I think would eliminate the negative impacts on Siringo Lane and the existing structures that are already in place. And also, Siringo Lane has no existing street lights and the average width of the driving lane is only 17 feet wide, and it is also a dead end street. And we also have the support of the Rancho Siringo Neighborhood Association. So thank you."

Chair Harris said, "We do have the series of photos in our packet, so thank you."

**Daniel Smith [previously sworn], 2504 Siringo Lane,** said he has had the property since early 1972, for 43 years. He said, "At the time I bought it, it was a house and 3 apartments, all of them were attached to the house. I converted one of them almost immediately into the master bedroom of the house, and since then there has been the house and two apartments there. Over the last 30 years, there has never been more than 4 occupants in the place. And I joined as an applicant with the Durans for the sole purpose of bringing my property into compliance with zoning. Because, since I have 3 rentals on the property, designation as R-1, it's not in compliance with the Code, and I don't have to fight the battle of

whether or not it's legally non-conforming, and I'd like to have it zoned and also have the right since there is a lot of land there, to further divide the property in the future if so desired."

Mr. Smith continued, "When the City put in City water, City sewer and paved the road and all of that, the [inaudible] said the area was trying [inaudible] for infill. As was mentioned by Zach, the contiguous properties to our lots are zoned R-2, R-3 and R-5, and there is one R-1 on the other side of my lot, but anything else has a higher density. It seems logical to go ahead and be able to do that. We did put in the water and sewer..... they put in a water stub-out on the lot on the north end of my lot... there was a vacant ½ acre lot here. I paid \$2,300 to let them have a water stub-out put up there. If I don't have zoning, that water stub-out [inaudible] so that defeats the purpose of having infill on that lot. It seems like this should be a rather routine matter to go ahead and approve the zoning to R-3, similar to what has happened in the area."

Mr. Smith continued, "The objection really is to having to grant an easement of 10 feet of our property for the purposes of sidewalks and for some type of landscaping. If you look anywhere in the area, there is nowhere that I know of, within ½ mile, I don't know of anyplace there anywhere there is a 10 foot easement that has a 5 foot sidewalk and a 5 foot easement for landscaping. For having two lots, to have to do that, and to have to give up part of their lawn, while the rest of the people of the road don't, and try and put in a sidewalk on this land, just really a total aspect of beautification we would have to tear down existing improvements. So my request is that you approve the rezoning to R-3, and waive the requirement for an easement to the City and building a sidewalk. Thank you."

#### **Speaking to the Request**

*[All those speaking were sworn en masse]*

**Debra Burns [previously sworn]**, said she supports approval with denial of the conditions. She said their neighborhood is mostly single family residences, and the fabric and character is about families, and Mr. Duran has lived there for 50 years and would like to help his child, saying, "That's what we're about." She said, "I understand that without the City being able to prove its position and provide documentation to change it, it really is the onus on state government to do that. These unreasonable conditions are an undue hardship and harm both of the applicants." She distributed a revised letter [Exhibit "6"], from the Rancho Siringo Neighborhood Association dated January 8, 2015, in support of this application, and read the letter into the record. Please see Exhibit "6," for the specifics of this presentation.

**Mary Schruben, Rancho Siringo Neighborhood Association [previously sworn]** presented information from several color aerial maps on the subject site, using the overhead. [STENOGRAPHER'S NOTE: The maps were not entered for the record.] Ms. Schruben talked about the origin of the neighborhood which began with some ranches, and identified the ranch land and homes which exist today. [Unfortunately, the entirety of Ms. Schruben's remarks were for the most part inaudible]. Ms. Schruben said the character of the neighborhood is important to the residents. She said all of 'this' area in the center of the map retains its character. She said the Rancho Siringo Neighborhood Association urges the Planning Commission to remove the conditions requiring the easement and building of the sidewalks, trees

and landscaping which would be inconsistent with the character of the neighborhood, and it is unnecessary because there is no pedestrian use on this road, and it is considered by the neighbors to be a historic and would like it retain the characteristics.

**Joe Chesinsky [previously sworn]**, said he has the oldest house on the street. He said he is overwhelmed by the professionalism of everybody else here. He said, "We just live on a one block long street that is quiet and peaceful, and like the other streets there are no sidewalks. I bought it because it was quiet. I have stress in my life and this place is very quiet and peaceful. He said, "There's no place to go to, you can't have a destination other than where we live on this street. It's a one-block long street. Had I known about the lot split, I probably would have requested that for my lot just to do it and participate in it, but I wasn't privy to the information. It is a wonderful, quiet, peaceful neighborhood, I would love for Mr. and Mr. Duran's daughter to be able to live there and be of assistance to her parents, as her parents were to her when she was growing. I don't know anything else to say, I just wanted to say something, and I thank you. I see it's a very professional analysis and very compassionate, and pastoral also, so thank you all for your time. All of the lots are less than one acre."

#### **The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Villarreal thanked the community members for coming out tonight, because she thinks it's important to hear from them as well as to show a historical perspective. She supports the rezoning specifically because it's a continuation of a family legacy and being able to support a family transfer. And she thinks it is a unique area because it does still maintain its rural character. She said, "It is close to where I grew up and I actually commend the staff as well because they are doing their due diligence to follow the Code. I think that's important as well. But this particular area is very different. I've had friends that grew up there..... And when you look at the pictures, they're real strange if you change that with sidewalks, etc."

Commissioner Villarreal continued, "My question and this may be for staff. If the applicants aren't wanting the conditions set forth by staff, what would be the status of the road in terms of future maintenance, and what would that look like. I guess I'm just trying to figure what that would look like in the future."

**John Romero, Traffic Engineer**, said, "So right now, the action of the Planning Commission wouldn't affect maintenance and/or ownership of that road. My condition in my Memo was more just a reiteration of what Code already says. And the reason I felt it appropriate to bring it up here, is so that everybody knows what that states. Because right now it's 8 lots, which qualifies for a driveway. More than 10 lots, which this could create the potential for, would consider it a lane, and lanes according to Code can be public or private, but lanes require sidewalks. And so if this wasn't brought up now, and you guys just approved the rezoning without mentioning this, when they would come forward for a lot split and/or a building permit, or a renovation of more than 500 sq. ft., Staff administratively would have to require this.

Mr. Romero continued, "So if the Planning Commission did not want this to happen, and/or the Council, I would think the best thing to do would be to attach to the zoning, an innovative street design that says we don't need sidewalks, if that is the wish of the Planning Commission and/or Council. That's why I wanted to bring it up now. Because if it wasn't brought up, it would still be a condition for the [inaudible] Code."

Chair Harris said even though it is represented as landlocked, there are 8 lots on Siringo Lane. He said, "As Ms. Schruben demonstrated, and as we know from other actions, other cases here, there is a consistent pattern of future development. Even the last gentleman who spoke said if he had known, he might throw his hat in the ring as well."

Chair Harris continued, "So I think we have to really acknowledge that there is an ongoing pattern of development in the Rancho Siringo area to create lots either consistent with R-2 or R-3, which is already in there. So that's what I think we have to consider now, instead of in the future, as Ms. Duran made a very good case for that. But I just have to disagree on that one. Based on what I've heard, even tonight, that there is consistent development in the neighborhood. And I also have questions about the nature of the improvements for Siringo Lane."

Chair Harris continued, "And I should say too, I asked Ms. Baer to confirm some of the physical characteristics of Siringo Lane which she and Mr. Thomas did. And maybe, Mr. Thomas if you could step forward, I would like to ask for you to verify what you observed and measured at Siringo Lane. So, for instance from face of curb to face of curb, what kind of dimension did you come up with."

Mr. Thomas said, "I did walk the length of Siringo. We took a standard tape measure, and measured from face of curb, face of curb, and it varies between 17 and 18 feet, maybe hovering closer to 18 feet, sometimes it wavers and goes to around 17.50 feet or so, but I think, generally speaking, I know the Applicants had mentioned a 17 foot road width. Perhaps that's accurate when you add in the small gutter pan that is on the side, perhaps it's 18. Generally, from curb face to curb face it's roughly 18, I think that's fair enough to say."

Chair Harris said, "And the curb and gutter profile is pretty much continuous along Siringo Lane."

Mr. Thomas said, "It is continuous with the exception of the curb cuts."

Chair Harris asked, "Curb cuts, one or two per lot."

Chair Harris said, "What I'm going to be getting to is really kind of emergency situations. Because what we have is just that continuous roadway, call it 18 feet, or if you measure back of curb, a little bit wider, and that's continuous. And there's no other cul-de-sac certainly. We've talked about cul de sacs already this evening, or any other hammerhead. I'm thinking in terms of emergency vehicles. Is that what you found."

Mr. Thomas said, "Well, there's no emergency access hammerheads, no. I guess turnarounds would be the driveways I suppose. There is a small cul de sac if you will at the end and we measured that at roughly 28 feet, roughly, diameter. But, as you saw from the aerials here tonight, as well as in your packet, there's not hammerhead turnarounds incorporated. That wasn't perhaps considered in the 1950's layout."

Chair Harris said, "Thank you Mr. Thomas. And we heard the efforts of Mr. Duran to obtain money from the State, a legitimate process, for those improvements to the roadway. And then I guess, subsequent to that, it was a little unclear exactly the circumstance for water. We know the water's in the street, that's acknowledged in Ms. Duran's statement. Is sewer in the street as well, Mr. Duran, can you verify that."

Mr. Duran said, "There's currently sewer lines, water lines and the gas lines are in place. And the water meter is in case of a fire, a fire hydrant. Those are all in place. And I'd just like to make a comment on the width of the street. I went out today and measured the street at different locations, starting at the dead end of the street and then all the way down to the end of the street where you turn onto Rancho Siringo Road, and I came up with an average width of a little over 17 feet, and in places it might be 18 feet, but most of the street is around 17."

Chair Harris asked the location of the fire hydrant.

Mr. Duran said, "The fire hydrant is located right across from my property, from my driveway."

Chair Harris said, "So internal to Siringo Lane, there is a fire hydrant."

Mr. Duran said, "There's a fire hydrant at the corner of Siringo Lane, the entrance, and there's one right across from my driveway."

Chair Harris said, "So we have City water, City sewer, we have all that in a private road. Is there any easement that was dedicated for these, which is pretty typical, I'm sure you understand."

Mr. Duran said, "It was just designated as a road when they did the initial lot split in 1959, which is when she decided to subdivide the property."

Chair Harris said, "In 2005, what was normally done was to dedicate easements for those public utilities. I think there's an expectation on the part of the residents on Siringo Lane, that if there's a break in the water line which is happening. In Casa Alegre, there's a lot of breaks in those lines there. So, to me, it's a bit of an issue that we've got what's claimed to be, and I think under the current standard is a lot access driveway for 8 lots, current standard, that's the way I would interpret it. We know there's a proposal to rezone that will potentially create new lots, and there's other neighbors who think it's good. In the ENN meeting, others stepped forward but weren't identified by name in the neighborhood, that think it's a good idea. My point is and I understand your position and why you would like to keep it as it is. But to me it's problematic from the point of view of public utilities in that private street that were in place in the 21<sup>st</sup> Century as well as the emergency aspect."

Chair Harris asked if Fire Marshal Gonzales is available. He said just as you heard Mr. Romero talk about what would happen at the time of a building permit. Let's say the rezoning is approved without the conditions as suggested by Mr. Romero and incorporated into the staff report. He said Mr. Romero said we could acknowledge that as an innovative design now, but there would still be the issue of fire department access. He said under the IFC, the International Fire Code, it requires a minimum 20 foot width, and requires other physical conditions, many of which Mr. Duran meets. He said, "One condition that I think Siringo Lane would have a hard time meeting potentially would be the turnaround. Now there's other issues, the automatic sprinklers for houses, those types of things that would be provided."

Mr. Duran asked the Chair if he is concerned about a fire truck getting in on that road.

Chair Harris said yes.

Mr. Duran said, "That shouldn't be, because they can in there, there's access."

Commissioner Padilla asked Mr. Thomas, "Do we know, or can you tell me, Rancho Siringo Road is paved and are there sidewalks currently."

Mr. Thomas said, "There are, according to the Applicant, sidewalks on Rancho Siringo Road. Now, I do believe that this came from that 1993 public notice that referred to paving and improving 3 streets, one of them being Rancho Siringo Road. That would be our understanding at this point, that it occurred."

Commissioner Padilla said, "Well, maybe we could get some help from the Rancho Siringo Association representative, maybe Ms. Schruben, being familiar with the area also. Cactus Lane it is paved road, and sidewalks on Cactus Lane."

Ms. Baer said, "Yes. Cactus Lane has sidewalks."

Commissioner Padilla said, "So coming off Yucca, we have, and going west on Cactus Lane, all we have is an improved pave road, curb and gutter, no sidewalks there. So if Mr. Thomas could respond, either for the Association, or Ms. Schruben, if you wanted to."

Ms. Schruben said, "There are no sidewalks on Cactus Lane."

Commissioner Padilla asked if there is curb and gutter.

Ms. Schruben said, "Yes, but no drainage and all the drainage is gravity." Ms. Schruben and demonstrated this on the map via the overhead.

Commissioner Padilla asked if there are sidewalks on both sides of the street east.

*[Ms. Schruben's response here is inaudible]*

Commissioner Padilla asked if there are sidewalks on both sides of Siringo Road.

*[Ms. Schruben's response here is inaudible]*

Commissioner Padilla said, "Then Rancho Siringo Road is paved, with sidewalks on both sides."

Ms. Schruben said, "Correct."

Commissioner Padilla said Siringo Lane is paved with a curb, which is the improvement on that road.

Ms. Schruben said that is correct and indicated the location on the aerial map using the overhead.

Commissioner Padilla said, "Thank you for the clarification of the curb and gutter and sidewalk. My question then to staff is, right now we're looking at 2504 and 2505 to approve for rezoning of those to R-3. Correct."

Mr. Thomas said that is correct.

Commissioner Padilla asked, "What would prevent, or is there anything to prevent what I'm going to assume residents to the east or west of these two properties from coming in for rezoning, and maybe at some point, also a lot split. Is that possible."

Mr. Thomas said, "Yes, that is possible, in the sense that someone could, in theory come in and submit an application for a rezone."

Commissioner Padilla said, "So it's possible that each lot to the east and west of 2504 and 2505 could come in an request a rezoning also to an R-3. So therefore, what we see right now as 8 lots being serviced by this private street, private driveway is what we're calling it, could ultimately have obviously more than 10, which would require a street constructed to the lane design also requiring sidewalks. Those sidewalks would connect to the Rancho Siringo Road sidewalk pattern."

Mr. Shandler said, "For the record, you said 10, the number is really important. Could we just get a clarification of what the magic tipping point number is Mr. Thomas."

Mr. Thomas said, "As the Code reads, if it is more than 8 lot access driveways it can provide access up to 8, so including 8 lots as we have today. So anything more than 8, as Mr. Romero was saying, requires the additional right of way."

Commissioner Padilla said, "Which, if we were developing it new, it would be considered a lane with sidewalks. Okay."

Mr. Thomas said, "Really quick, I would like to point out Commissioner. You had mentioned properties to the east and west. This one to the west of 2504 is actually already zoned R-2. So that one is zoned R-2 on the corner."

Commissioner Padilla said, "So I think the point that I was wanting to make is, granted, I appreciate the rural nature of the community and so forth, but with lot splits happening, it will create additional traffic. It will create additional development, and therefore, that rural atmosphere could be lost, and I just want to make sure that as we look planning-wise down the road, to consider the connectivity for pedestrian access up and down the Road. I know a statement was made that there is no pedestrian access on that. I'm sure people go out walk. I'm sure people go out and walk their dogs, do their exercise and so forth, so as we look at developing properties, I think we need to keep that in mind for safety and also for overall development ideas that pedestrians access through sidewalks as opposed to walking on the road need to be considered. Just a statement that I would like to make."

Commissioner Pava said, "If I might ask a question of Mr. Thomas. I may have missed it. But if you look at the present zoning and the development patterns on Siringo Lane, how many more units could occur here in the future, given your assessment of this case, and of development patterns in the neighborhood and in Santa Fe. We have now a 17 feet wide rural roadway that serves 8 lots. If we approve this zone change, we may end up with 9 lots, and then.... what do you think?"

Mr. Thomas said, "Kind of a million dollar question I suppose tonight. Staff has contemplated that, Land Use, Traffic Engineering, along with the Applicant. I think what we're looking at here, what's being confirmed by what the Applicant has stated, which is this kind of remnant rural peace in the City, and that's both something that's appreciated and enjoyed by the neighborhood, the property owners in the immediate area. However, it's also, and again this word has been thrown out tonight, an infill opportunity. So, that's a good question. I think the reason R-3 zoning chosen was chosen, as opposed to the R-2 or R-5, for example, was because the Code requirement says that any property under 2 acres can only be rezoned to a zoning district that's adjacent to that."

Mr. Thomas continued, "Linda Duran came in and spoke to staff about it, and that was the property at 2505 Siringo Lane, but the only adjacent zoning district that really worked was R-3. When Mr. Smith kind of joined the application process, he could actually have requested zoning to R-2, so that would have been adjacent to him, but it wouldn't have really solved his problem of already having 3 units on his property and wanting to come into compliance."

Mr. Thomas continued, "So to get back to your question, it really depends, because there is kind of a range of zoning here. There is R-2 all the way up to R-5, and that's a pretty significant difference. So I think in a reasonableness scenario, I think how these properties have been developed, is that you kind of have development on half the property. And so perhaps maybe.... they're requesting R-3 here the reasons I stated. Really what they're wanting to do is one, Mr. Smith do nothing just come into compliance, and then Durans build one house. So it's really to know if the next neighbor will want R-3 or R-2 or R-5. I could see looking at the land development pattern of a few more houses being developed, but probably not 20 or something like that."

Commissioner Pava said, "I appreciate that background information. It's kind of helpful. I would note for the record that there are many parts of Santa Fe that, were they to be developed, they are the most charming, whether they are developed today or against Code, and it's not just good or bad, it's just a fact. So we have this tension between the desirability of traditional neighborhoods, and in this case, a cultural landscape literally, as was evidenced by the historical presentation we got which was very interesting. And we have the Land Code requirements and then something in between, so I guess it's up to us to walk that fine line."

Commissioner Gutierrez said, "On one of these I'm looking at one property that joins Rancho Siringo that is vacant. Is that still the case or is this an old.... so that still needs to be built out."

Mr. Thomas said that is currently vacant.

Commissioner Gutierrez asked if they would access this property through Rancho Siringo or coming down Siringo Lane.

Mr. Thomas said this property would be accessed from Siringo Lane.

Commissioner Gutierrez said then Mr. Smith and the Durans live across the street from one another.

Mr. Thomas said, "That is correct. On the two red highlighted parcels."

Commissioner Gutierrez said, "Mr. Romero what you're asking for is 10 feet from both of them for sidewalks on both sides."

Mr. Romero said, "Actually, Code is asking them for that, it is asking for a 5 foot sidewalk with a 5 foot buffer."

Commissioner Gutierrez said, "Has anyone entertained the idea of putting sidewalk on maybe one side of this road to compromise."

Mr. Romero said, "According to Code it would be an innovative street design that you guys could propose. I guess my thought on it is we have multiple cul de sacs throughout all the City, including the new development with 10-12 houses, so they all have routes with the same amount of vehicular and pedestrian traffic. So, if our justification is that this isn't needed because there's not that many houses, then we should probably justify that for all other cul de sacs that have 10 or less houses on it, which we don't do. I know it's different from the way it was developed in the past, but I think Code has been developed because we have been developing as a society. We went from covered wagons to cars to now we're multi-modal. That's one thing that our General Plan and our City tries to pitch is multi-modalism, and promote biking, walking and all that stuff. I think that's why Code is set up the way it is, putting in a sidewalk when it wasn't that way in the past."

Chair Harris said "I'm assuming we don't have a dedicated right-of-way at Siringo Lane. Nobody said there's an easement in place for the water and sewer and other public improvements. What's the City's view of that. Do we have that situation in many other cases, and do we try to correct it when we have the opportunity in a case such as this."

Mr. Romero said, "As far as the right of way of the road, in my opinion, it's not a party to the properties that these people own. Their property goes up to that road, so it would have to be something else, other than what we could control with their application to get that whole road. If you're looking to get it dedicated to the City, easements created, I don't know if they can, because the plat that I looked at, their property line goes up to that, so it's almost like a common way that we're trying to figure out who owns it. So if we determine if it's someone other than the City, then we've got to approach that other person, whoever that may be."

Chair Harris said, "I'm assuming that..... Mr. Shandler can you answer how this might be approached. Are you familiar with any other circumstances. Because I think it's in the City's interest, in the public interest, to have easements in place to properly maintain those public utilities."

Mr. Shandler said, "As indicated in Mr. Thomas's Memo, we consulted a variety of different staff members, and I believe this was a unique situation from everyone's recollection."

Chair Harris said, "Mr. Romero, and I realize this is outside your specific discipline, but if we have a water line break... we know we don't maintain the street. The Applicant has said the street is not actively maintained, so I'll accept that, and maybe in the past it may have been. Again, if the street is not actively maintained because it's private, what would the City do in the case of a water line break."

Mr. Romero said he knows it's not maintained from the roadway standpoint, but he doesn't know utility-wise. He assumes if someone caused a stink about the City not having rights to access the utility, then the residents on that road would not have that utility and they would be responsible for maintenance and repairs.

Mr. Duran said, "As far as the utilities are concerned, they are maintained by the City, because they go out there and they clean out the sewer lines, and read the meters and clean the streets. So they are maintained by the City. The City truck goes out there occasionally and cleans the streets. The sewer department, they go out there and clean out the sewer lines. The Water Department goes out there and reads the meters, so why are they doing that if it's not maintained by the City."

Commissioner Ortiz said, "It's really confusing here where, it's on the second page of this Memo it says, "It has been determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street. But I see tremendous amounts of actions that says it is a public street. They put in, with public monies, they built this street. And the way I see it, in my opinion, it's a public street."

Mr. Duran said, "But not according to staff."

Commissioner Ortiz said, "Then I go back and I'm trying to think, because I was with the Streets Division, did we ever maintain that street. I don't remember us maintaining that street, but every other street, Cactus Lane, all the other ones that run parallel with it are public streets. And if this was a public street, it would make our case a lot easier-- that says, you really should comply with the Code, because it is a public street. So it's really putting me in a predicament. I've been thinking about all of this. I just don't get this."

Mr. Duran said, "I don't either. It's very confusing. So they refer to it as a lot access driveway. So, according to their Street Design Standards, a lot access driveway doesn't require an easement or sidewalks according to the table."

Commissioner Ortiz said, "I'm still going back to... I have a public notice that says they spent public funds to build this street. And then also, the crazy ironic thing about it all, I look at it, there's a balance of \$23,837. Where did that go. They could build sidewalks with it."

Mr. Duran said, "What happened was, Ike Pino at the time was the City Manager. I talked to Isaac about getting money to pave those streets because they were dirt roads at the time. So Isaac was able to get the funding to pave Rancho Siringo Road, Rancho Siringo Drive and Siringo Lane with State funding."

Commissioner Ortiz said, "And Mr. Duran, that's probably the case, and in that situation, all the other ones are public streets."

Mr. Duran said, "I think the reason why they didn't put sidewalks on Siringo Lane at the time they paved it is because they could not find out the proper designation for Siringo Lane."

Commissioner Ortiz said, "Thank you Mr. Duran. It was just my opinion on that, because I think it's very difficult for this body to make a decision on this, at least for me it is. Because I need to know if it's a public or private road, and it seems like we don't know that at this point in time, but all the actions are that it's a public road. That's all I have."

Mr. Romero said, "My opinion is that Code is a moot point, private or public. A lane can be private or public, but it requires sidewalks. So I don't know if that is truly relevant to whether we can forego Code wise, building the sidewalk."

Commissioner Bemis said she sees the problem being not the land, as much as the sidewalks and curbs. She said, "You do not want sidewalks and curbs. Right. And I don't know why that is such a problem. I mean, why should you have to have sidewalks and curbs. Is the City, do they sweep those sidewalks, clear the snow, no."

Mr. Romero said it is City Code that the adjoining property owners sweep their own sidewalks, even if they are on public City-owned right of way. It still is the adjoining property owner's responsibility to sweep them.

Commissioner Padilla said since there is no survey in the packet, could staff describe the property lines, what would be the south property line and the north property line. Are they in the center of the road, or are they back of curb.

Ms. Baer said, "No. Mr. Chair, Commissioners. If they were in the center of the road then the street would be owned privately as a part of that property. Actually, it's not entirely clear, because the property lines are based on that old plat, but the street is excluded. And on that *[inaudible]* that Mr. Thomas is showing you, on that plat the street is shown as, I think it's a 20 foot road."

Commissioner Padilla said, "Thank you. So I'm going to assume that the property line in essence that road, is in the right of way. It is the right of way for the land there, public or private, it hasn't been determined. The one thing I'd like to mention and go back to again, is.... it was a great presentation on the overall history of this land, the complete openness, it being open ranch land or grazing land, ranch land, and it continued to be infilled. I think we really need to be aware of the fact that this could continue to develop, it could continue. Granted, right now there's a request for a lot split for 2505 Siringo Lane. Well what's to preclude the adjacent property owners to want to do the same thing. And therefore, I think we need to not lose sight of our responsibilities as the Planning Commission to make sure and think long term about how we develop and develop properties, and therefore, the overall safety and requirements Code-wise as to sidewalks, curb and gutter, road sizes, etc., landscaping and so forth, just as we do in other developments that we receive, whether they are from the ground up from scratch. A great opportunity to create a strong infill community, and it gets developed, it will lose that rural feeling. But as it develops and becomes a little more dense, then we should be able to make sure we have amenities of curb and gutter and sidewalks. Granted, a lot of times, the first one in is the one that bears the biggest brunt of that, and maybe for a while will be the only ones with sidewalks in front of their property when they choose to develop it. But as subsequent properties develop, then there's the connectivity that could be the connectivity all the way down to Rancho Siringo Road, and then off and around. So just a quick statement."

Commissioner Villarreal said, "I had a clarification question. I completely agree about planning for the future, because this is a situation where there will be future development, whether it's a family transfer or not. But I guess I'm confused. Then who takes the burden for paying for the sidewalk cost if we move forward with this. Can you explain that to me, maybe that's a naive question, but I just need to understand that."

Mr. Romero said it would be each respective property owner on a lot by lot basis, so in the end the overall burden is fairly equal. Everyone has to build their own frontage and sidewalk.

Commissioner Villarreal said, "As each property decides to subdivide, they would be required to put in sidewalks."

Mr. Romero said, "Provide under Code, and/or renovation over 500 sq. ft. or new construction. It is now a lane because it has the potential for over 8 units, so with only one house, they would have to do it as well."

Commissioner Villarreal said, "So the way this would look is they would have up to their property, curbs just for their lot, and thereon it would continue the way it looks now. You're saying it's like piecemeal. Correct."

Mr. Romero said, "What's being proposed by staff, the sidewalk would be piecemeal, so there would be patches of sidewalk set back 5 feet from the existing curb."

Chair Harris said, "I did want to say that I think there's a question that is not going to get answered, one way or the other tonight on the fact that we've got public improvements, those public utilities and streets. Well this private street is seemingly being maintained by the City. We have water and sewer that are being maintained by the City, but by all accounts, not in an easement. However we settle on the sidewalks, to me the biggest issue is to kind of clean up the record, getting those easements in place, so that otherwise, to my way of thinking, if the people on Siringo Lane didn't want an easement over the water and sewer, then it's their responsibility to maintain as well as the street. That I think is my view of things."

Chair Harris said, "And I also would like to know what the Fire Department.... I realize that review perhaps won't get triggered until there is some other development plan request, whatever the nature of that may be. I would really be curious as to how the Fire Department would approach it, and try and solve the problem of providing adequate fire protection with the equipment that they have these days. Those, to me, are two big issues that speak to the public interest that go beyond just the Applicants' interest. Beyond that, I've given Commissioner Pava time to craft his motion."

Commissioner Gutierrez said given that this road is 17 feet and they don't know if it is public or private, if they decided to try to give it to the City, what would have to be done for the City to accept it.

Ms. Baer said the issue is that we don't know who actually owns the road. She said, "The best answer we've been able to come up, with are the heirs of Riztsky who created the original subdivision and owned all of that land, and who knows who that might be."

Commissioner Gutierrez asked if there is a way to say, "We want you to take this. Would you take it, or would you make them improve it to a 20 foot road or a 26 foot road."

Mr. Romero said, "My opinion, is according to Code in order for it to be dedicated to the City, it has to meet City standards, unless an innovative street design is approved by the Planning Commission. The City standards for that road would be 20 feet, and two foot curb and gutter, right now it's just curbing. So 20 feet of asphalt, the gutter pan and curb that takes up two feet on each side, plus the sidewalk and buffer."

Mr. Duran said, "I'm confused, because I was told in one of the meetings with staff, that if we dedicated easements for sidewalks for the whole street, on both sides of the street, then I would have to knock down my adobe wall, which has been in place, it's right up to the property line. And it's an expensive adobe wall, and I have 17 feet wing walls coming into the driveway. I have iron gates. And I was told if I dedicated easements those structures would have to come down, which is unacceptable to me. And it would also affect the other neighbors who have fences already up to their property line and

driveway. You could come 10 feet into my property, knock down my walls and the shrubbery I already have. That's totally unacceptable to me, and I don't agree with those conditions of approval."

Chair Harris said, "Thank you Mr. Duran, you've made that point. Mr. Smith do you want to make a point in closing."

Mr. Smith said, "I would just like to say that it looks like you're looking at the area as a whole, and not looking just at this request. The request for myself is to be R-3, so I'm in compliance with something that's been there for over 50 years as it. That's all I'm going to do is be in compliance and do nothing else. I'm not willing to give up 10 feet of my property for their easement, so that's sort of a moot question. I mean, if that's the way it is, then we'll withdraw our application, whatever we have to do. And I think the Durans are in the same position."

Mr. Smith continued, "I think the staff has asked that you look at an exception of having that as a requirement at this time. In fact, I don't think there's anything in the Code that says it has to be a requirement at this time, because we're not asking for a lot split at this time, we're only asking for a rezone, and looking at compliance if there are lots in the future. But if you were to grant the R-3 now, I would be in compliance. I don't have to give up any of my land. The Durans could possibly build a guest house over there and not split their lot. They would be in compliance, and the whole area would still be in compliance. I don't think they should put the burden on our request to make us responsible for the entire area what would happen with development in the future. And I would ask that you look for just the ability to not have us have a requirement for dedicating land and building a sidewalk as part of a request to change our zoning from R-1 to R-3."

Mr. Smith said, "And there are exceptions all over. As I drove up here, my office is over here on the corner of [inaudible] for 30 years and there were parking issues around here. I parked tonight on Sheridan. And you've got a sidewalk over there, the widest of which is less than 3 feet that goes down to less than one foot and in the middle of it has a sign post, and there's parking meters and everything else. And you've got a bus station right across the street. You have more people in one day on that two foot wide sidewalk than we would have in a year, and they're making such a big issue about the need to have sidewalks on Siringo Lane. And it will never be developed to where everybody is going to put in a sidewalk I don't think. I've lived in Santa Fe for over 60 years. I've got 5 kids and 12 grandkids, and it would be nice at some point to do something with that property. But maybe it will never happen, but I'm not looking for development. I'm just looking to be in compliance at this point. And I think you're looking way beyond what our request here is tonight without a sidewalk."

Mr. Romero said, "To Mr. Smith's point about my Division's request to dedicate the easement right now. I had sent an email for the packet which adjusted that requirement. So basically, and this is all verbatim from Code, so this is just a reiteration of Code. The easement, sidewalk will only be required at the time of subdivision, new construction or renovation. So for Mr. Smith's property, if he rezones it and does nothing, he will not have to dedicate an easement until one of those things happen. So that is an amendment to my Staff Memo that I would like to make that the easement only occurs at one of those three triggers, not right now as part of the rezoning."

Chair Harris said and a lot split would be a trigger, and Mr. Romero said a subdivision would be one as well.

Ms. Duran said, "I really agree with Mr. Smith, and I would really like for you to look at the human side of this. I told you, we're not big time developers. I told you that we are a family that has been there for over 50 years, and we intend to keep this within the family, as I'm sure all of the rest of the landowners on that street, because it's been family. We're not planning a sprawling development. And to me, hearing you talk, it sounds like you are planning for this big future development, which I state has not even occurred. In the last 50 years, there's only been two houses put on that street, whether there's 8 lots or not, I really would urge you to look at what we're really applying for here, and not require us to give an easement. I know if it's required, it's not going to happen, and that lane will stay that way for 30, 40, maybe even 50 more years. So we're just totally opposed to it. If you put those restrictions on it and say we have to do that, we're not going to do that. And you'll never get an easement, and we'll never get sidewalks and it will stay like that. And that's why we have the landowners here today to state the same thing. We like it the way it is."

Commissioner Pava said, "If I may, I will present a motion for consideration by the Planning Commission.

**MOTION:** Mr. Pava said, "In the matter of Case #2014-104, 2504 and 2505 Siringo Lane Rezoning, the Planning Commission recommends to the Governing Body approval of the rezoning from R-1 to R-3. The Planning Commission acknowledges the peculiar nature and history of Siringo Lane. It is a unique street with a peculiar history. The Planning Commission further finds, based upon the Staff Report, statements made at this public hearing by staff, the Applicant and the Rancho Siringo Neighborhood Association, that for the purposes of this rezoning, Siringo Lane should be considered a "public" street, therefore improvements set as conditions of approval for the rezoning by the Traffic Engineer would not be required pursuant to Santa Fe City Code, Section 14-9.2(B)(4)."

#### **DISCUSSION PRIOR TO SECOND**

**POINT OF CLARIFICATION:** Commissioner Villarreal said, "Point of clarification, I don't understand your motion. The second part I understand, based on the evidence, but can you complete the bottom part."

Commissioner Pava said, "I'll repeat that – the rezoning of Siringo Lane should be considered a "public street," because we have the division between private streets and public streets. Public streets are subject to the Code requirement which allows for exemptions, that's what the staff report says. Therefore improvements set as conditions of approval for the rezoning by the Traffic Engineer, would not be required pursuant to and I cite the Code section that is here, Innovative Street Designs."

**POINT OF CLARIFICATION:** Commissioner Villarreal said, "So you're saying that the improvements, that the sidewalks and easements would not be required. You're saying that this should not be required."

Commissioner Pava said, "That's what I'm referring to when I say the comments, the conditions of the Traffic Engineer, because those are referenced conditions in the staff report, and are in fact the only conditions of approval for this rezoning."

Commissioner Villarreal said, "So you're exempting the required conditions from Traffic."

Commissioner Pava said, "I'm recommending that the Governing Body approve the rezoning from R-1 to R-3, based on the testimony that we took here and all the facts which were presented, which anybody can read in the minutes, and there was a lot of that. And based on the history, based on the peculiar nature that we've learned about the area and so on and so forth. And then I'm trying to make a finding here that we will find it to be a public street for the purposes of this rezoning, that Siringo Lane would be a public street, and therefore would be subject to 14-9.2(B)(4), it's probably (3) and (4) frankly. So my intent is to allow the Governing Body to consider approval of the rezoning without the conditions imposed by the Traffic Engineer in the Staff Report and to move forward with this and give it to the Governing Body. And they may, in fact, decide further that they want to find some use to not require such dedications if and when other changes occur such as family land transfers and whatnot. I'm making the motion specific to the rezoning at this point and not speculating what might happen in the future, because that's not before us today."

#### **CONTINUATION OF DISCUSSION PRIOR TO SECOND**

Ms. Baer said, "First of all, the matter of whether the improvements are required or not, does not hinge on whether it is a public or private street. So I believe that the reference that Commissioner Pava had in mind was one we hadn't discussed, and I would like to bring that to your attention. I'm sorry to draw this out, but I think it's important. New development on an existing public street that does not meet the width or other applicable standards and that cannot be improved to meet those standards and may exceed the average daily traffic. On a street like Canyon Road that is already built out, then development can occur without a variance. I don't believe that is the case here, and that's not something that was discussed. It would be difficult to write a finding to that effect because clearly, some of the lots, well at least one of the lots under discussion, could be developed to meet these standards. And the Planning Commission could make a finding that the Durans' lot perhaps couldn't be because there is a wall there. That would need to be discussed. But I'm not sure that's the appropriate method to get to where you're going."

Ms. Baer continued, "So, if I could please suggest two other possibilities. So one is, and I know that there has been discomfort with this, but it's in some ways the only avenue that we have and it's a broad one, and that's the matter of the innovative street design. So, per Code, if the Commission chose to recommend the rezoning and you did not want to require the sidewalk and planter, you could say that this is an innovative street design. I know that's difficult and it's a twist a little bit of the language, and we've struggled with that in previous cases, but it does give you that opening, and that would be one way to do it."

Ms. Baer continued, "And another way would be to make a recommendation to the Governing Body to approve the rezoning and recommend that the Council waive that requirement, because the Council has the authority to do that. So I would say one of those two ways, if that's the direction you're going, would be clearer."

**FRIENDLY AMENDMENT:** Commissioner Pava said, "I would accept your recommendation on my motion and simply change the B(4) to B(3), and I think that takes care of it. And maybe throw in the words Innovative Street Design there."

**SECOND:** Commissioner Bemis seconded the Motion.

**THE AMENDMENT WAS FRIENDLY TO THE SECOND.**

**CLARIFICATION:** Commissioner Villarreal said, "I would like you to repeat the clarification of what we're voting on, because I think there is some confusion and I don't think people know exactly what they're voting on right now."

Chair Harris asked Commissioner Pava if he heard the request and Commissioner Pava asked her to repeat it.

Commissioner Villarreal said, "My point was, even though it's the third time, if you could state your motion without using certain jargon that doesn't clarify what we're exactly voting on. I think staff gave two recommendations of how to word it, and I understand those, but the way you're wording it, I'm not quite sure if you're wanting to approve the recommendation for rezoning and not require them to build the sidewalks, or you are requiring them to build the sidewalks."

**RESTATED MOTION:** Commissioner Pava said, "Let me restate the motion based on your request, I'll do my best. Let me start from the beginning. The Planning Commission acknowledges the peculiar nature and history of Siringo Lane. The Commission finds that it is a unique street with a peculiar history. The Planning Commission further finds, based on the Staff Report, statements made at this public hearing by staff, the applicant and the neighborhood organization, that the conditions of approval are not relevant to rezoning, pursuant to Santa Fe City Code, Section 14-9.2(B)(3)."

**RESTATEMENT OF THE MOTION BY ASSISTANT CITY ATTORNEY SHANDLER:** Mr. Shandler said, "I'll try to take an explanatory stab at this. So it sounds like the motion is approving the rezoning, it is rejecting staff's conditions on grounds that you are finding that this is innovative street design. I'm going to stop there."

**DISCUSSION ON THE RESTATED MOTION:** Commissioner Padilla said, "I have a question in reference to how we move this forward. We are asking that the conditions not be included. Wouldn't we be recommending to the Governing Body to consider and approve this as an innovative street design. Therefore, allow them to make that decision. Is that not what we're trying to do."

Shandler said, "I agree with you."

**FRIENDLY AMENDMENT:** Commissioner Pava said, "So I want to clarify that the very first statement that I made is the Planning Commission is recommending a rezoning to the Governing Body and everything else follows, whatever you need to do to clarify that. And as Commissioner Padilla has said, I would certainly agree with. And simply, I know this is a situation where we're making a recommendation. I just imply want to acknowledge that we didn't avoid the staff recommendations. We've seriously considered everything we've heard today and I want our findings to make sure for the record that that's all recorded. So I find with Commissioner Padilla's suggestions as well." **THE AMENDMENT WAS FRIENDLY TO THE SECOND.**

The Stenographer asked for clarification of the motion by the Assistant City Attorney.

Mr. Shandler said, "I'll try again and then you can say if that's right."

**FURTHER CLARIFICATION OF THE RESTATED MOTION, AS AMENDED, BY THE ASSISTANT CITY ATTORNEY:** Mr. Shandler said, "I think the preamble that you provided about the peculiar [nature of the street] those will go into the findings. I think the motion is three points to recommend to the Council: the rezoning, recommend to the Council to reject staff's condition, and recommend to the Council to adopt the finding that this is an innovative street design."

Chair Harris asked Ms. Helberg if that addressed her concerns.

Ms. Helberg said it did.

**CONTINUATION OF DISCUSSION ON THE CLARIFIED MOTION:** Commissioner Padilla said, "Mr. Shandler, then are we saying that the Planning Commission is rejecting the conditions of approval as stated in the packet from Traffic Engineering. Is that what we're stating by that motion."

Mr. Shandler said, "You're recommending to the Governing Body to reject those conditions."

Commissioner Padilla said, "As opposed to then taking them under consideration and making the final decision." Mr. Shandler said, "Correct. That wasn't part of his motion."

**FRIENDLY AMENDMENT:** Chair Harris said, "If I may, I would like to propose a friendly amendment that addresses the peculiar nature of Siringo Lane. The peculiar nature of Siringo Lane says to me that, over time, there has been public monies invested in the development of Siringo Lane, that would include paving, curb, water and sewer, without the public benefit to the City of having a clearly acknowledged easement in place to be able to serve and maintain those public utilities. That to me, is just a finding. That is the nature of what we have here, and I think that the Governing Body should be aware of it, and perhaps they, in their wisdom can sort out how to address it. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE PLANNING COMMISSION.**

**POINT OF CLARIFICATION:** Commissioner Villarreal said, "Point of clarification, I thought Mr. Shandler was to clarify that Friendly Amendment so the rest of us can understand it."

**CLARIFICATION OF THE FRIENDLY AMENDMENT:** Mr. Shandler said, "Mr. Chairman, I understand that part of the motion is a request for a specific finding regarding how this is a public lane but there's been a public benefit and I will present that language to you as part of the Findings for your acceptance or rejection."

Commissioner Villarreal said, "I guess I'm not understanding. It sounds like a condition that your placing. Is it just saying that the Governing Body has to look into this further."

Mr. Shandler said it's just going to be a narrative statement, it's not going to be a condition. It's possible that the Governing Body, once it gets to that point will provide instructions to the City Attorney's Office to take some type of action with the community, but I don't know. But that narrative statement will be there if the Governing Body wants to give the City Attorney's Office some direction."

Commissioner Gutierrez, "What we'll be voting on is sending this to the City Council and letting them have the ultimate say."

Ms. Baer said, "That's what happens in a rezoning, is that the Planning Commission makes a recommendation and the Governing Body makes the final decision. Yes."

Commissioner Padilla asked if the conditions that were part of this case will go forward to the Governing Body also for consideration.

Ms. Baer said, "We will give them the entire staff report, which will include the conditions, and then they will have an opportunity to look at them and the findings will be in the front of the packet. So, yes, they will see what the conditions were."

**VOTE:** The motion, as amended, was approved on the following Roll Call vote [5-1]:

**For:** Commissioner Villarreal, Commissioner Bemis, Commissioner Gutierrez, Commissioner Ortiz, and Commissioner Pava.

**Against:** Commissioner Padilla

**Explaining his vote:** Mr. Gutierrez said, "Yes. And I would like to say thank you for breaking me in this evening. This is one of the harder ones. I could very easily have flipped a coin on this case, either way. The street I live on and grew up on bears my grandfather's name, so I know where the Durans and Mr. Smith are coming from. However, the street I grew up on has more sidewalks, so when I walk down to visit one of my uncles or to visit my mother that lives in the neighborhood, a car starts coming, and I grab those kids, 7, 8 and 11, and move them to the side as fast as can be. So I just wanted to put that out there. Thank you."

**Explaining his vote:** Commissioner Ortiz said, "Yes. I'm pleased with Chair Harris's added comments about the maintenance and public monies. Yes."

**Explaining his vote:** Commissioner Padilla said, "No, and I'd like to thank the Traffic Engineering Division and City staff for their work on this very difficult case."

**Explaining her vote:** Commissioner Villarreal said, "Yes. I don't understand the Friendly Amendment still, but I still think this needs to move forward to the Governing Body to make the final decision. Thank you."

*Break from 8:45 to 8:55 p.m.*

# **City of Santa Fe, New Mexico**

## **City Council**

### **Exhibit 3**

**Planning Commission Staff Report Packet  
January 8, 2015**

# City of Santa Fe, New Mexico

## memo

**DATE:** December 29, 2014 for the January 8, 2015 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division *ZT for TB*

**FROM:** Zach Thomas, Senior Planner, Current Planning Division *ZT*

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**Case #2014-104, 2504 and 2505 Siringo Lane Rezoning.** Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

### UPDATE FROM DECEMBER 4<sup>th</sup>, 2014 PLANNING COMMISSION MEETING

Per the request of the applicants, the above case was postponed for consideration at the January 8, 2015 hearing. The applicants requested postponement to allow additional time to develop an argument against the proposed conditions of approval. Specifically, the applicants object to the requirement to dedicate additional right-of-way and to construct a sidewalk at the time of future subdivision of the property. While the proposed condition is standard practice per requirements of the Development Code, there are unique circumstances with this situation for the Planning Commission to consider.

### Status of Siringo Lane

The determination as to whether Siringo Lane is public or private is central to the issue of whether public improvements should be required. Specifically, SFCC §14-9.2(B)(4) states:

*New development on an existing public street that does not meet the width or other applicable standards in Table 14-9.2-1 and that cannot be improved to meet those standards may exceed the average daily traffic or dwelling unit access standards in Table 14-9.2-1 without a variance.*

The initial position of the City, as stated in the November 18<sup>th</sup> staff report, was that Siringo Lane is a private street and improvements would be required once the street provided access to more than 8 lots.

During a subsequent conversation with the applicants on December 8<sup>th</sup>, documentation was produced in the form of a public notice from 1993, verifying that the City paved Siringo Lane with State Highway & Transportation Department funds. This might suggest that because Siringo Lane was paved/improved by the City, that it is in fact a public street and that improvements would not be required per SFCC §14-9.2(B)(4).

Upon discussing the matter amongst city staff (Edward Vigil, Property Manager; Isaac Pino, Public Works Director; Zack Shandler, Assistant City Attorney; Kelley Brennan, City Attorney; John Romero, Traffic Engineering Director; Tamara Baer, Planning Manager and Zach Thomas, Senior Planner), it has been determined that regardless of previous actions taken by the City to improve Siringo Lane, it is not a public street.

While Siringo Lane is not a public street actively maintained by the City, further research determined that it is also not a typical private street as might be created under modern subdivision practices. As far as can be determined, Siringo Lane was created through a Serial Subdivision and subsequently documented by a composite plat recorded in 1960 titled "Composite Plat Showing Lands of Evelyn H. Lischke". The Plat noted Siringo Lane as a 20 foot road, as opposed to noting it as an access easement or right-of-way as would be the practice today. As such, current ownership or maintenance responsibility of Siringo Lane cannot be determined at this time.

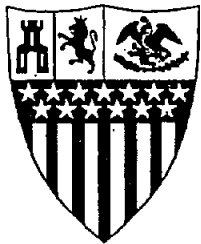
The Land Use Department acknowledges the peculiar nature and history of Siringo Lane. When considering the proposed conditions of approval in the context of this unique situation, the Planning Commission may consider SFCC §14-9.2(B)(3):

*To better achieve the intent of this Section 14-9.2, a land use board, or, in the case of city street projects, the governing body, may consider and approve innovative street designs that are not included among the street types and street sections shown or described in this Section 14-9.2 that provide adequate pedestrian and bicycle facilities, as well as necessary transit facilities.*

The above section of the development code may provide the Commission flexibility in determining the applicability of the proposed conditions of approval.

#### **ATTACHMENTS:**

- Public Notice from 1993, letter from Isaac Pino, City Manager, dated May 4, 1992 and letter from J&D Excavation regarding water main installation from 2005.
- Letter from Linda Duran dated December 29<sup>th</sup>, 2014.
- Staff Report for December 4<sup>th</sup>, 2014 Planning Commission Meeting.



# City of Santa Fe, New Mexico

P.O. Box 909, 200 Lincoln Ave., 87504-0909

Sam Pick, Mayor

Isaac J. Pino, City Manager

Councilors:

Larry A. Delgado, Dist. 1

Debbie Jaramillo, Dist. 1

Steven G. Farber, Dist. 2

Ouida MacGregor, Dist. 2

Councilors:

Frank Montano, Dist. 3

Art Sanchez, Dist. 3

Peso Chavez, Dist. 4

Phil Griego, Mayor Pro Tem

Dist. 4

## PUBLIC NOTICE

The City of Santa Fe is planning to pave Rancho Siringo Road, Rancho Siringo Drive, and Siringo Lane this year. On March 31, 1993, the Santa Fe City Council awarded R.L. Stacy Construction of Santa Fe the contract for the construction of concrete curb and gutter, asphalt paving and (concrete sidewalk.)

Paving construction is scheduled to begin April 26, 1993 and is planned to be completed by August, 1993, weather permitting.

The New Mexico State Highway & Transportation Department is providing funds for this project. There will not be any costs assessed to the property owners. The total construction cost to pave these streets is \$ 232,094.39.

There will be minor inconveniences to the residents particularly during the placing of concrete curb, asphalt surfacing and sidewalk. Each resident will be notified when his or her access driveway will be affected.

We would appreciate your full cooperation with the City and the contractor and move your parked cars which will be in the way of construction.

For additional information, please contact Michael Vargas, Project Manager, or Larry Velasquez, Project Engineer, at 984-6631.

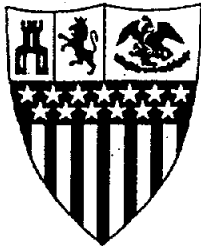
*300,000.00 = State Funding*  
*- 232,094.00 = Total Constr. Cost Pavement*  
*- 44,069.00 = Total Constr. Sewer Siringo Lane*  

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*23,837.00 = Remaining funds.*

/s/dsk45a/publnote.

*City of S.F. ANNEXED Siringo Lane to City on June 9, 1965.*



# City of Santa Fe, New Mexico

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Councilors:

Frank Montaño, Dist. 3

Art Sanchez, Dist. 3

Peso Chavez, Dist. 4

Phil Griego, Mayor Pro Tem  
Dist. 4

May 4, 1992

The Honorable Eddie Lopez  
New Mexico State Senator.  
953 Camino Oraibi  
Santa Fe, New Mexico 87501

Dear Senator Lopez:

The City of Santa Fe wishes to acknowledge your valuable assistance in obtaining funding for the paving and improvements for various Santa Fe streets during the last legislative session. The \$300,000 you obtained for Rancho Siringo Road, Rancho Siringo Drive, Rancho Siringo Lane and Los Pinos Court will help alleviate a longstanding maintenance problem. The \$100,000 set aside for the paving of Harrison Road and Palomino Street will also address street maintenance and problems with dust and mud. Your efforts on behalf of the City and its citizens are most appreciated. Thanks again.

Sincerely,

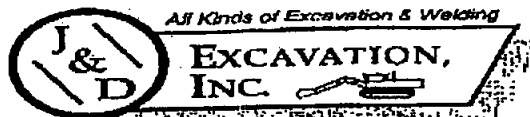
  
Isaac J. Pino  
City Manager

a:18

Project # CIP-893

Capital Improvement Project

DFA  
Local Government Division - 827-8050



3311 Columbia NE, Albuquerque, New Mexico 87107  
Phone 505-881-7651 Fax 505-883-5123

Dear Resident ,

We would like to inform the residents on Rancho Siringo Rd. , Siringo Lane and Rancho Siringo Lane that we will be installing a new water main starting the 13<sup>th</sup> of June 2005 in association with Sangre de Cristo Water Association . The project will be on Rancho Siringo Drive from Cactus Lane to Rancho Siringo Lane and will also include Siringo Lane .

If you have any questions please call our Project Manager - Joe Corrales @ 505-280-2428 or 1-800-881-7651 or City Inspector - Ron Pena @ 505-412-1273

TALKED TO MR. PENNA @  
2:30 P.M. ON 7/13/05 ABOUT  
INSTALLING TWO METERS IN  
ONE METER CAN. NEED TO  
CALL HIM BACK ON 7/14/05  
@ 9:00 A.M.

Thank You ,  
J & D Excavation Inc.

To: The Planning Commission  
Governing Body/Santa Fe City Council  
The Land Use Department  
Re: 2504 & 2505 Siringo Lane Rezoning Project from R-1 to R-3.  
Case #2014-104  
Fr: Land Owners/Applicants  
Linda Duran for Robert H. Duran and Sarah S. Duran (Tract I)  
Daniel Smith (Tract N)

RECEIVED

12-29-14  
27

In regards to the memo submitted to the Planning Commission on November 18, 2014 by the Land Use Department. It is the applicant's position that we are in ***complete opposition*** that the Proposed Rezoning be approved subject to conditions as noted in **Exhibit A; Conditions for Approval** [Ref: Article 14-9.2 (E)(4)]pertaining to ***Easements***, [Ref. Article 14-9.2 (E)(1)]pertaining to ***Sidewalks***, and [Ref. Article 14-9.2(E)(2)(a,b & c)] pertaining to ***Certificate of Occupancy*** (building permits). After exhaustive review of the memo submitted to the Planning Commission and of the Land Use Development Codes, the applicant's conclude that the **Proposed Additional Requirements** are ***unnecessary*** and ***unreasonable*** for this **Rezone Project**, at the time of future **Family Transfer Lot Splits**, or at the time of obtaining **Construction Permits**.

The intended purpose of this Rezone Project was for a ***Family Transfer Lot Split on 2505*** and in order to bring ***2504 into conformance*** with regard to density. According to {Ref: 14-9.5 (B) (1) and (3) **Infrastructure Completion or Agreement to Construct Improvements Required**; indicates that ***sidewalks are not required*** to be constructed at the time of ***recording the plat*** or at the ***issuance of a construction permit*** for any construction for a ***Family Transfer*** subdivision or a summary procedure lot split. Therefore, the Proposed Additional Requirements and Conditions of Approval (Exhibit A) ***failed to indicate*** in their report to the Planning Commission that all of the Proposed Conditions of Approval for Rezoning ***should not apply*** and are ***not required*** according to the Development Code for this particular 2504 & 2505 Siringo Lane Rezone Project Case #2014-104. In addition, the applicants, the Siringo Lane Residents, and the Members of the Rancho Siringo Neighborhood Association ***do not support the*** proposed expansion of Siringo Lane from a Private Driveway or Lot Access Driveway into a Private Lane as proposed by the Land Use Department. [Ref: (Attached Petition)]

According to the memo submitted to the Planning Commission, **Section II Rezoning (D) Additional Applicant Requirements: Staff Response** indicates and refers to Siringo Lane as an Existing 20 foot Private Driveway or a Lot Access Driveway providing access to 8 residential lots. However, in reality Siringo Lane is actually a 17-foot Lane providing access to only 7 one acre lots. The lot at the Northwest corner of Siringo Lane at the dead end has ***no access*** from Siringo Lane and is essentially ***Land Locked***. (See Exhibit C) Maps and Pictures. Since staff has designated Siringo Lane as a Private Driveway or Lot Access Driveway; it is the applicant's position that Siringo Lane meets

the street standards criteria as required under **Table 14-9.2-1: Design Criteria for Street Types, Private Driveways or Lot Access Driveways**, and therefore, Siringo Lane *does not require* Dedication of Right of Way Easements for Sidewalk Construction for purposes of Rezoning or for a Family Transfer Lot Split [Ref: Article 14-9.5 (B) (1 & 3)], according to the Land Use Development Code.

In reference to Article 14.9 code [Ref: Article 14-9.2 (A)(4)(b) and (5)] pertaining to **Street Improvement and Design Standards**; It is the applicant's position that Siringo Lane *does meet a particular situation where topographic or other conditions make continuance of or conformance to existing streets impracticable*. Siringo Lane is a 17 foot, paved, dead end street with no through traffic, no sidewalks, 5-6 dwelling units and less than minimal vehicle traffic and pedestrian use. The History of Siringo Lane indicates that within the past 55 years there has been minimal development. There have been only 2 homes built via *Family Transfer* or *Inheritance* of the land. Currently, there exists walls and fences on property lines including the Duran's 140 foot Adobe Wall placed and built on Property Lines. The Duran's adobe wall also has four-17 foot Adobe Wing Walls placed on Proposed 10ft. Easement (See Picture). It is our position that *Conformity* to existing streets (Rancho Siringo Road) *is not practicable* and there would be *no public purpose* or *significant benefit* provided to the public or adjacent properties by changing Siringo Lane from a Private Driveway or Lot Access Driveway to a Public Road or Private Lane as proposed by the Land Use Department under Conditions of Approval.

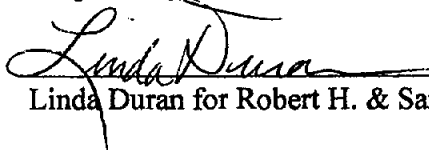
Further, on March 31, 1993, the Santa Fe City Council awarded R. L. Stacy Construction the contract for the construction of concrete curb and gutter, asphalt paving and **concrete sidewalk** on Rancho Siringo Road, Rancho Siringo Drive, and **Siringo Lane**. The Public Notice indicated that there would **not be any costs** assessed to the property owners. Apparently, it was determined that no sidewalks, gutters, or easement dedication was needed at that time, due to the impracticable nature of tearing down expensive adobe walls and other structures built on property lines. It was apparently determined that there would be no public purpose or significant benefit of constructing sidewalks or gutters, even though there was the funds appropriated for them; as there currently exist no sidewalks or gutters on Siringo Lane. Apparently, at that time, it was also determined that Siringo Lane was a private access driveway. Since then, there has only been 1 new home built on Siringo Lane via a *Family Transfer* or *Inheritance*. The new water main was installed in June 2005.

Therefore, it is the applicant's position that we *do not concur* with the *Conditions of Approval regarding Right of Way Dedication for Easements and Sidewalks* at the time of *Rezoning,, Family Transfer Lot Splits, or Construction Permits* and we *do not support expansion* of Siringo Lane from a *Private Driveway or Lot Access Driveway into a Private Lane*, which then would require additional Right of Way and Sidewalks on each side of Siringo Lane at the time of future rezoning requests.

Further the applicant's received support from *The Rancho Siringo Neighborhood Association* at the meeting held on Saturday, December 13, 2014. The members in attendance *unanimously support the Siringo Lane Rezoning Project from R-1 to R-3*, however, they are do not concur with the *Proposed Conditions of Approval* requiring Easement Dedication and Sidewalk Construction due to the negative impact these conditions would have on the character and history of the neighborhood.

The applicants are appreciative of all the effort that has been put into this Rezone Project, thus far by the Development and Review Team. However, we continue to believe that based on the references to the Land Development Code, many years that the families and land owners have remained on Siringo Lane, and the minimal development that has occurred within the past 55 years; this is *substantial proof* to the **Planning Commission** and/or **Governing Body** that the intentions for this Rezoning Project, the future Duran Family Transfer Lot Split, and Home Construction, are genuine and are intended to keep the property within the family and not for a sprawling development. Therefore the applicant's respectfully request the Planning Commission and/or Governing Body to determine, according to the Development Code, that *Siringo Lane* qualifies for **consideration and approval** of an *Innovative Street Design {Ref: Article 14-9.2 (B) (3)}* and that *Siringo Lane remain a Private Driveway or Lot Access Driveway*. We further request that the *Proposed Conditions of Approval by the Land Use Department requiring Easement Dedication and Sidewalk Construction be denied*. Since the applicants *have met all criteria* applicants strongly urge your consideration in determining negligible impact thus finding dedication of Easements and Destruction of existing structures for construction of unnecessary sidewalks not be required or imposed, at this time, or at the time of the Duran's Family Transfer Lot Split, or Home Construction {Ref: 14-9.2 (A) (4b) and (5)}. Instead, the applicants would like the Planning Commission and/or Governing Body to take into reconsideration the "IF" and "May" Statements [Ref: 14-3.5 (D) Additional Requirements (1) and (2)] of the Proposal Report for the 2504 & 2505 Rezone Project and future Duran Family Transfer Lot Split and determine that it is not necessary to consider the *potential future impact*, at this time, but rather leave that consideration for the future when and if this potential for growth is created.

Respectfully,



Linda Duran for Robert H. & Sarah S. Duran



Daniel Smith

# City of Santa Fe, New Mexico

## Planning Commission

### Exhibit A

#### Conditions of Approval

**2504 & 2505 Siringo Lane Re: Conditions of Approval**  
 Planning Commission  
 Case #2014-104 – 2504 & 2505 Siringo Lane Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed Rezone and provided the following comments which are noted as Conditions of Approval:</p> <p><u>Easements</u></p> <ol style="list-style-type: none"> <li>1. The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas. [Reference: Article 14-9.2(F) (4)]</li> </ol> <p><u>Sidewalk Construction</u></p> <ol style="list-style-type: none"> <li>2. At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or</li> <li>3. An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following:                         <ol style="list-style-type: none"> <li>a) Construction of a new principal building,</li> <li>b) All additions over five hundred (500) square feet gross floor area, or</li> <li>c) Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(E)(2)(a,b&amp;c)]</li> </ol> </li> <li>4. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling.</li> </ol>	Traffic Engineering	John Romero/ Sandra Kassens

## RANCHO SIRINGO NEIGHBORHOOD ASSOCIATION

11/25/14

Planning Commission  
City of Santa Fe

RE: Case #2014-104

Dear Chairperson:

The Rancho Siringo Neighborhood Association (RSNA) supports the planned rezoning proposals by Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran.

THE RSNA's support is based on the representation of rezoning of two 1-acre parcels from R-1 to R-3. The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

Your consideration of approval is appreciated.

Respectfully submitted,

Rancho Siringo Neighborhood Association



- (3) At least one through *street* that traverses the entire developed area shall be provided for each one thousand (1,000) feet of developed area. (Ord. No. 2012-11 § 26)
- (4) At least two connections to the existing road network points shall be provided for every ten acres of *development*. (Ord. No. 2012-11 § 26)
- (5) Where a trail network exists or is planned, access to the trail network must be provided every five hundred (500) feet, where feasible. (Ord. No. 2012-11 § 26)
- (6) Reserve strips controlling access to *streets* are prohibited unless the *city* controls the reserve strip under conditions approved by the planning commission.
- (7) Traffic calming measures are allowed in new *developments* and specific measures may be required by the planning commission to ensure traffic safety in new neighborhoods.

- ~~(8) Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.~~

(E) **Sidewalks**

(Ord. No. 2013-16 § 57)

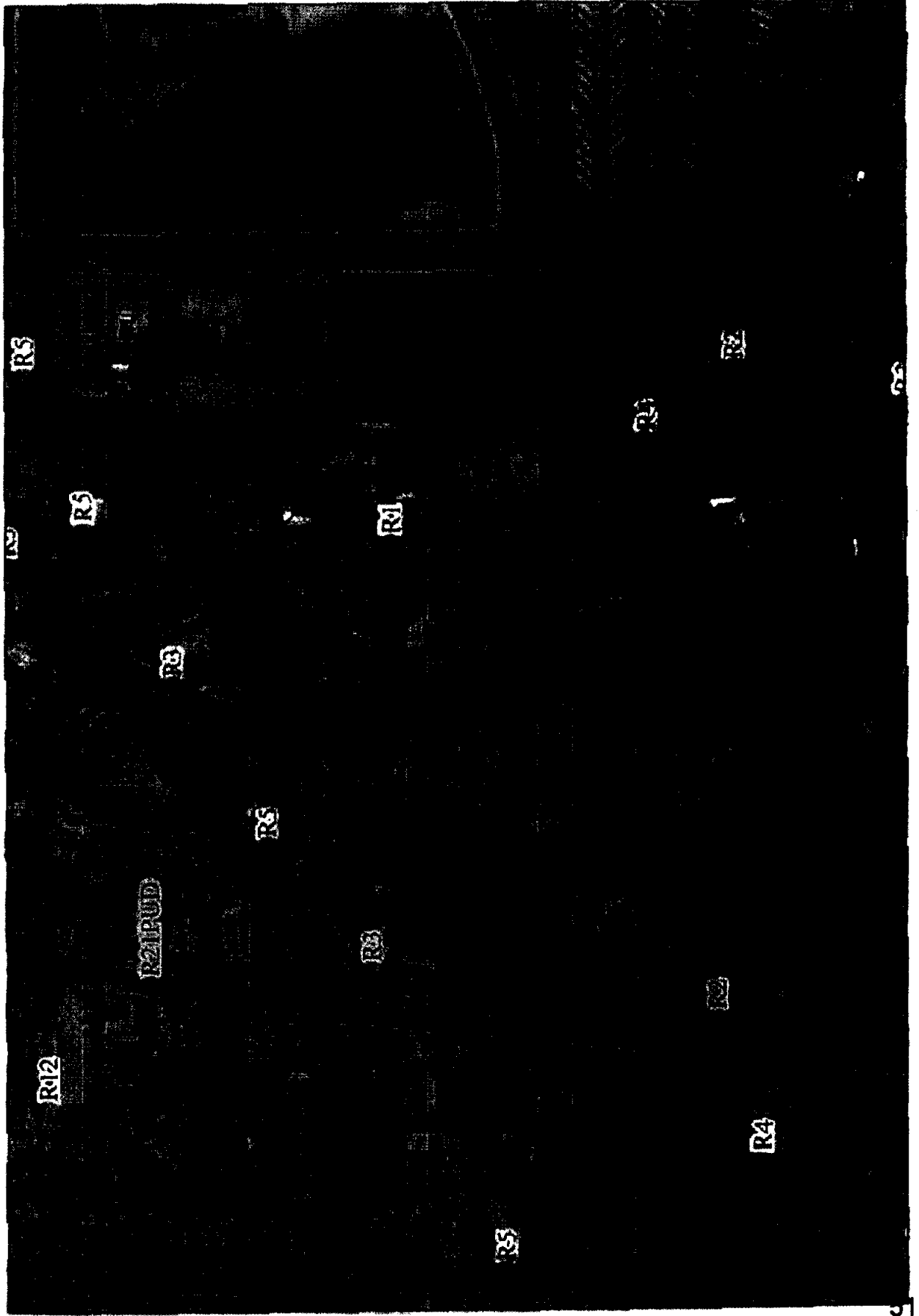
Article 14-9 Infrastructure Design, Improvement, AND Dedication Standards.  
14-9.2 (E) (1), (2), (a, b, c) and (4).

- (1) If a subdivision *plat* or *development* plan approval is required, curb, gutter and sidewalk locations shall be dedicated when the subdivision *plat* or *development* plan is recorded and constructed in accordance with applicable standards as part of the subdivision or *development* plan *infrastructure*.
- (2) If a subdivision *plat* or *development* plan is not required, curbs, gutter and sidewalks shall be constructed in accordance with applicable standards and dedicated to the *city* prior to issuance of a *certificate of occupancy* for:
  - (a) construction of a new *principal building*;
  - (b) all additions over five hundred (500) square feet *gross floor area*;
  - (c) remodeling or renovations over five (500) hundred square feet *gross floor area* for multiple-family residential and nonresidential permits; and
- (3) sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the *permit* for additions and remodeling.
- (4) Sidewalks shall be located in a *city right-of-way* or, if adequate *right-of-way* is not available, sidewalks shall be located in a public access easement dedicated to the *city* on an approved *plat*. The sidewalk shall be consistent with the *street* standards of Subsection 14-9.2(C) and located along each *street* frontage immediately adjacent to the *development*.
- (5) New sidewalks, drive pads and curb ramps required pursuant to Subsection 14-9.2(E)(1) or (2) must comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and with New Mexico department of

## 2504 and 2505 Siringo Lane Future Land Use



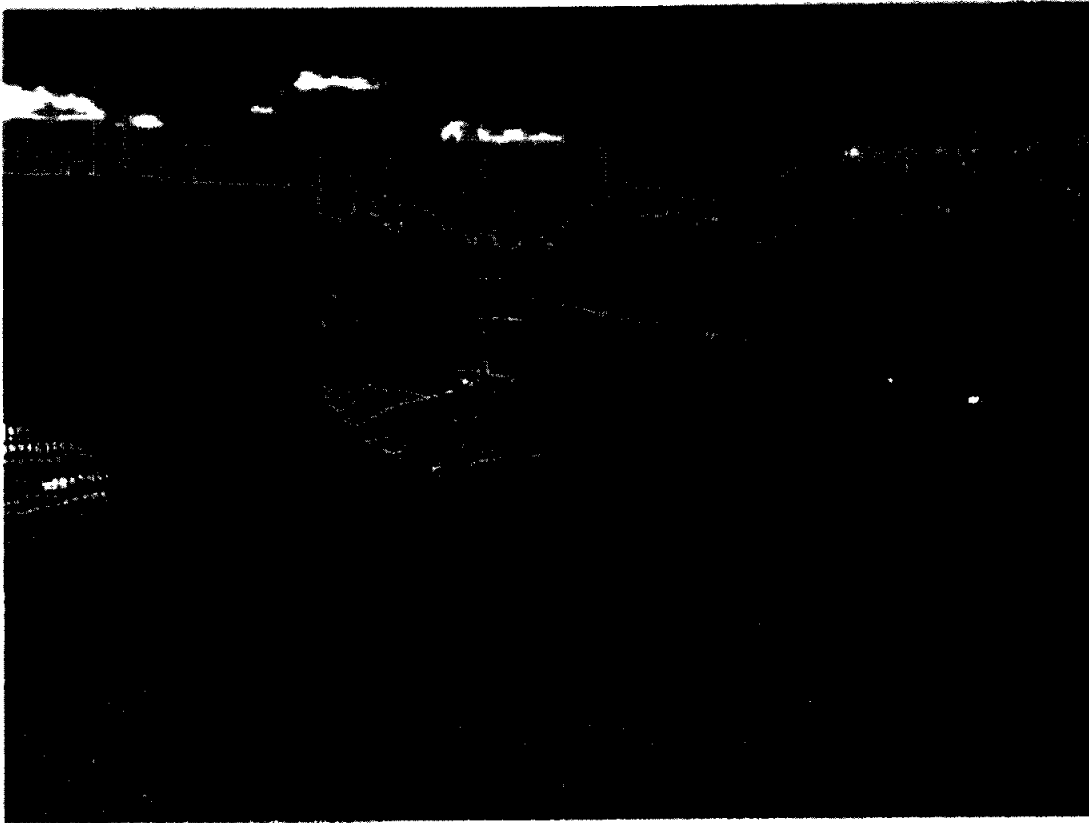
# 2504 and 2505 Siringo Lane Zoning



## PICTURES OF SIRINGO LANE



2500 Siringo Lane Northwest Corner (7-Lots Access from Siringo Lane) **LAND LOCKED**

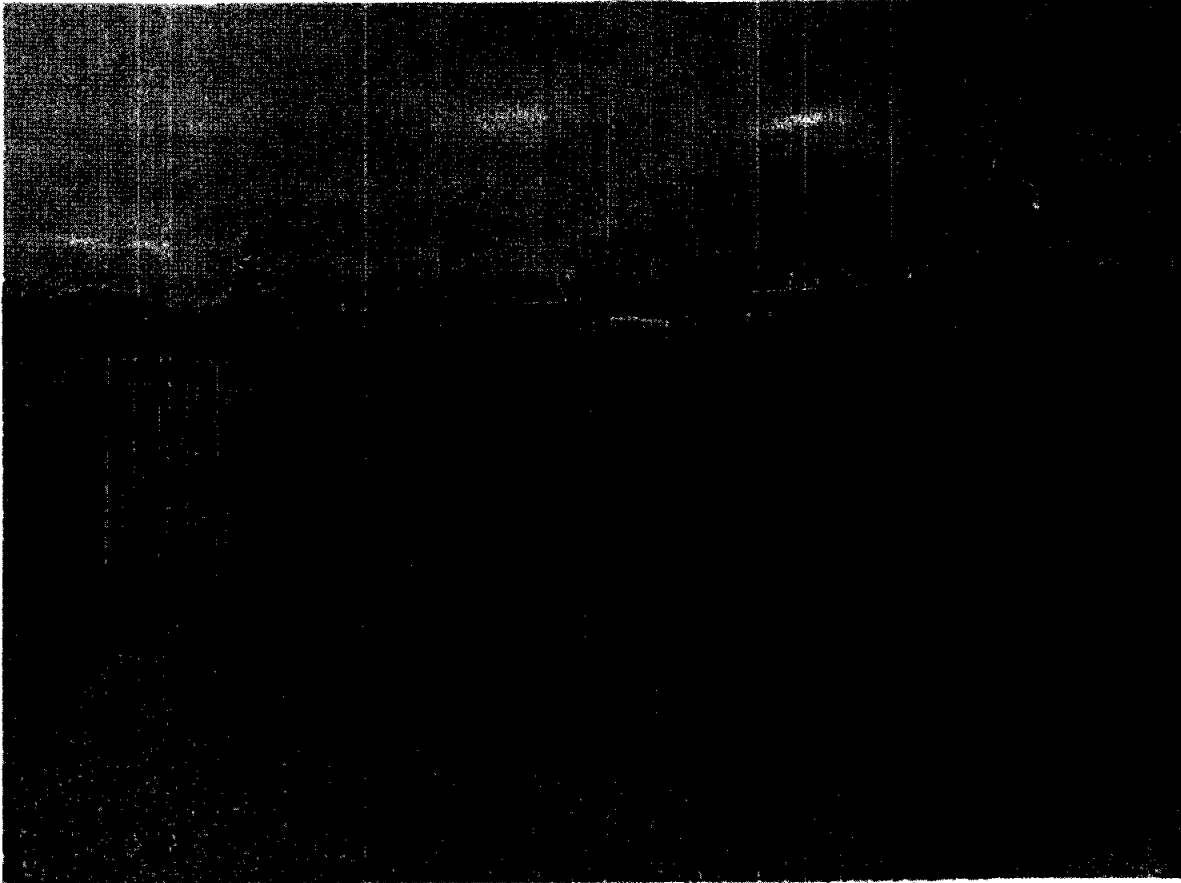


SIRINGO LANE 17 FOOT, DEAD END, PRIVATE DRIVEWAY, NO THROUGH TRAFFIC

## **Duran's 140 ft Adobe Wall**



## **Duran's 17 ft. Adobe Wing Walls**



# City of Santa Fe, New Mexico

## memo

**DATE:** November 18, 2014 for the December 4, 2014 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division

**FROM:** Zach Thomas, Senior Planner, Current Planning Division

**Case #2014-104. 2504 and 2505 Siringo Lane Rezoning.** Daniel Smith and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane. (Zach Thomas, Case Manager)

### RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the Rezoning subject to the conditions as outlined in this report. No specific development is proposed as part of these applications. The request will proceed to the City Council for final decision.

### I. APPLICATION SUMMARY

The two parcels, which are under separate ownership, are proposed for rezoning from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The parcels are currently developed with residential uses. 2504 Siringo Lane is developed with three dwelling units and 2505 Siringo Lane contains one single-family dwelling unit. The immediate vicinity around the parcels is designated Low Density Residential (3-7 dwelling units per acre) by the General Plan Future Land Use Map (See Exhibit C1), and does not require amendment.

### II. DISCUSSION AND ANALYSIS

This application was initiated by Linda Duran, the daughter of Robert H. & Sarah S. Duran, and owners of 2505 Siringo Lane. The purpose of the rezone is to achieve zoning appropriate for a future lot split which will provide Linda Duran a piece of the family property on which

she may construct a home. The current R-1 density does not allow the 1 acre parcel to be further subdivided. Development Code requirements stipulate that applicants for properties less than 2 acres only request rezoning to a zoning district contiguous to the property. As such, the only and lowest possible density to which rezoning may be requested is the adjoining R-3 to the north.

During the pre-application stage, neighboring property owner Daniel Smith (2504 Siringo Lane) joined the application process to also request rezoning his property to R-3. Mr. Smith purchased his property in the 1970s at which time it contained 4 dwelling units. He subsequently combined 1 of those units into the primary house thereby reducing the degree of non-conformity on the property. The proposed rezone would bring his property into conformance with regard to density.

Adjoining zoning districts include R-1, R-2, R-3 and R-5. The original 1959 subdivision that created the parcels, created 23 total parcels between 1 to 2 acres in size. However, most of the parcels are closer to 1 acre in size. Since the original subdivision, many of the parcels to the north of the subject parcels have been rezoned to higher densities and further subdivided. The parcels along Siringo Lane have remained as originally subdivided at a density of 1 dwelling unit per acre.

The General Plan Future Land Use Map designates the subject parcels and surrounding area as Low Density Residential which anticipates a density between 3-7 dwelling units per acres. The requested rezone to R-3 would make the zoning consistent with the General Plan Land Use designation and in line with densities anticipated by the General Plan.

The two parcels are accessed by Siringo Lane, which is a private lane with a 20 foot right-of-way providing access to 8 residential lots. The proposed rezone will allow for an increase in the number of lots accessed from Siringo Lane. While Siringo Lane will remain private, the dedication of additional right-of-way and construction of a 5-foot sidewalk at the time of future development of either of the two parcels is required by the Development Code and proposed as conditions of approval.

An Early Neighborhood Notification meeting was held on October 7, 2014 at the La Farge library. Seven neighbors attended the meeting and unanimously expressed support for the proposed Rezone.

## **II. REZONING**

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

- (1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:*
  - (a) one or more of the following conditions exist:*

- (i) *there was a mistake in the original zoning;*
- (ii) *there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;*
- (iii) *a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;*

**Applicant Response:** There has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning. There are other one acre lots in the same subdivision, including adjacent and contiguous lots, which have already been rezoned to R-5 and R-3; setting the precedent for the neighborhood. The surrounding structures are residential, built on site, dwellings.

**Staff Response:** While there was not an error in the original zoning, the General Plan Future Land Use Map designates the area as Low Density Residential (3-7 dwelling units per acre). The proposed rezoning will bring the zoning into conformance with the land use designation, where it is not currently. Furthermore, several of the surrounding and contiguous properties are zoned at higher densities and have been subdivided into parcels smaller than 1 acre. The small increase in density makes efficient use of existing infrastructure and will allow a family to live in close proximity for mutual support. The following General Plan Policy supports this very effort of minor community infill and affordable housing:

*Policy: 5-1G-1: Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing.*

- (b) *all the rezoning requirements of Chapter 14 have been met;*

**Applicant Response:** The rezoning requirements of Chapter 14 have been met.

**Staff Response:** The proposed rezone complies with all rezoning requirements of Chapter 14.

- (c) *the rezoning is consistent with the applicable policies of the general plan, including the future land use map;*

**Applicant Response:** The rezoning project from R-1 to R-3 is consistent with the applicable policies of the General Plan including the future land use map.

**Staff Response:** The existing zoning of the parcels (Residential – 1 unit per acre) is not consistent with the existing land use designation of Low Density Residential (3-7 dwelling units per acre). The proposed rezone to R-3 (Residential – 3 units per acre) will make the zoning consistent with the future land use designation. The following General Plan Policy supports the minor proposed increased density of the rezoning:

*Policy: 5-1-G-1: Preserve the scale and character of established neighborhoods, while promoting appropriate community infill and affordable housing*

*(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;*

**Applicant Response:** The location of the rezoning project is located at 2504 and 2505 Siringo Lane which is a dead end street. The amount of land proposed for rezoning is a total of 2 acres, 1 acre per landowner and is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City.

**Staff Response:** The General Plan Future Land Use designation of Low Density Residential (3-7 units per acre) anticipates a density that is higher than would otherwise be allowed by the current R-1 zoning. The proposed rezoning will bring the zoning of the parcels into conformance with the General Plan Future Land Use designation and thus in line with the growth rate anticipated by the General Plan.

*(e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development;*

**Applicant Response:** There currently exists minimal traffic with off-street parking. The rezoning project is in accordance with the existing City of Santa Fe General Plan which encourages the development of affordable and single-family residential dwellings. All public services and infrastructure are currently in place for this rezoning project on Siringo Lane.

**Staff Response:** Infrastructure and public facilities are available to serve future development of the property. Any new development will require connection to the City water and sewer. Conditions of approval are proposed to ensure that future development will comply with the requirements of the Development Code related to access and road standards.

*(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:*

*(a) allow uses or a change in character significantly different from or inconsistent with the prevailing uses and character in the area;*

**Applicant Response:** The Project is to rezone from R-1 to R-3 for future development of a single-family dwelling which will be consistent with the prevailing use and character of the area.

**Staff Response:** The proposed rezone from R-1 to R-3, while increasing the potential density of the area, will not allow uses otherwise prohibited under current zoning or significantly change the character of the area. The subject parcels are surrounded by properties within the R-1, R-2, R-3 and R-5 zoning districts, all of which permit the development of residential uses at the identified densities consistent with the character of the area.

- (b) *affect an area of less than two acres, unless adjusting boundaries between districts;*

**Applicant Response:** The area to be rezoned is a total of 2 acres consisting of two 1-acre lots. The boundaries will not be adjusted in accordance with the General Plan Policies.

**Staff Response:** The proposed rezone encompasses an area of 2 acres consistent with the minimum acreage required for rezoning. The requested R-3 zoning serves to adjust the boundary of the adjacent R-3 zoning district.

- (c) *benefit one or a few landowners at the expense of the surrounding landowners or general public:*

**Applicant Response:** There will be no negative impact on surrounding landowners and we will not benefit at the expense of existing surrounding landowners due to the proposed rezoning of acres from R-1 to R-3, in accordance with the General Plan Policies.

**Staff Response:** The proposed rezone to R-3 is consistent with surrounding zoning districts. The requested zoning district is intended to be an extension of the adjacent R-3 zoning district and will not benefit one or a few landowners at the expense of surrounding property owners. The rezone is consistent with the Low Density Residential Future Land Use designation. Furthermore, the Duran family could add a guesthouse on the property without rezoning. This option was discussed, however, the Durans preferred to allow their daughter to own her own house outright thereby securing her financial independence while still living in close proximity to her parents.

(D) *Additional Applicant Requirements*

(1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

(2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

**Applicant Response:** There will be no impacts on the proposed rezoning of the acres from R-1 to R-3 since there is existing infrastructure and public utilities currently in place. The proposed rezoning from R-1 to R-3 will not create a need for additional streets, sidewalks or curbs, as Siringo Lane is a paved street and will not require any additional infrastructure.

**Staff Response:** Water, and sewer are available in Siringo Lane to adequately serve both parcels and the surrounding subdivision. The two parcels are accessed from an existing private driveway that provides access to a total of 8 lots. Per current requirements of the Development Code, lot access driveways cannot provide access to more than 8 lots. Consistent with the Development Code, a condition is proposed to require dedication of additional right-of-way and construction of sidewalk at the time of further subdivision of the subject properties. The additional right-of-way dedication and sidewalk construction will support the ultimate expansion of the private driveway into a private lane at the time of possible future rezoning and subdivision of surrounding properties.

#### **IV. CONCLUSION**

Given the fully developed nature of the area and the minor increase in proposed density the Development Review Team did not have any comments beyond those from Traffic Engineering. Staff supports the proposed Rezone from R-1 to R-3, subject to the proposed conditions of approval.

#### **V. ATTACHMENTS:**

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, Sandra Kassens

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning
3. Aerial Photo

EXHIBIT D: ENN Notes

# **City of Santa Fe, New Mexico**

## **Planning Commission**

### **Exhibit A**

#### **Conditions of Approval**

# 2504 & 2505 Siringo Lane Rezone-Conditions of Approval

Planning Commission

Case #2014-104 - 2504 & 2505 Siringo Lane Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the proposed Rezone and provided the following comments which are noted as Conditions of Approval:</p> <p><u>Easements</u></p> <ol style="list-style-type: none"> <li>1. The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas. [Reference: Article 14-9.2(E) (4)]</li> </ol> <p><u>Sidewalk Construction</u></p> <ol style="list-style-type: none"> <li>2. At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or</li> <li>3. An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following: <ol style="list-style-type: none"> <li>a) Construction of a new principal building,</li> <li>b) All additions over five hundred (500) square feet gross floor area, or</li> <li>c) Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(E)(2)(a,b&amp;c)]</li> </ol> </li> <li>4. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling.</li> </ol>	Traffic Engineering	John Romero/ Sandra Kassens

# **City of Santa Fe, New Mexico**

## **Planning Commission**

### **Exhibit B**

**Development Review Team Memoranda**

# City of Santa Fe, New Mexico

# memo

**DATE:** November 17, 2014

**TO:** Zach Thomas, Land Use Division

**VIA:** John J. Romero, Traffic Engineering Division Director

**FROM:** Sandra Kassens, Engineer Assistant

**SUBJECT:** 2504 and 2505 Siringo Lane Rezone. (Case# 2014-104)

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**ISSUE:**

Daniel Smith, and Linda Duran for Robert H. & Sarah S. Duran, request rezoning of two 1-acre parcels from R-1 (Residential – 1 dwelling unit per acre) to R-3 (Residential – 3 dwelling units per acre). The two parcels are currently developed with residential uses and are located at 2504 and 2505 Siringo Lane.

**BACKGROUND:**

The requested rezoning of the two lots mentioned above, on Siringo Lane, currently, a private lot access driveway, would have the potential to increase the number of dwelling units to greater than 8; that would trigger the additional criteria of a 'Lane' road classification as described in Article 14 section 9.2 of the City Code.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on October 29, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

I. Easements:

- A. The applicants shall grant privately-owned easements ten (10) feet in width (5 ft. wide setback and a 5 ft. wide sidewalk) on each side of the existing Siringo Lane easement on an approved plat that grants public access to the sidewalk areas.  
[Reference: Article 14-9.2(E) (4)]

II. Sidewalk Construction:

A. At the time that an applicant of either Tract I (2505 Siringo Lane) or Tract N (2504 Siringo Lane) requests a division of land or approval of a development plan, that applicant shall construct sidewalk on their respective lot within the above mentioned easement and in accordance with applicable standards of Chapter 14 of the City Code [reference: Article 14-9.2 (E) (1)]; and/or

B. An applicant shall construct sidewalk on their respective lot within the above mentioned easement prior to issuance of a certificate of occupancy that would be required for any of the following:

1. Construction of a new principal building,
2. All additions over five hundred (500) square feet gross floor area or
3. Remodeling or renovations over five hundred (500) square feet gross floor area for multiple-family residential and nonresidential permits, [reference: Article 14-9.2(E) (2) (a, b & c)].

C. Sidewalk construction is not required to exceed twenty percent of the value of the other construction covered by the permit for additions and remodeling.

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

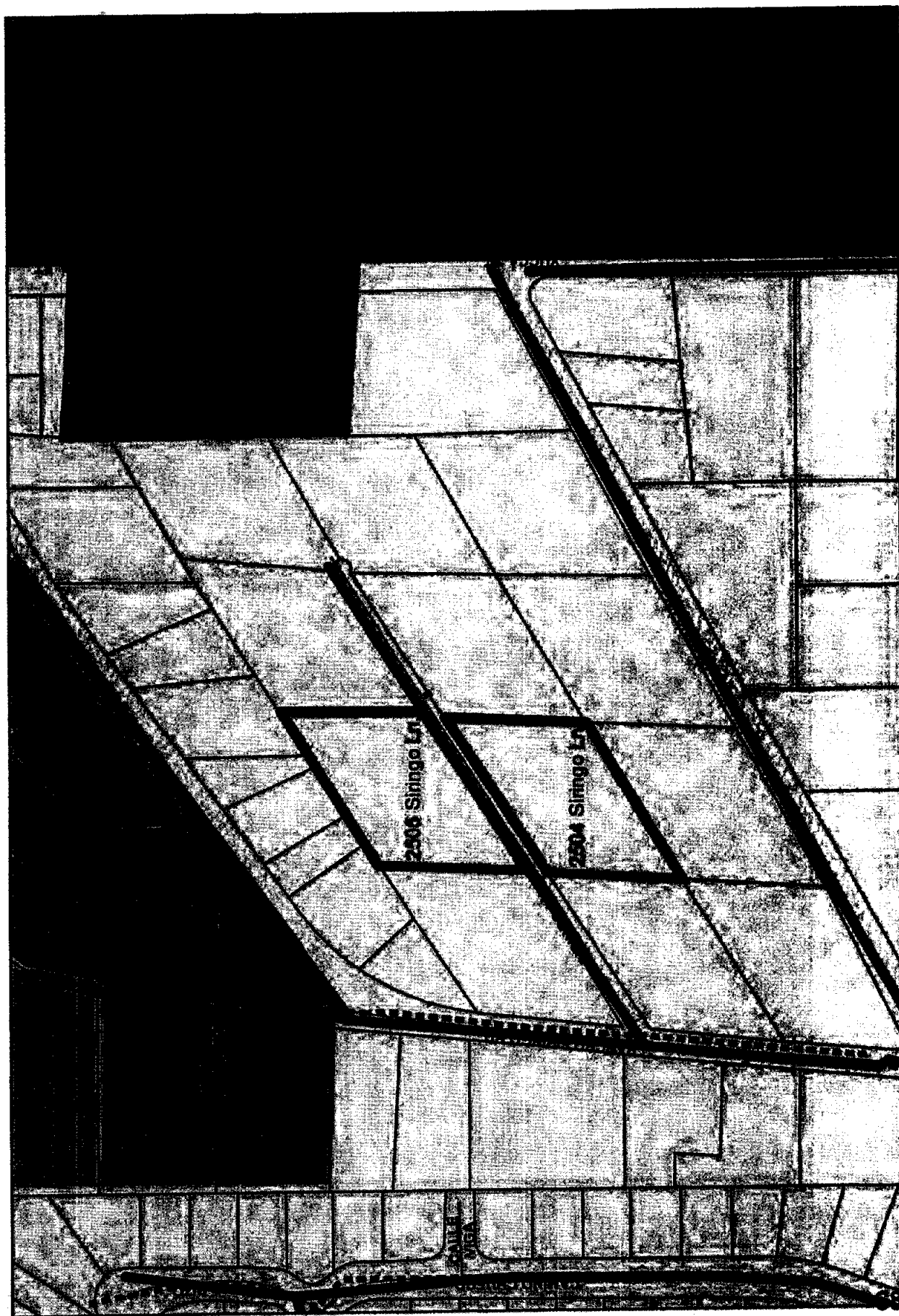
# **City of Santa Fe, New Mexico**

## **Planning Commission**

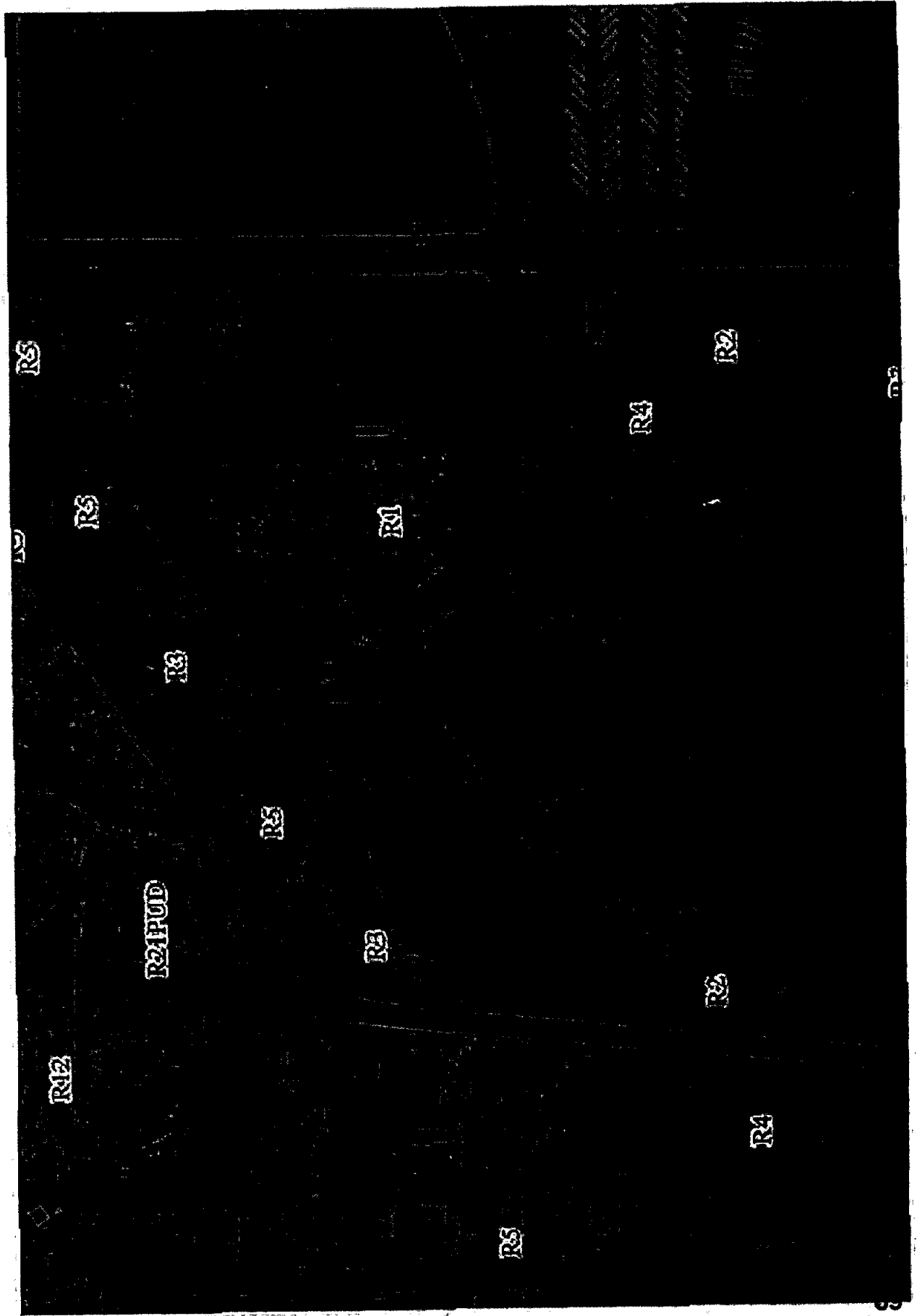
### **Exhibit C**

#### **Maps**

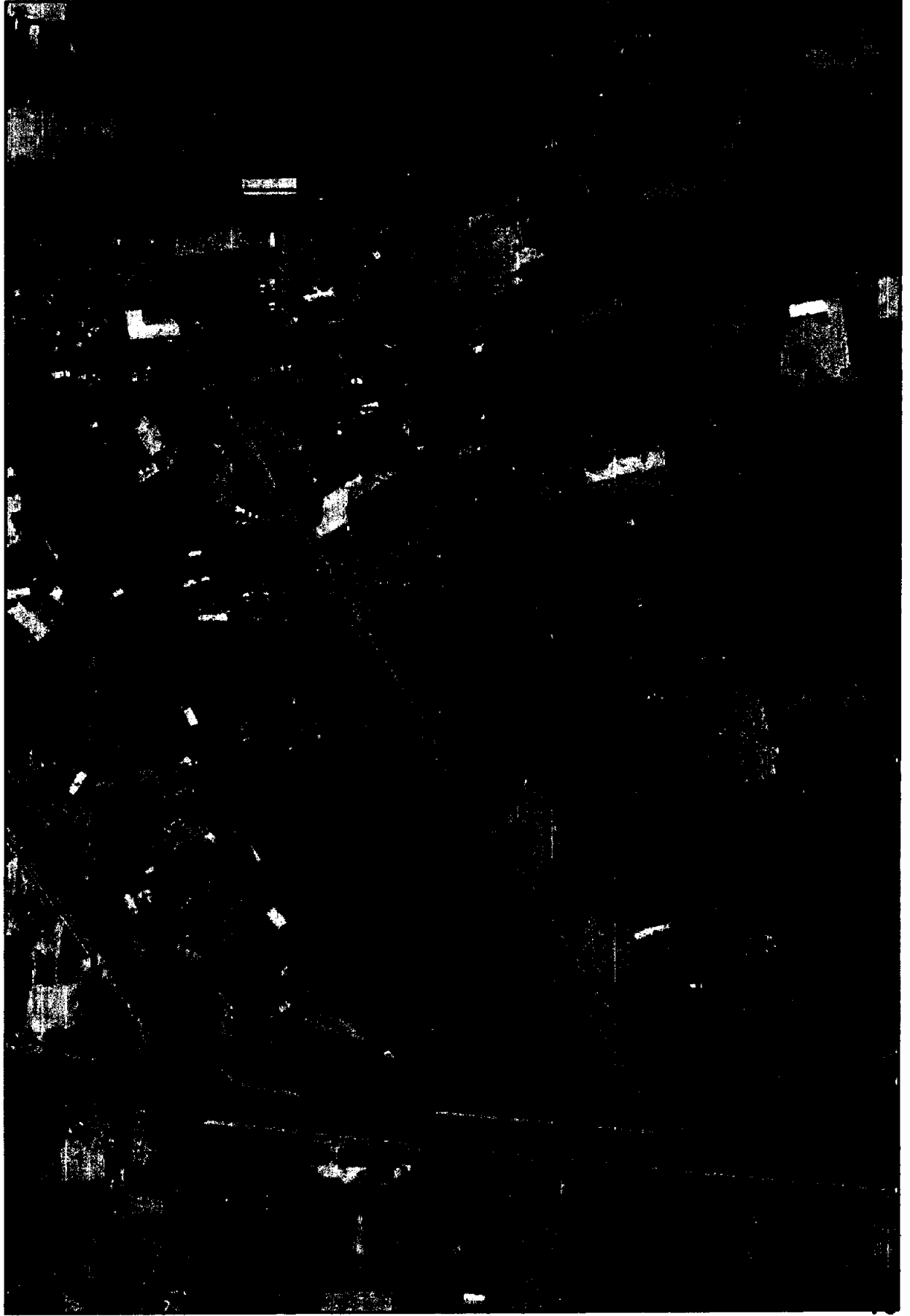
## 2504 and 2505 Siringo Lane Future Land Use



# 2504 and 2505 Siringo Lane Zoning



**2504 and 2505 Siringo Lane Aerial Photo**



# **City of Santa Fe, New Mexico**

## **Planning Commission**

### **Exhibit D**

**ENN Notes**



## City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	2504 and 2505 Siringo Lane
<i>Project Location</i>	2504 and 2505 Siringo Lane
<i>Project Description</i>	Rezone from R-1 to R-3
<i>Applicant / Owner</i>	Linda Duran and Dan Smith
<i>Agent</i>	N/A
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	10/7/14
<i>ENN Meeting Location</i>	La Farge Public Library
<i>Application Type</i>	Rezone
<i>Land Use Staff</i>	Zach Thomas
<i>Attendance</i>	10 neighbors and applicants combined

### Notes/Comments:

Meeting started at 5:35. Staff (Mr. Thomas) gave an introduction about the purpose of the ENN meeting the overall entitlement process. Also explained why applicants are requesting R-3 zoning (because that is what is adjacent)

Mr. Smith explained the history of his property and how long he has owned it. He stated that his lot has 1 house and 2 apartments on it and that he wants to rezone to R-3 so that he has a conforming lot.

Ms. Duran explained that her intent in rezoning was to build a house for herself on the property that was not a guest house or accessory dwelling unit. Most likely they will just constructed on house and may split the lot in the future.

A neighbor asked what the rezone would actually mean for the neighborhood. What you be the ultimate impact.

Mr. Thomas explained what the maximum density could be under the requested zoning.

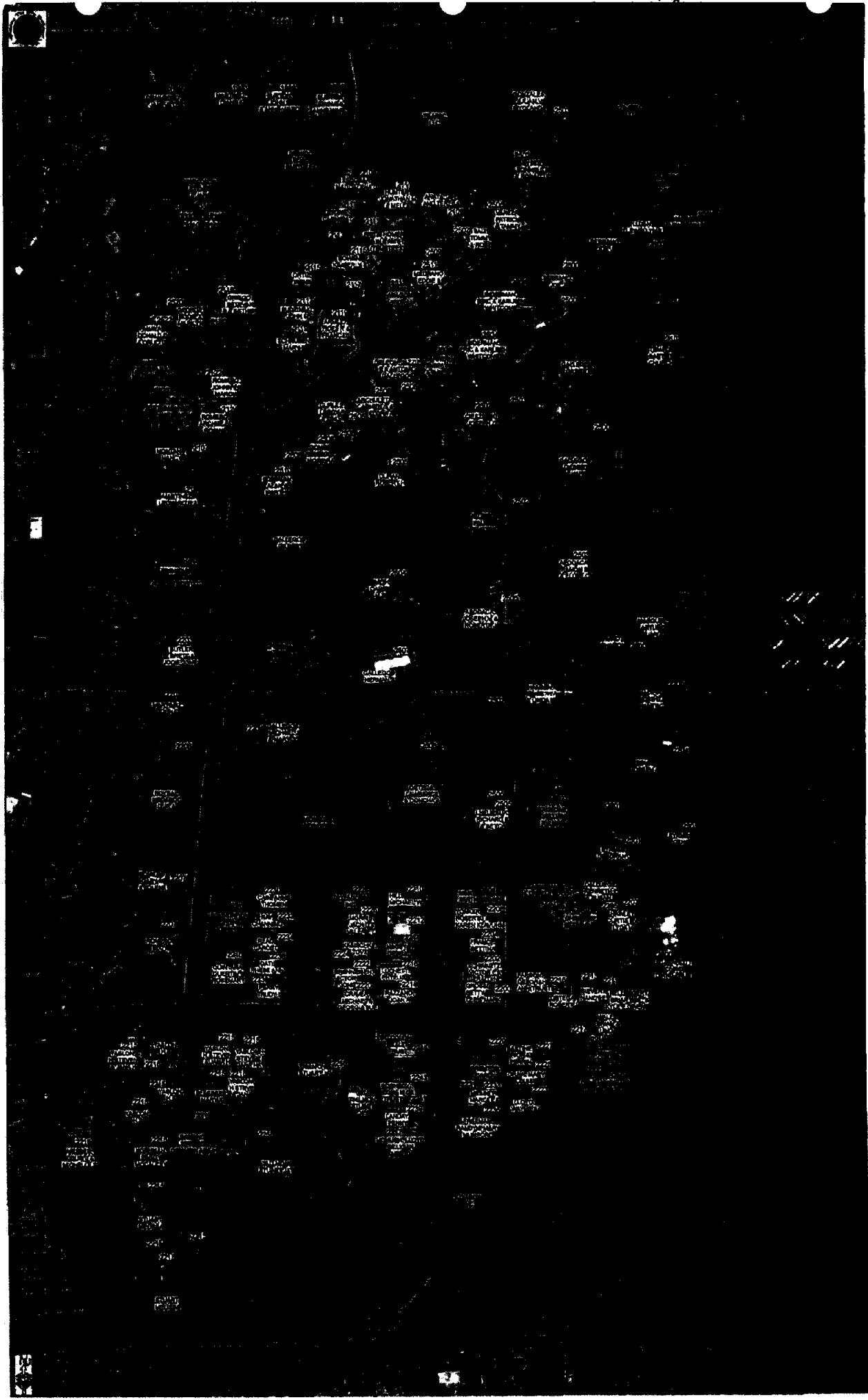
Another question was asked about the road condition and width and if sidewalks would be required.

Neighbors all stated that they supported the rezone and some even stated that they might be interested in rezoning their properties in the future.

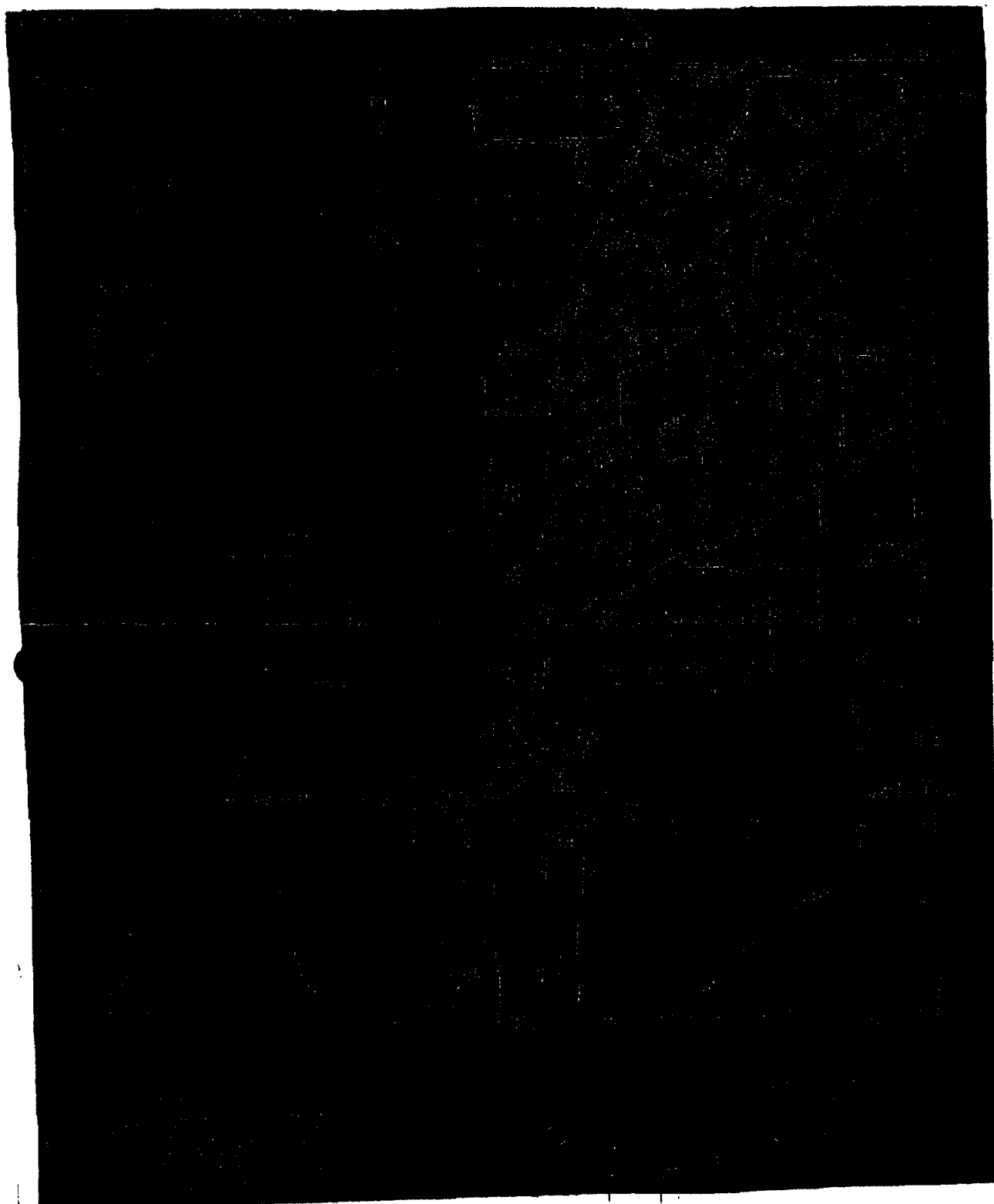
There was general discuss among every about the history of the neighborhood.

The meeting adjourned around 6:45.

[illegible]



PLAT BOOK & PAGE  
8/114




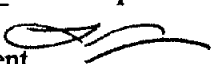
# City of Santa Fe, New Mexico

## memo

**DATE:** March 13 for March 25, 2015 City Council Meeting

**TO:** City Council

**VIA:**

  
Brian Snyder, City Manager  
Lisa Martinez, Director, Land Use Department  
Tamara Baer, ASLA, Manager, Current Planning Division 

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division 

**Case #2014-109. Hands of America General Plan Amendment.** Monica Montoya, agent for Leonel Capparelli, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.50± acres of land from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-110. Hands of America Rezoning.** Monica Montoya, agent for Leonel Capparelli, requests Rezoning approval of 1.50± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

*Cases #2014-109 and #2014-110 are combined for purposes of staff report, public hearing and Governing Body action, but each is a separate application and shall be reviewed and voted upon separately.*

### I. RECOMMENDATION

The Planning Commission recommends **APPROVAL OF BOTH CASES WITH CONDITIONS** to the Governing Body.

On January 8, 2015, the Planning Commission found that the application meets all code criteria for a General Plan Amendment and Rezoning. The applicant is requesting a General Plan Amendment from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. Additionally, the applicant is requesting to rezone the property from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The applicant will then record the lot split of the 3.0± acre site into two lots, each 1.50± acres in size as requested and approved by the Planning Commission if the General Plan Amendment and Rezoning request are approved.

*ELIJA "B"*

## II. APPLICATION OVERVIEW

Leonel Capparelli has owned the subject property and operated his Hands of America furniture restoration business at 401 Rodeo Road for the past 25 years. According to a report from the County, prior to Mr. Capparelli's ownership, the property had also been used as a furniture restoration business, and before that, was the location of a gas station. According to the same report, the gas tanks were removed in the 1940s and 1950s, by the previous owner.

Rezoning of the southern half of the property would qualify as an extension of the C-1 zoning across Rodeo Road. The applicant plans to continue the use of the metal shop and the shed on the proposed north lot for his furniture restoration business as an existing non-conforming use.

Mr. Capparelli obtained a building permit in 2007 for an office/gallery while in the County, prior to the City's annexation of this area in 2009. The State of New Mexico Construction Industries Division (CID) issued the permit for 3,768 square feet of retail space and site improvements consisting of landscaping along Rodeo Road and parking for the retail building on the south end of the property nearest to Rodeo Road per an approved site development plan. The State has inspected and approved footings and electrical installations as well as issued permit renewals regularly with the most recent renewal issued in January of 2014. Mr. Capparelli has maintained his business license for Hands of America while in the County and with the City since annexation.

The City annexed the property as part of the first phase of annexation with a zoning designation R-1 (Residential, 1 du/acre). The property includes his three unit home where he lives in one of the units. The furniture making and restoration business is primarily conducted in one structure on the north half of the property, which included two storage sheds. One storage shed was lost to fire in February 2014. The office/gallery building designed to showcase his furniture, is located closest to Rodeo Road and is currently under construction.

Mr. Capparelli has kept all permits up to date and his business license for Hands of America intact to maintain non-conforming status of the overall three acre property. Although Mr. Capparelli is able to complete his office/gallery under the permit obtained through the State CID, he requests to rezone the southern half of the property to C-1 (Office and Related Commercial) to give the proposed use and structure on the proposed south lot conforming status.

An early neighborhood notification meeting was held on July 23, 2014 to discuss the proposed general plan amendment and rezoning with neighbors and representatives of a neighborhood association. Thirteen persons signed in representing 7 properties within 300' of the subject property. Three persons represented Arroyo Chamiso/Sol y Lomas Neighborhood Association.

### **Attachments:**

- |           |                                                                                                               |
|-----------|---------------------------------------------------------------------------------------------------------------|
| Exhibit 1 | Planning Commission Findings of Fact, approved 2/24/15<br>(Case #2014-109, Case #2014-110 and Case #2014-111) |
| Exhibit 2 | Draft General Plan Amendment Resolution                                                                       |
| Exhibit 3 | Draft Rezoning Bill – C-1                                                                                     |
| Exhibit 4 | Planning Commission Staff Report Packet                                                                       |
| Exhibit 5 | Planning Commission Minutes – 1/8/15                                                                          |

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

Case #2014-109

Hands of America General Plan Amendment

Case #2014-110

Hands of America Rezoning to C-1

Case #2014-111

Hands of America Lot Split

Owner's Name – Leonel Capparelli

Applicant's Name – Monica Montoya

THIS MATTER came before the Planning Commission (Commission) for hearing on January 8, 2015 upon the application (Application) of Monica Montoya, Inc. as agent for Leonel Capparelli (Applicant).

The property is located at 401 Rodeo Road (Property) and is comprised of 3.00± acres with the Future Land Use designation of Rural/Mountain/Corridor (1 Dwelling Unit /Acre) and is zoned R-1 (Residential – 1 Dwelling Unit per Acre)

The Applicant seeks: (1) approval of a lot split to divide 3.00± of land into two lots, each 1.50 acres in order to rezone the southern lot to C-1 (Office and Related Commercial); (2) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the Future Land Use designation of the southern 1.50± acre lot of the Property from Rural/Mountain/Corridor to Office; and (2) to rezone the southern 1.50± acre of the Property from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).

3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on July 23, 2014 at the Genoveva Chavez Community Center.
7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by the Applicant and City staff; there were thirteen members of the public in attendance and no concerns were raised.
9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning and lot split.

#### The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
  - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*

The subject property lies in the middle of four properties on the north side of Rodeo Road designated Rural/Mountain/Corridor (1 du/acre), a lower density than adjacent residential areas that are designated at 1-3 du/ac and 3-7 du/acre. The large church across the street on the south side of Rodeo Road is designated as Public/Institutional and other properties on the south side of Rodeo Road are designated Office, including Sierra Vista (assisted living), a vacant building (previously the ARK veterinary hospital) and Montecito, a continuum of care community with condominium units and assisted living. A new chapel is currently under construction further to the west at the Rivera Cemetery. These surrounding properties were developed well after the "nonconforming" businesses were established on the north side of Rodeo Road. All four of the properties have direct access to Rodeo Road and rely on water wells and septic.
  - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The subject property is consistent with other parts of the general plan including compliance with anticipated probable future growth projections for this portion of Rodeo Road which over the years has developed partially into non-residential uses.

- (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*

The use is not significantly different or inconsistent from surrounding development and is not at the expense of surrounding landowners or the general public. The property is directly across from a mix of uses that are permitted in C-1. Approval of an office/gallery use would be consistent with the historic use of the property.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].*

The proposal conforms with § 14-3.2(E)(1)(c) and is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].*

The proposed use of the 3,768 square foot building will support Santa Fe's economic base by providing space for an office and a gallery and employment opportunities. The completion of the office/gallery building will be an important addition and improvement to this section of Rodeo Road and surrounding area. The C-1 designation is an effective transition from the mix of uses on the south side of Rodeo Road to the residential uses to the north.

- (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*

This request is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

14. The Commission has considered the criteria established by Code §14-3.2(E)(2) and finds the following facts:

- (a) *the growth and economic projections contained within the general plan are erroneous or have changed.*

The 2009 Annexation and General Plan designation did not take into account the historic use of this property.

(b) *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.*

The existing land use was approved in the County, and per the terms of SPaZZo, the City accepted and honored those approvals.

(c) *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.*

The character of East Rodeo Road has existed for many years. The proposed amendment will bring the general plan up to date with the historic use and character of the area.

### The Rezoning

15. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map)
16. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
17. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
18. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:
  - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*  
The property was designated at the least intense zoning R-1 without consideration of historic use or prior County permits. The neighborhood has not experienced significant changes since annexation. The rezoning would reflect the actual and historic use and character of the property. A number of different uses are permitted in the C-1 (Office and Related Commercial) as principally permitted uses. These include arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts.
  - (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*  
All the rezoning requirements of Code Chapter 14 have been met.
  - (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].*  
The proposed rezoning is consistent with the Plan as set forth in the Staff Report.
  - (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*  
The City currently has a good amount of office space, however, such space in this section of Rodeo Road could accommodate an already established use as it was

annexed into the city. Additionally, the C-1 district serves as a buffer to residential districts.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];* Infrastructure and public facilities are available to serve the proposed development of the property. Any new development will require connection to the City public sewer.

19. The Commission has considered the criteria established by Code §§14-3.5(D) and finds, subject to the Conditions, the following facts:

- (1) *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*
- (2) *If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

Roadway infrastructure is available to adequately serve the site as it currently exists. If City water or wastewater becomes available to the new lot, prior to development of that lot, new development will be required to connect to either or both water or sewer, whichever is available at such time.

20. Staff has amended its condition regarding the construction of the sidewalk. The sidewalk must either be completed, inspected and approved prior to recordation of the Lot Split, or an Agreement to Construct the sidewalk and financial guarantee must be provided for the full cost of sidewalk construction at the time of recordation of the Lot Split or at the time of any further construction.

#### The Lot Split

21. The Applicant has complied with the submittal requirements of SFCC §14-3.7(B)(4)(b).
22. Based upon the information contained in the Staff Report, the Lot Split complies with the Approval Criteria, subject to the Conditions. If City water or wastewater becomes available to the new lot, prior to development of that lot, new development will be required to connect to either or both water or sewer, whichever is available at such time.

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

#### General

1. The proposed Plan amendment and rezoning and lot split were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

4. The Applicant has the right under the Code to propose the rezoning of the Property.
5. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

The Lot Split

6. The Lot Split plat is approved, subject to the Conditions.

**WHEREFORE, IT IS ORDERED ON THE 19 DAY OF FEBRUARY, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:**

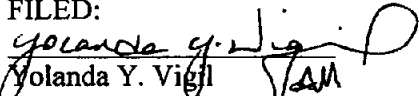
- A. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment.
- B. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to C-1.
- C. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission approves the Lot Split, subject to the Conditions.



Michael Harris, Chair

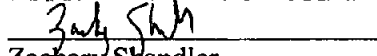
2/19/15  
Date:

FILED:

  
Yolanda Y. Vigil  
City Clerk

2/24/15  
Date:

APPROVED AS TO FORM:

  
Zachary Shandler  
Assistant City Attorney

2/19/15  
Date:

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015-\_\_

INTRODUCED BY:

A RESOLUTION

AMENDING THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF 1.50± ACRES OF LAND FROM RURAL/MOUNTAIN/CORRIDOR (1 DWELLING PER 1 ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401 RODEO ROAD. ("HANDS OF AMERICA" GENERAL PLAN AMENDMENT CASE NO. 2014-109).

WHEREAS, the agent for the owner of the subject property (Leonel Capparelli) has submitted an application to amend the General Plan Future Land Use Map designation of the property from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office;

WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended, extended or supplemented; and

WHEREAS, the Governing Body has held a public hearing on the proposed amendment, reviewed the staff report and the recommendation of the Planning Commission and the evidence obtained at the public hearing, and has determined that the proposed amendment to the General Plan meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

1           **WHEREAS**, the reclassification of the Property would be substantially consistent with  
2 the provisions of the General Plan that promote a compact urban form, that encourages infill  
3 development and mixed use neighborhoods.

4           **WHEREAS**, the reclassification of the Property will not allow a use or change that is  
5 inconsistent with prevailing uses of the area or with the historic uses of the Property, and will not  
6 have adverse impacts upon the surrounding neighborhood; and

7           **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
8 **CITY OF SANTA FE :**

9           **Section 1.**     That the General Plan Future Land Use Map classification for the Property  
10 be and hereby is amended to change the designation from Rural/Mountain/Corridor (1 dwelling  
11 unit per 1 acre) to Office as shown in the General Plan Amendment legal description attached  
12 hereto [EXHIBIT A] and incorporated herein.

13           **Section 2.**     Said General Plan amendment and any future development plan for the  
14 Property is approved with and subject to the conditions set forth in the table attached hereto  
15 [EXHIBIT B] and incorporated herein summarizing City of Santa Fe staff technical memoranda  
16 and conditions approved by the Planning Commission on January 8, 2015.

17           **PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.**

18  
19 \_\_\_\_\_  
20 **JAVIER M. GONZALES, MAYOR**

21 **ATTEST:**

22  
23 \_\_\_\_\_  
24 **YOLANDA Y. VIGIL, CITY CLERK**  
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APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "Zachary Sholler", is written over a horizontal line.

KELLEY BRENNAN, CITY ATTORNEY

**Resolution No. 2015-\_\_\_\_**

**EXHIBIT A  
401 Rodeo Road  
(Hands of America)  
Legal Description  
for General Plan Amendment  
from Rural/Mountain/Corridor to office**

A CERTAIN TRACT OF LAND, DESIGNATED AS LOT 1, LYING AND BEING SITUATE WITHIN SECTION 2, T16N, R9E, N.M.P.M., 401 EAST RODEO ROAD, COUNTY OF SANTA FE, STATE OF NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED HEREON, FROM WHENCE SANTA FE CONTROL MONUMENT No. 107, MARKED BY A DISK IN CONCRETE, BEARS, S42°36'24"W A DISTANCE OF 93.06 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING;

N89°11'00"W A DISTANCE OF 214.34 FEET; THENCE,  
N00°49'56"E A DISTANCE OF 304.50 FEET; THENCE,  
S89°11'00"E A DISTANCE OF 214.24 FEET; THENCE,  
S00°48'49"W A DISTANCE OF 304.50 FEET TO THE  
TRUE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 1.498 ACRES, MORE OR LESS.

ALL AS SHOWN ON A PRELIMINARY UNRECORDED LOT SPLIT PLAT TITLED "LOT SPLIT SURVEY PREPARED FOR LEONEL CAPPARELLI LOTS 1 & 2,..." BY PAUL A. RODRIGUEZ, N.M.P.S. No. 13839. SAID PLAT BEARS PROJECT No. 2205-2.

**Hands of America, 401 Rodeo Road**  
Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall make the following changes to the plat:</p> <p>The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.</p>	Traffic Engineering/Public Works	Sandra Kassens for John Romero
<p>1. There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.</p> <p>2. Fire service requirements will have to be determined by the Fire Department prior to development.</p>	Water Division	Dee Beingessner
<p>1. Fire Department will accept previous conditions and approvals set forth by other agencies.</p> <p>2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.</p> <p>3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeling take place it must conform to the current fire code.</p> <p><b>Prior to any new construction or remodel these conditions would apply:</b></p> <p>1. Shall Comply with International Fire Code (IFC) 2009 Edition.</p> <p>2. Fire Department Access shall not be less than 20 feet width.</p> <p>3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.</p> <p>4. Shall have water supply that meets fire flow requirements as per IFC.</p> <p>5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</p>	Fire Marshal	Reynaldo Gonzales

EXHIBIT B

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)

<p>The subject properties are accessible to the City sanitary sewer system.</p> <p>Additional Comments:</p> <ol style="list-style-type: none"> <li>1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.</li> </ol> <p>The following note shall be added to the plat:</p> <ol style="list-style-type: none"> <li>1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> </ol>	<p>Wastewater Division</p> <p>Stan Holland</p>
<p>The following review comments are to be considered conditions of approval for the Case #2014-111, Lot Split:</p> <ol style="list-style-type: none"> <li>1. <del>Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(F) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.</del>  <i><b><u>This requirement was changed to the following, per the Planning Commission minutes 1/8/15: Easement for the sidewalk and the planter is required to be put in place at the time of recordation of the lot split. Construction of sidewalk to be required at time of building permit application for further construction on either lot.</u></b></i></li> <li>2. Add lot addresses (contact Marisa Struck 955-6661).</li> </ol>	<p>Technical Review Division</p> <p>RB Zaxus</p>

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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2015-8**

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**AN ORDINANCE**

11 **AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;**  
12 **CHANGING THE ZONING CLASSIFICATION FROM R-1 (RESIDENTIAL, 1**  
13 **DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL);**  
14 **AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN PARCEL**  
15 **OF LAND COMPRISING 1.50± ACRES LOCATED AT 401 RODEO ROAD ("HANDS OF**  
16 **AMERICA" REZONING CASE NO. 2014-110).**

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

18 **Section 1.** The following real property (the "Property") located within the municipal  
19 boundaries of the city of Santa Fe, is restricted to and classified C-1 (Office and Related  
20 Commercial):

21 A parcel of land comprising 1.50± acres located at 401 Rodeo Road and more fully  
22 described in EXHIBIT A attached hereto and incorporated by reference, located in  
23 Section 2, T16N., R9E, N.M.P.M., Santa Fe County, New Mexico,

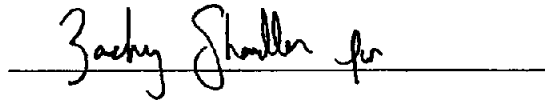
24 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No.  
25 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth

1 in Section 1 of this Ordinance.

2           **Section 3.**     This rezoning action and any future development plan for the Property is  
3 approved with and subject to the conditions set forth in the table attached hereto as EXHIBIT B  
4 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and  
5 conditions recommended by the Planning Commission on January 8, 2015.

6           **Section 4.**     This Ordinance shall be published one time by title and general summary  
7 and shall become effective five days after publication.

8 **APPROVED AS TO FORM:**

9  
10 A handwritten signature in cursive script, appearing to read "Zachary Shallen", is written over a horizontal line.

11 **KELLEY BRENNAN, CITY ATTORNEY**

Bill No. 2015-8

EXHIBIT A  
401 Rodeo Road  
(Hands of America)  
Legal Description for C-1 Zoning

A CERTAIN TRACT OF LAND, DESIGNATED AS LOT 1, LYING AND BEING SITUATE WITHIN SECTION 2, T16N, R9E, N.M.P.M., 401 EAST RODEO ROAD, COUNTY OF SANTA FE, STATE OF NEW MEXICO. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT THE SOUTHEAST CORNER OF THE TRACT DESCRIBED HEREON, FROM WHENCE SANTA FE CONTROL MONUMENT No. 107, MARKED BY A DISK IN CONCRETE, BEARS, S42°36'24"W A DISTANCE OF 93.06 FEET; THENCE FROM SAID POINT AND PLACE OF BEGINNING;

N89°11'00"W A DISTANCE OF 214.34 FEET; THENCE,  
N00°49'56"E A DISTANCE OF 304.50 FEET; THENCE,  
S89°11'00"E A DISTANCE OF 214.24 FEET; THENCE,  
S00°48'49"W A DISTANCE OF 304.50 FEET TO THE  
TRUE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 1.498 ACRES, MORE OR LESS.

ALL AS SHOWN ON A PRELIMINARY UNRECORDED LOT SPLIT PLAT TITLED "LOT SPLIT SURVEY PREPARED FOR LEONEL CAPPARELLI LOTS 1 & 2,..." BY PAUL A. RODRIGUEZ, N.M.P.S. No. 13839. SAID PLAT BEARS PROJECT No. 2205-2.

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)  
 Ordinance No. \_\_\_\_\_

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall make the following changes to the plat:                      The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.</p>	<p>Traffic Engineering/Public Works</p>	<p>Sandra Kassens for John Romero</p>
<p>1. There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.                      2. Fire service requirements will have to be determined by the Fire Department prior to development.</p>	<p>Water Division</p>	<p>Dee Beingsnessner</p>
<p>1. Fire Department will accept previous conditions and approvals set forth by other agencies.                      2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.                      3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeling take place it must conform to the current fire code.</p>	<p>Fire Marshal</p>	<p>Reynaldo Gonzales</p>
<p><b>Prior to any new construction or remodel these conditions would apply:</b>                      1. Shall Comply with International Fire Code (IFC) 2009 Edition.                      2. Fire Department Access shall not be less than 20 feet width.                      3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.                      4. Shall have water supply that meets fire flow requirements as per IFC.                      5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</p>		

EXHIBIT B

# Hands of America, 401 Rodeo Road

Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111)  
Ordinance No. \_\_\_\_\_

<p>The subject properties are accessible to the City sanitary sewer system.</p> <p>Additional Comments:</p> <ol style="list-style-type: none"> <li>There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.</li> </ol> <p>The following note shall be added to the plat:</p> <ol style="list-style-type: none"> <li>Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> </ol>	Wastewater Division	Stan Holland
<p>The following review comments are to be considered conditions of approval for the Case #2014-111, Lot Split:</p> <ol style="list-style-type: none"> <li><del>Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9-2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.</del> <i><b><u>This requirement was changed to the following, per the Planning Commission minutes 1/8/15: Easement for the sidewalk and the planter is required to be put in place at the time of recordation of the lot split. Construction of sidewalk to be required at time of building permit application for further construction on either lot.</u></b></i></li> <li>Add lot addresses (contact Marisa Struck 955-6661).</li> </ol>	Technical Review Division	RB Zaxus

# City of Santa Fe, New Mexico

## memo

**DATE:** December 18, 2014 for the January 8, 2015 meeting

**TO:** Planning Commission

**VIA:** Lisa Martinez, Director, Land Use Department  
Tamara Baer, Planning Manager, Current Planning Division

**FROM:** Donna Wynant, AICP, Senior Planner, Current Planning Division

**Case #2014-111. Hands of America Lot Split.** Monica Montoya, agent for Leonel Capparelli, requests Lot Split approval to divide 3.0± acres of land into two lots, each 1.50 acres in order to rezone one of the lots to C-1 (Office and Related Commercial). The property is zoned R-1 (Residential, 1 dwelling unit per acre) and is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-109. Hands of America General Plan Amendment.** Monica Montoya, agent for Leonel Capparelli, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.50± acres of land from Rural/Mountain/Corridor (1 dwelling unit per 1 acre) to Office. The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

**Case #2014-110. Hands of America Rezoning.** Monica Montoya, agent for Leonel Capparelli, requests Rezoning approval of 1.50± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial). The property is located at 401 Rodeo Road. (Donna Wynant, Case Manager)

*Cases #2014-109, #2014-110 and #2014-111 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.*

### RECOMMENDATION

The Land Use Department recommends **approval** of all three cases with staff Conditions of Approval as outlined in this report. No specific development will occur as a result of these applications. The General Amendment and Rezoning cases will proceed to the City Council for final decision.

## **I. APPLICATION OVERVIEW**

Leonel Capparelli has owned the subject property and operated his Hands of America furniture restoration business at 401 Rodeo Road for the past 25 years. According to an unverified report from the County, prior to Mr. Capparelli's ownership, the property had also been used as a furniture restoration business, and before that, was the location of a gas station. According to the same report the gas tanks were removed in the 1940s and 1950s, by the previous owner.

Mr. Capparelli obtained a building permit in 2007 for an office/gallery while in the County, prior to the City's annexation of this area in 2009. The State of New Mexico Construction Industries Division (CID) issued the permit for 3,768 square feet of retail space and site improvements consisting of landscaping along Rodeo Road and parking for the retail building on the south end of the property nearest to Rodeo Road per an approved site development plan. (See Exhibit E-3) The State has inspected and approved footings and electrical installations as well as issued permit renewals regularly with the most recent renewal issued in January of 2014. Mr. Capparelli has maintained his business license while in the County and with the City since annexation.

The City annexed the property as part of the first phase of annexation with a zoning designation R-1 (Residential, 1 du/acre). The property includes his three unit home where he lives in one of the units. The furniture making and restoration business is primarily conducted in one structure on the north half of the property, which included two storage sheds. One storage shed was lost to fire in February 2014. The office/gallery building designed to showcase his furniture, is located closest to Rodeo Road and is currently under construction.

Mr. Capparelli has kept all permits up to date and his business license for Hands of America intact to maintain non-conforming status of the overall three acre property. Although Mr. Capparelli is able to complete his office/gallery under the permit obtained through the State CID, he requests to rezone the southern half of the property to C-1 (Office and Related Commercial) to give the proposed use and structure on the proposed south lot conforming status.

He proposes to subdivide his property into 2 parcels in order to rezone the southern lot thereby bringing it into compliance with zoning. To do so first requires the split, then an amendment to the General Plan to change the future land use designation of the southern lot to Office Use and to rezone it to C-1 (Office and Related Commercial). Rezoning of the southern half of the property would qualify as an extension of the C-1 zoning across Rodeo Road. The applicant plans to continue the use of the metal shop and the shed on the proposed north lot for his furniture restoration business as an existing non-conforming use.

## **II. LOT SPLIT**

The purpose of the lot split is to divide the property into two lots, each 1.50± acres in size, to then zone the resulting south lot (Lot 1) to C-1 to bring the existing uses into conformance with zoning. Lot 1 is currently developed with a three unit residential structure and a 3,768 sq. ft. building to house the applicant's office and furniture gallery, which is under construction. Lot

2, will remain residentially zoned, but will continue its use as a workshop in connection with the Hands of America furniture restoration business as a legally nonconforming use. As such, it may not be intensified or enlarged. Although the applicant has not indicated any interest in developing the north half residentially, the R-1 Zoning would allow the property owner to develop a house on the 1.50± acre lot.

The overall property has a water well and septic tank and is not currently connected to city utilities. At the time of any new construction on either of the two lots other than the building currently under construction on the front lot, the owner will be required to connect to city sewer and city water, if available. The rear lot, Lot 2, includes a small office that has a bathroom serviced with the well and septic field on Lot 1. An easement shall be shown and labeled on the plat for the well and septic field shared between lots. Connection to city water and sewer, if available, for either lot at the time of building permit application for any new development shall be noted on the plat.

The property is accessed directly from Rodeo Road by a private drive along the east property line which will be redesigned to accommodate additional spaces near the office/gallery on Lot 1. The existing driveway currently extends to a metal shop which is shown at the property line between Lot 1 and Lot 2. The Fire Marshal requires a 20 foot wide easement to access Lot 2 with a turnaround to be constructed at the time of permit application for any new development on that lot.

### **III. GENERAL PLAN AMENDMENT**

#### ***14-3.2 (E) Approval Criteria***

##### ***(1) Criteria for All Amendments to the General Plan***

***The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:***

- (a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;***

#### **Applicant Response:**

“The proposed ‘Office’ designation is consistent with growth projections for the area of the subject property. Adjacent properties across the street from the subject property are projected as non-residential uses. The proposed Office designation is appropriate for Hands of America which has operated at this location for 25 years, before the general plan update in 1999. The general plan’s vision for this stretch of Rodeo Road includes a combination of non-residential and residential uses with varying densities. Existing designations in close proximity are also “Office”. The proposed designation is a continuation of existing projected uses. The proposal is also consistent with economic diversity themes of the general plan which is to promote

economic development. All infrastructure is in place and no anticipated modifications are proposed with this application. The intent of this application is to bring existing uses into conformance with existing adopted plans.”

**Staff Response:**

The subject three acre property lies in the middle of four properties on the north side of Rodeo Road designated Rural/Mountain/Corridor (1 du/acre), a lower density than adjacent residential areas that are designated at 1-3 du/ac and 3-7 du/acre. The large church across the street is designated as Public/Institutional and other properties on the south side of Rodeo Road are designated Office, including Sierra Vista (assisted living), a vacant building (previously the ARK veterinary hospital) and Montecito, a continuum of care community with condominium units and assisted living. A new chapel is currently under construction further to the west at the Rivera Cemetery. These surrounding properties were developed well after the “nonconforming” businesses were established on the north side of Rodeo Road. All four of the properties have direct access to Rodeo Road and rely on water wells and septic. Connection to city water and sewer will be required as these properties develop in the future, assuming the infrastructure is available at that time.

***(b) consistency with other parts of the general plan;***

**Applicant Response:**

“Hands of America is consistent with other parts of the general plan including compliance with anticipated probable future growth projections for this portion of Rodeo Road which over the years has developed partially into non-residential uses. By virtue of existing designations, Hands of America is an acceptable land use to guide the growth and land development of East Rodeo Road for both the current period and the long term.”

**Staff Response:**

Staff concurs with applicant response.

***(c) the amendment does not:***

- (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or***

**Applicant Response:**

“No change of use is proposed with the amendment. We only seek a designation which appropriately recognizes the long term use of the subject property. The proposed amendment does not change the non-residential character of East Rodeo Road but rather assigns the correct designation to a historic non-residential pattern already established in the area. Uses in the area include predominantly non-residential uses combined with residential use.”

**Staff Response:**

The use is not significantly different or inconsistent from surrounding development and is not at the expense of surrounding landowners or the general public. The property is directly across from a mix of uses that are permitted in C-1. Approval of an office/gallery use would be consistent with the historic use of the property.”

- (ii) *affect an area of less than two acres, except when adjusting boundaries between districts; or*

**Applicant Response:**

“See below.”

**Staff Response:**

The property requested to be rezoned to C-1 is less than 2 acres (1.5 acres), but would be an adjustment and extension of the C-1 to the south.

- (iii) *benefit one or a few landowners at the expense of the surrounding landowners or the general public;*

**Applicant Response:**

“The designation of Office respects the historic established character of East Rodeo Road and intends to bring conformance to established uses in the area. No negative impacts are anticipated to surrounding landowners or the general public.”

**Staff Response:**

The development plan was approved in the County, and the applicant has renewed the construction permit throughout the years. The permit is subject to several conditions to ensure the property does not negatively impact surrounding properties.

- (d) *an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;*

**Applicant Response:**

“The amendment will promote the general welfare by bringing a historical use into conformance with appropriate City growth policies.”

**Staff Response:**

This proposal conforms to Section 14-3.2(E)(1)(c) and is consistent with the City's land use policies, ordinances, regulations and plans as they relate to the City's desire to maintain a compact urban form, encourage infill development and mixed use neighborhoods.

*(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;*

**Applicant Response:**

"N/A"

**Staff Response:**

N/A

*(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and*

**Applicant Response:**

"Hands of America contributes to the harmonious character established for the area and maintains respect of Santa Fe's unique personality and sense of place. Its theme speaks to the very fabric of the community; restoring New Mexican history for the present and future, while maintaining qualities established by the general plan including health, safety, morals, order and general welfare. It's a small business with big impacts on history."

**Staff Response:**

The proposed use of the 3,768 square foot building will support Santa Fe's economic base by providing space for an office and a gallery and employment opportunities. The completion of the office/gallery building will be an important addition and improvement to this section of Rodeo Road and surrounding area. The C-1 designation is an effective transition from the mix of uses on the south side of Rodeo Road to the residential uses to the north.

*(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.*

**Applicant Response:**

"Hands of America operates as a legal use with appropriate permits from the State, County and City meeting the requirements of City ordinances. The use is legally con-forming created by events out of Mr. Capparelli's control. This status and has proven to be problematic to the

completion of the building at the south end of the site. The proposal seeks only to remedy this through the assignment of appropriate classification to match the historic use.”

**Staff Response:**

A potentially empty, large building is a detriment to the area and does not positively impact the local economy. The requested rezoning would ensure that the applicant’s development previously approved in the County will be a conforming use if zoned C-1. A nonconforming status could prevent him from rebuilding if it should be destroyed by fire or other catastrophe. This proposal is consistent with the City’s policies promoting infill, redevelopment, and mixed-use neighborhoods.

***(2) Additional Criteria for Amendments to Land Use Policies***

***In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping or other means, and a finding must be made that:***

***(a) the growth and economic projections contained within the general plan are erroneous or have changed;***

**Applicant Response:**

“The proposed amendment will bring conformance and an appropriate designation to a use which has operated at the site for over 20 years. It is conceivable that a study of the area during the 1999 update may have warranted the proposed classification.”

**Staff Response:**

The 2009 Annexation and General Plan designation did not take into account the historic use of this property.

***(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or***

**Applicant Response:**

“The proposed amendment will provide a designation which is appropriate for the historic use of the property.”

**Staff Response:**

The existing land use was approved in the County, and per the terms of the Subdivision, Planning and Zoning Ordinance (SPPAZO) the City accepted and honored those approvals.

*(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market or building technology.*

**Applicant Response:**

“The character of East Rodeo Road has existed for many years. The proposed amendment will bring the general plan up to date with the historic use and character of the area.”

**Staff Response:**

Staff concurs with the applicant’s response.

**IV. REZONING**

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

*(a) one or more of the following conditions exist:*

*(i) there was a mistake in the original zoning;*

**Applicant response:**

“We propose that there was a mistake in the original zoning. Through no-party’s fault, the subject property was annexed without the benefit of careful consideration of the historic use of 25 years, previous state and county permitting, and appropriate zoning designation. The result was the assignment of R1 zoning for a non-residential use. R1 does not permit non-residential use but because the use pre-existed the annexation, was allowed to continue with very restrictive requirements which do not apply to other non-residential uses in the city. We seek only to remedy the situation which was created through events out of Mr. Capparelli’s control. Hands of America has operated as a non-residential use for 25 years and a C1 designation would bring the historic use into conformance with appropriate zoning.”

**Staff response:**

The property was designated at the least intense zoning R-1 without consideration of historic use or prior County permits.

*(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning;*

**Applicant response:**

“The non-residential character of East Rodeo Road including that of the subject has existed for many years. We seek only to assign the appropriate zoning classification of C1 to a pre-existing use in an area with a history of non-residential use.”

**Staff response:**

The neighborhood has not experienced significant changes since annexation. Rather, the rezoning would reflect the actual and historic use and character of the property.

*(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;*

**Applicant response:**

“The proposed zone is more appropriate to the character of East Rodeo in this area. The C1 zone will have many positive effects including creation of a transition between existing non-residential uses and residential uses to the north. We ask the Commission to consider that C1 zoning is an appropriate designation based on development patterns immediately adjacent to and within the vicinity of the subject. The busy nature of Rodeo Road has made single family residential use (R1 zone) unlikely. Rodeo Road has become a major east/west connection with increasing traffic. It is our belief that the nature of C1 zoning at this location will create opportunities for an integrated community with surrounding uses.”

**Staff response:**

A number of different uses are permitted in the C-1 (Office and Related Commercial) as principally permitted uses. These include: (Table 14-6.1-1) “arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts.”

*(b) all the rezoning requirements of Chapter 14 have been met;*

**Applicant response:**

“We propose that rezoning requirements of Chapter 14 have been satisfactorily demonstrated through our application.”

**Staff response:**

Six parking spaces are shown on the Site Development Plan (See Exhibit E-3) and sufficient parking is available to accommodate the three unit residence behind the office/gallery building. Additional landscaping may be required next to the residential properties at the time of any future construction.

- (c) *rezoning is consistent with the applicable policies of the general plan, including the future land use map;*

**Applicant response:**

“We propose that the general plan recognizes that managing growth is a process which occurs over time. Character changes over time as traffic increases, population and density increases, quality of life changes to name a few. We ask the Commission to consider that East Rodeo does not fit the character of the general plan designation and must be updated. We ask the Commission to consider that the zoning designation of C1 is consistent with these policies.”

**Staff response:**

An amendment to the General Plan is requested with this application to change the zoning to C-1.

- (d) *the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;*

**Applicant response:**

“We propose that the general plan recognizes that managing growth is a process which occurs over time. Characters change over time as traffic increases, population and density increases, quality of life changes to name a few. We ask the Commission to consider that East Rodeo does not fit the character of the general plan designation and must be updated. We ask the Commission to consider that the zoning designation of C1 is consistent with these policies.”

**Staff response:**

Although the city currently has a good amount of office space, such space on this section of Rodeo Road could accommodate an already established use as it was annexed in to the city. Additionally, the C-1 district serves as a buffer to residential districts.

- (e) *the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.*

**Applicant response:**

“There will be no changes to existing infrastructure including East Rodeo Road construction, sewer, water or public facilities. The use will operate as it has for many years with the only difference being the appropriate zoning category.”

**Staff response:**

A water well and septic tank will continue to service the site with appropriate easements until such time as any new construction is proposed for Lot 1 or Lot 2 when connection to public water and sewer will be required if it is available. Currently, City water is available in Rodeo Road and City wastewater is available to the north of the property.

(2) *Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:*

(a) *allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;*

**Applicant response:**

“We propose that the C1 zone fits the historic non-residential character of East Rodeo Road in the vicinity of the subject property which in addition to non-residential uses is a high traffic commuter route from St. Francis Drive to Old Pecos Trail.”

**Staff response:**

The proposed rezoning of the south half of the subject property will not significantly change the character of the surrounding area.

(b) *affect an area of less than two acres, unless adjusting boundaries between districts; or*

**Applicant response:**

“The proposed C1 boundary will be adjusted from the south to include the subject property.”

**Staff response:**

Staff concurs with the applicant’s response.

(c) *benefit one or a few landowners at the expense of the surrounding landowners or general public.*

**Applicant response:**

“The proposed change will not adversely affect surrounding landowners or the general public. Rather, it will bring an already non-residential use into conformance with zoning laws.”

**Staff response:**

The proposed change to rezone the southern half of the three acre parcel will not adversely affect surrounding landowners.

**(D) Additional Applicant Requirements**

*(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;*

**Applicant response:**

“Existing infrastructure will be used with no changes proposed.”

**Staff response:**

Impacts on infrastructure will be assessed at the time of any future development proposals.

*(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.*

**Applicant response:**

“E. Rodeo Road is sufficient to support the C-1 classification.”

**Staff response:**

Some infrastructure is available to serve the site and will be more closely evaluated at time of any new construction permit application. Infrastructure is available to serve the site and will be more closely evaluated at time of any new construction permit application.

**V. EARLY NEIGHBORHOOD NOTIFICATION MEETING**

An early neighborhood notification meeting was held on July 23, 2014 to discuss the proposed general plan amendment and rezoning with neighbors and representatives of a neighborhood association. Thirteen persons signed in representing 7 properties within 300’ of the subject

property. Three persons represented Arroyo Chamiso/Sol y Lomas Neighborhood Association. Discussions focused primarily on the proposal. (See Exhibit D-1, ENN Notes)

## **VI. CONCLUSION**

Staff supports the proposed lot split, general plan amendment and rezone subject to the attached DRT Conditions of Approval. The property has operated as a home and business for over 25 years and was annexed into the City at the lowest zoning category of R-1. The rezoning will bring already approved development into compliance with City zoning.

## **VII. ATTACHMENTS:**

### **EXHIBIT A: Conditions of Approval**

### **EXHIBIT B: Development Review Team Memoranda**

1. Traffic Engineering Division email, Sandra Kassens
2. Water Division memorandum, Dee Beingessner
3. Fire Marshal, Reynaldo Gonzales
4. Wastewater Management Division memorandum, Stan Holland
5. Technical Review Division – City Engineer memorandum, Risana Zaxus

### **EXHIBIT C: Maps**

1. Future Land Use
2. Current Zoning & Aerial
3. Utilities and Floodplain Map
4. Close Up Aerial

### **EXHIBIT D: ENN Materials**

1. ENN Responses to Guidelines
2. ENN Meeting Notes

### **EXHIBIT E: Applicant Materials**

1. Letter of Application (see applicant's package)
2. Lot Split Plat
3. Site Development Plan

### **EXHIBIT F: Other Material**

1. Photographs of site
2. List of permitted uses in C-1 (Office and Related Commercial)

**Hands of America, 401 Rodeo Road**  
 Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111))

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall make the following changes to the plat:                      The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.</p>	<p>Traffic Engineering/Public Works</p>	<p>Sandra Kassens for John Romero</p>
<p>1. There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.                      2. Fire service requirements will have to be determined by the Fire Department prior to development.</p>	<p>Water Division</p>	<p>Dee Beingessner</p>
<p>1. Fire Department will accept previous conditions and approvals set forth by other agencies.                      2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.                      3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeling take place it must conform to the current fire code.</p> <p><b>Prior to any new construction or remodel these conditions would apply:</b></p> <p>1. Shall Comply with International Fire Code (IFC) 2009 Edition.                      2. Fire Department Access shall not be less than 20 feet width.                      3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.                      4. Shall have water supply that meets fire flow requirements as per IFC.                      5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.</p>	<p>Fire Marshal</p>	<p>Reynaldo Gonzales</p>

EXHIBIT **A**

# **Hands of America, 401 Rodeo Road**

Lot Split, General Plan Amendment & Rezoning (Case #2014-109, 110 & 111))

<p>The subject properties are accessible to the City sanitary sewer system.</p> <p>Additional Comments:</p> <ol style="list-style-type: none"> <li>1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot 1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.</li> </ol> <p>The following note shall be added to the plat:</p> <ol style="list-style-type: none"> <li>1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</li> </ol>	Wastewater Division	Stan Holland
<p>The following review comments are to be considered conditions of approval for the Case #2014-111, Lot Split:</p> <ol style="list-style-type: none"> <li>1. Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.</li> <li>2. Add lot addresses (contact Marisa Struck 955-6661).</li> </ol>	Technical Review Division	RB Zaxus

# City of Santa Fe, New Mexico

## memo

**DATE:** December 17, 2014

**TO:** Donna Wynant, Land Use Division

**VIA:** John J. Romero, Traffic Engineering Division Director *JJR*

**FROM:** Sandra Kassens, Engineer Assistant *SK*

**SUBJECT:** Hands of America General Plan Amendment. (Case# 2014-109)  
Hands of America Rezoning to C-1. (Case # 2014-110)  
Hands of America Lot Split. (Case # 2014-111)

### ISSUE:

Monica Montoya, agent for Leonel Capparelli, Requests:

1. Approval of a General Plan Future Land Use map amendment to change the designation of 1.49± acres of land from RMTM (Mountain Density Residential, up to 1 dwelling unit per 10 acres) to Office designation; and
2. approval of 1.49± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-1 (Office and Related Commercial); and
3. Lot Split approval of 3.0± acres of land. The property is located at 401 Rodeo Road.

### RECOMMENDED ACTION:

Review comments are based on submittals received on November 26, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

The Traffic Engineering Division will allow only one access onto Rodeo Road for this lot split.

1. The Developer shall make the following changes to the plat:
  - a. The applicant shall modify the easement where it terminates at the southern boundary of Lot 1 so that it is coincident with the existing driveway/access to Rodeo Road, use a reverse-curve or a gentle taper to accomplish this rather than an abrupt change of direction. Access easement to be reviewed and approved by the Public Works Dept.

If you have any questions or need any more information, feel free to contact me at 955-6697.

Thank you.

SS001.PM5 - 7/96

EXHIBIT B-1

*City of Santa Fe*  
**memo**

**DATE:** November 26, 2014  
**TO:** Donna Wynant, Land Use Senior Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer *DB*  
**SUBJECT:** Case # 2014-111 Hands of America Lot Split


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There is no existing water service for the subject property. If they will request water service, there is a main available on Rodeo Road.

Fire service requirements will have to be determined by the Fire Department prior to development.

# City of Santa Fe, New Mexico

## memo

**DATE:** December 8, 2014  
**TO:** Case Manager: Donna Wynant  
**FROM:** Reynaldo D Gonzales, Fire Marshal   
**SUBJECT:** Case #2014-109,110,111 Hands of America

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I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Fire Department will accept previous conditions and approvals set forth by other agencies.
2. Lot 2 does not meet fire code requirements for the driveway meeting 150 feet distance and would require a turn-around or automatic sprinklers system. Should any new construction or remodel take place it must conform to the current fire code.
3. Lot 2 does not meet the fire code requirements for water supply distance. Should any new construction or remodeled take place it must conform to the current fire code.

**Prior to any new construction or remodel these conditions would apply**

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Fire Department Access shall not be less than 20 feet width.
3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
4. Shall have water supply that meets fire flow requirements as per IFC.
5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width

# City of Santa Fe, New Mexico

# memo

**DATE:** December 2, 2014  
**TO:** Donna Wynant, Case Manager  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2014-109-111 401 Rodeo Road hands of America General Plan Amendment, Rezoning and Lot Split

---

**The subject properties are accessible to the City sanitary sewer system.**

**Additional Comments:**

1. There is an existing public sewer line north of the property. A continuous sewer service easement through Lot1 and Lot 2 for the benefit of both lots shall be added to the proposed lot split plat.

**The following note shall be added to the plat:**

1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

# City of Santa Fe, New Mexico

# memo

DATE: December 17, 2014  
TO: Donna Wynant, Case Manager  
FROM: Risana B "RB" Zaxus, PE, City Engineer for Land Use Department  
SUBJECT: Case # 2014-111, Hands of America Lot Split

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The following review comments are to be considered conditions of approval:

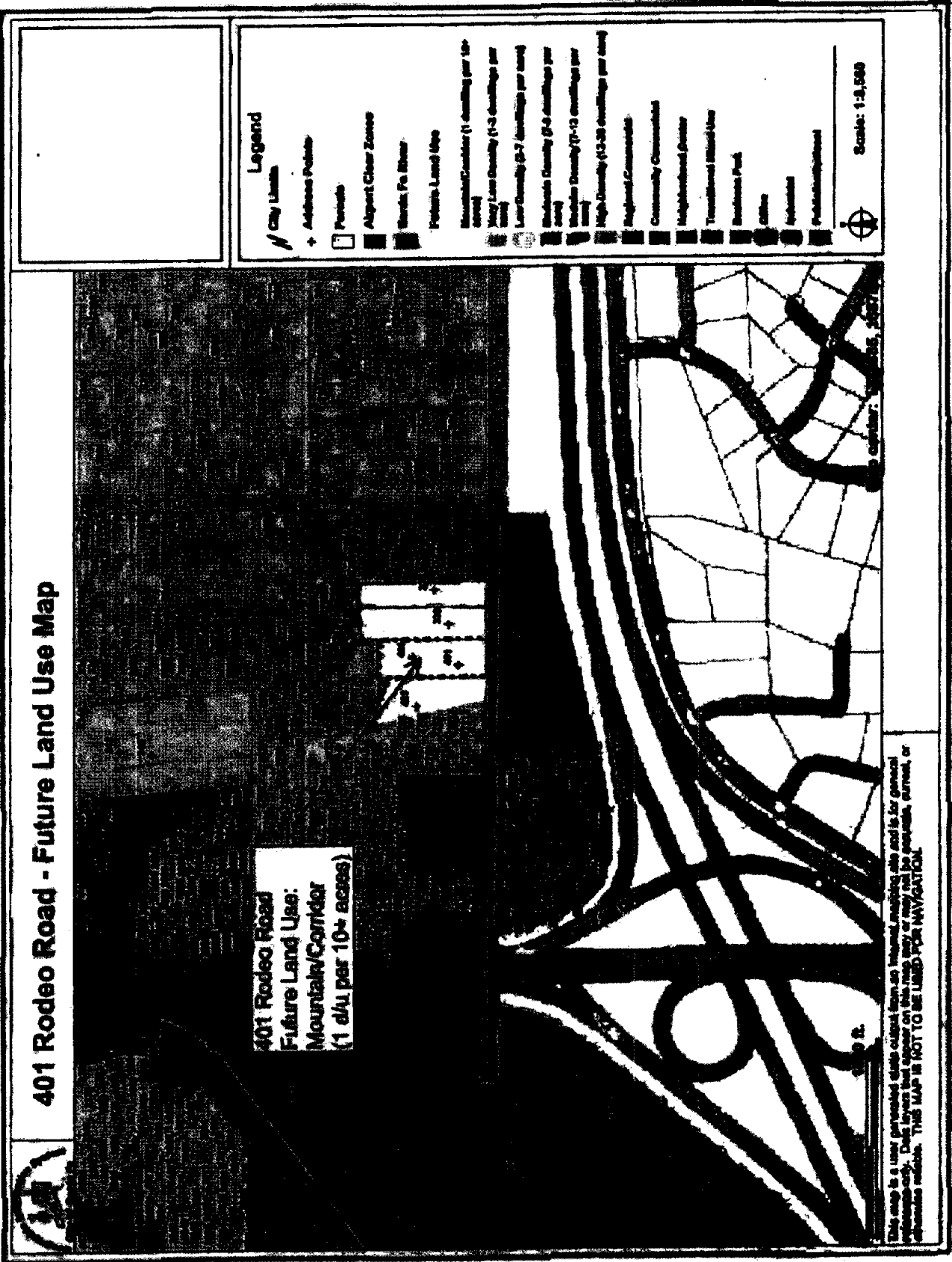
Sidewalk must be constructed along the Rodeo Road frontage in accordance with Article 14-9.2(E) of the Land Development Code. Construction must either be completed, inspected, and approved prior to recordation of the Lot Split, or a financial guarantee must be provided for the full cost of sidewalk construction, along with an Agreement to Construct the sidewalk within one year of recordation of the Lot Split.

Add lot addresses (contact Marisa Struck 955-6661).

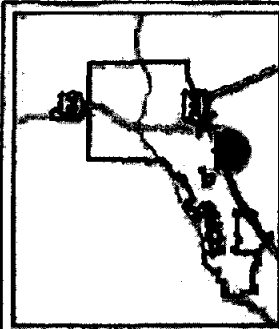
(With regard to cases # 2014-109 and # 2014-110, the Hands of America General Plan Amendment and Rezoning, I have no review comments.)



# 401 Rodeo Road - Future Land Use Map



# 401 Rodeo Road - Zoning Map



401 Rodeo Road  
Zoning: R-1  
(Residential, 1 du/acre)

## Legend

- City Limits
- Address Points
- Private
- Airport Class 2 Zone
- Special Use Permit
- Zoning
- R-1 Single Detached
- R-1, P-1, P-2 Single - Family 1st
- R-1, P-1, P-2, P-3 Single - Family 1st
- R-1, P-1, P-2 Single - Family 2nd
- R-1, P-1, P-2 Single - Family 3rd
- R-1, P-1, P-2 Single - Family 4th
- R-1, P-1, P-2 Single - Family 5th
- R-1, P-1, P-2 Single - Family 6th
- R-1, P-1, P-2 Single - Family 7th
- R-1, P-1, P-2 Single - Family 8th
- R-1, P-1, P-2 Single - Family 9th
- R-1, P-1, P-2 Single - Family 10th
- R-1, P-1, P-2 Single - Family 11th
- R-1, P-1, P-2 Single - Family 12th
- R-1, P-1, P-2 Single - Family 13th
- R-1, P-1, P-2 Single - Family 14th
- R-1, P-1, P-2 Single - Family 15th
- R-1, P-1, P-2 Single - Family 16th
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- R-1, P-1, P-2 Single - Family 23rd
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- R-1, P-1, P-2 Single - Family 25th
- R-1, P-1, P-2 Single - Family 26th
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- R-1, P-1, P-2 Single - Family 89th
- R-1, P-1, P-2 Single - Family 90th
- R-1, P-1, P-2 Single - Family 91st
- R-1, P-1, P-2 Single - Family 92nd
- R-1, P-1, P-2 Single - Family 93rd
- R-1, P-1, P-2 Single - Family 94th
- R-1, P-1, P-2 Single - Family 95th
- R-1, P-1, P-2 Single - Family 96th
- R-1, P-1, P-2 Single - Family 97th
- R-1, P-1, P-2 Single - Family 98th
- R-1, P-1, P-2 Single - Family 99th
- R-1, P-1, P-2 Single - Family 100th



Scale: 1:4,525

This map is a computer generated map and is not intended to be used for navigation. It is for general information only. Data from this map may be used for navigation, current, or other purposes. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



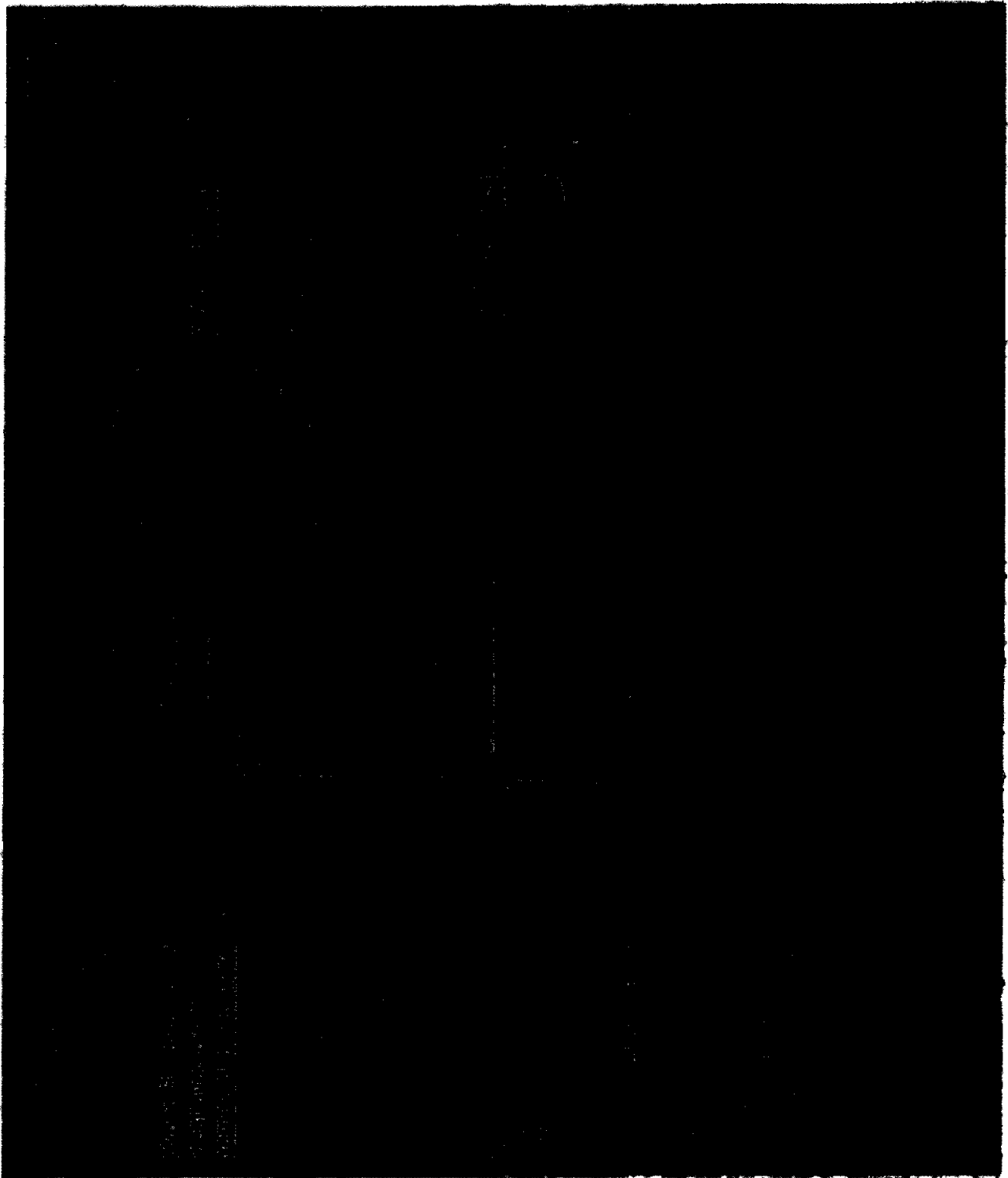


EXHIBIT C-4



## ENN GUIDELINES

### Applicant Information

Project Name: Hands of America/Capparelli

Name: Leonel Capparelli  
Last First M.I.

Address: 401 E. Rodeo Road  
Street Address Suite/Unit #  
Santa Fe NM 87507  
City State ZIP Code

Phone: ( 505 ) 983-5550 E-mail Address: handsofamer@cybermesa.com

*Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.*

**(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS** *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

The existing, currently incomplete building on Rodeo Road will be completed. Elevation drawings are attached. The building is two stories, designed in pueblo style with covered portals and upper balconies, with traditional stepbacks and rounded corners. It is set back 25' from the Rodeo Road property line and 10' from the west property line. A landscape buffer in compliance with code requirements will be provided. No access issues are anticipated as the project will not make any changes. The primary effect on the appearance of the property will be positive, as the approvals will allow completion of the current incomplete building in an attractive and tasteful manner.

**(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

No physical changes will be made other than completion of the building and any necessary landscape buffer. No change in use is planned other than moving the existing furniture business into the new building. Therefore, there will be minimal to no impact on the physical environment.

**(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

*There are no known prehistoric, historic, archeological or cultural sites or structures on the subject property.*

**(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

No change in land use or density is planned. The property currently has both residences and the Hands of America furniture business, and those will both stay, with the business moved into the new building. The C-1 zoning district abuts the subject property across Rodeo Road, and the property is surrounded by commercial, institutional and home-based businesses. The project was fully approved by Santa Fe County and started prior to annexation, but unfortunately was not completed prior to annexation, and that is why the current application is required.

**(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES** *For example: Increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

Traffic impact will not change from the current use.

**(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE** *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

Hands of America is an acclaimed skilled furniture making restoration business. It uses traditional techniques and presents minimal environmental impact to the community. It is the type of arts-focused small business that Santa Fe works to attract and retain. Mr. Capparelli would like to continue doing the same work on his same property.

**(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS** *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

The project will have no effect on the availability of housing, as no changes are planned.

**(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The project will have no effect on public services, because there are no physical changes planned other than completion and occupation of the new building. The new building will meet all current fire code standards.

**(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

There will be no change in water use other than minimal irrigation for any required landscaping to be offset 100% by roof catchment. Completion of construction will require minimal water.

**(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The existing mixed residential/commercial land use of the property will continue.

**(k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

The use and density of the subject property will not change.

**(l) ADDITIONAL COMMENTS (optional)**

Mr. Capparelli seeks to complete the unfinished building and move his business into it, as well as secure financing to do so. He had received all necessary approvals from Santa Fe County to do this prior to annexation, but was unfortunately no able to complete it. With the recent tragic fire in his workshop he is forced to complete the project, but now must comply with City zoning requirements. The application will put Mr. Capparelli back in the position he was prior to annexation.



**City of Santa Fe  
Land Use Department  
Early Neighborhood Notification  
Meeting Notes**

<i>Project Name</i>	Capparelli/Hands of America Lot Split/Rezoning
<i>Project Location</i>	401 Rodeo Road, Santa Fe, NM 87507
<i>Project Description</i>	Rezoning to C-1 and lot split
<i>Applicant / Owner</i>	Leonel Capparelli
<i>Agent</i>	Chris Graeser, Graeser & McQueen Law Firm
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	July 23, 2014
<i>ENN Meeting Location</i>	Genoveva Chavez Community Center
<i>Application Type</i>	Rezoning and Lot Split
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	people

**Notes/Comments:**

Donna Wynant opened the meeting and gave an overview of the ENN request and the process. She introduced the applicant's agent Chris Graeser who introduced the applicant/property owner, Leonel Capparelli.

Mr. Graeser stated that the applicant proposes to divide the property in half and rezone the southern (front) half to C-1 (Office and Related Commercial). The proposal for an office/gallery was approved when it was in the County, and the building permit was issued through the State of New Mexico Construction Industries Division and was kept up to date over the years. The property was annexed into the city in 2009. Mr. Graeser pointed out the site and the surrounding properties on an aerial photo and pointed out the features of the structure from the artist rendering.

The structure, although unfinished, has been deemed structurally sound per the information by Mike Purdy of the City's Inspection and Enforcement Division who discussed the status of the property with the CID. Mr. Capparelli said the

structure was sound, built with mesquite wood from Mexico. He said he already invested \$250,000 into the project.

Elena Benton of the Arroyo Chamiso/Sol Y Lomas Neighborhood Association asked what was different about this proposal, why commercial zoning. She said she's concerned about expanding commercial development.

Another concern was raised about the use of chemicals in his business. Mr. Capparelli said that yes, he uses lacquers, but he uses green products.

The owner of the Electrical Services business, located immediately east of Hands of America, said that at the Annexation meetings, he was promised C-1 (Office and Related Commercial) zoning, but then the maps showed the properties as R-1.

A neighbor asked if the property has a septic tank. Mr. Capparelli said that is already approved with septic and water well, and that it won't use a lot of water.

Another question was raised about the types of uses that were allowed in C-1, and whether or not a fast food restaurant would be allowed. Ms. Wynant said according to Chapter 14, that it is among the many types of uses allowed in C-1. However, the proposal under review with the Hands of America does not involve anything other than a rezoning request to accommodate the office/gallery that was approved originally through the county.

The meeting adjourned at 6:45

MONICA MONTOYA Land Use Consulting, Inc

November 24, 2014 for January 8, 2015 Planning Commission Meeting

Planning Commission Members  
C/O Current Planning Division  
Planning and Land Use Department  
200 Lincoln Avenue  
Santa Fe, N.M. 87502

**SUBJ: HANDS OF AMERICA/LEONEL CAPPARELLI GENERAL PLAN  
AMENDMENT AND REZONING.**

Dear City Staff,

This application is submitted on behalf of Mr. Leonel Capparelli to request General Plan Amendment from RMTM (*Mountain Density Residential, up to 1 dwelling unit per 10 acres*) to Office designation and rezoning from R1, (*Residential, 1 dwelling unit per acre*) to C1, (*Office and Related Commercial*), for 1.498 acres located at 401 Rodeo Road.  
**Exhibit A.**

**APPLICATION OVERVIEW**

Leonel Capparelli owns property at 401 Rodeo Road and has operated a furniture restoration and incidental sales business for almost 25 years known as Hands of America. The annexation of his property by the City coupled with the recession put Mr. Capparelli in a precarious situation which he now hopes to resolve with this application.

Generally, before his property was annexed into the City limits, Mr. Capparelli received appropriate permits from the State and County to construct a building to house an office and gallery on the south end of his property nearest to East Rodeo Road. Because of the economic conditions of the country at the time, the construction process slowed down considerably. The property was then annexed without the benefit of careful consideration of appropriate general plan and zoning designations to reflect the historic commercial use and as a result, his long standing business became "non-conforming".

The non-conforming status of the property has become problematic to Mr. Capparelli's ability to complete the unfinished building and for this reason, he requests that the City grant approvals necessary to accomplish conformance with land use laws. Specifically, to subdivide his property into 2 parcels, (*Summary Committee review*), and amend the General Plan and Zoning classifications on the south end of the property closest to Rodeo Road. Mr. Capparelli has worked closely with staff to create a plan which will satisfy the code and take into consideration the unfortunate situation brought on by events out of his control.

EXHIBIT E-1

(See applicant's packet  
for Letter of Application)



PLAN OF BOUNDARY SURVEY  
FOR

AMELIA J CARPSON

KAREN H. KLEEMAN

A CERTAIN REACT OF LAW BEING SITUATE WITHIN  
SEPTEMBER 27 10 44 A.M. E. 1944  
SANTA FE COUNTY, NEW MEXICO.

**RAC:**  
**ARTS AND CRAFTS RESIDENTIAL**  
**NON-CONFORMING**



COUNTY OF STONE ISLAND  
CLERK OF COURT

**THE UNIVERSITY OF CHICAGO PRESS**

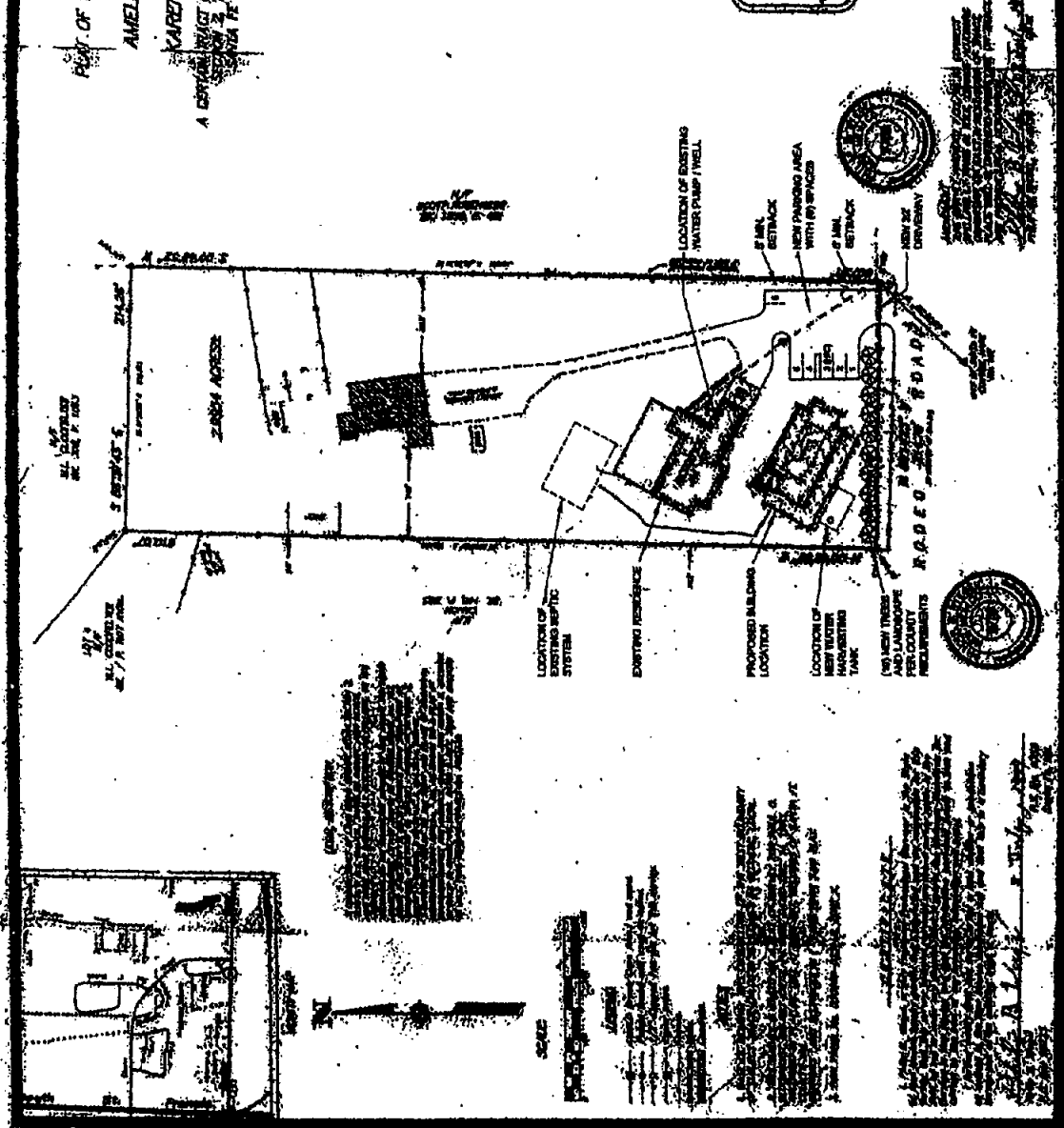
此乃其子也。其子名曰：「阿彌陀佛。」

Chas. H. H. H.

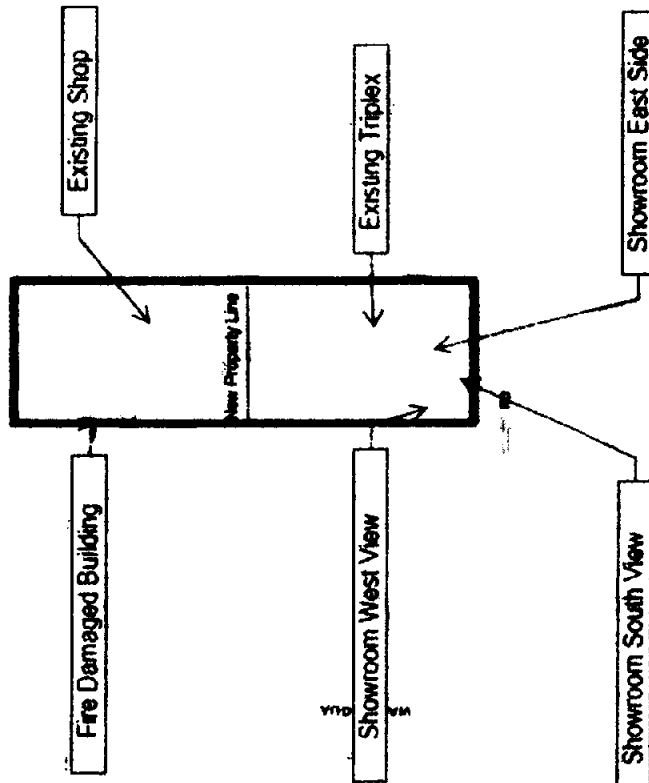
ORDER OF THE COURT OF PROBATE  
IN THE COUNTY OF ALBANY

1-800-368-6868

100-443887-100

EXHIBIT E-3

401 RODEO ROAD/PHOTOS OF SITE/October 2014



## C-1 Office and Related Commercial District

The purpose of the C-1 office and related commercial district is to provide areas for government offices; professional and *business* offices; medical and dental offices or clinics; *personal care facilities for the elderly*; and *hospitals*, laboratories, *pharmacies* and related complementary *businesses* that provide sales or service of office equipment, medical and dental supplies and office supplies. This district serves as a transitional buffer between more intense commercial use districts and *residential* districts.

### Permitted Uses

1. Adult day care
2. Arts & crafts schools
3. Arts & crafts studios, galleries & shops,
4. Banks, credits unions (no drive-through)
5. Banks, credits unions (with drive-through) ✖
6. Barber shops & beauty salons
7. Boarding, dormitory, monastery
8. Clubs & lodges (private) ✖
9. Colleges & universities (non-residential)
10. Continuing care community
11. Correctional group residential care facility ✖
12. Dance studios
13. Daycare; preschool for infants & children (6 or fewer) Small
14. Daycare; preschool for infants & children (more than 6) Large
15. Dwelling; multiple family
16. Dwelling; single family
17. Electrical distribution facilities
18. Electrical substation
19. Electrical switching station
20. Electrical transmission lines
21. Fire stations
22. Foster homes licensed by the State
23. Funeral homes or mortuaries
24. Group residential care facility
25. Group residential care facility (limited)
26. Kennels ✖
27. Manufactured homes
28. Medical & dental offices & clinics
29. Museums
30. Neighborhood & community centers (including youth & senior centers)
31. Nursing, extended care, convalescent, & recovery facilities
32. Offices; business & professional (no medical, dental, financial services)
33. Personal care facilities for the elderly
34. Pharmacies or apothecary shops
35. Photographers studios
36. Police stations
37. Police substations (6 or fewer staff)
38. Preschool, daycare for infants & children – Small
39. Preschool, daycare for infants & children – Large
40. Public parks, playgrounds, playfields

41. Religious assembly (all)
42. Religious educational & charitable institutions (no schools or assembly uses) ☼
43. Rental, short term
44. Restaurant; fast service, take out (no drive through or drive up, no alcohol sales, not to exceed 1,000 Square Feet)
45. Schools; Elementary & secondary (public & private) ☼
46. Schools; vocational or trade, non-industrial
47. Tailoring & dressmaking shops
48. Veterinary establishments, pet grooming ☼

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

### **Special Use Permit**

The following uses may be conditionally permitted in C-1 districts subject to a Special Use Permit:

1. Cemeteries, mausoleums & columbaria
2. Colleges & universities (residential)
3. Grocery stores (neighborhood)
4. Hospitals
5. Laundromats (neighborhood)
6. Mobile home; permanent installation
7. Sheltered care facilities
8. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

### **Accessory Uses**

The following accessory uses are permitted in C-1 districts:

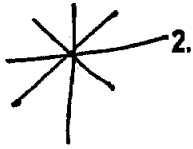
1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

### **Dimensional Standards**

#### **Minimum district size**

- Single family dwelling: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided).
- Multiple family dwelling: as required to comply with gross density factor.

<b>Maximum height:</b>	36
<b>Minimum setbacks:</b>	
Non-residential uses:	Street 10; side 5, rear 10
Residential uses:	Street 7; side 5 (10 on upper stories); rear 15 or 20% of the average depth dimension of lot, whichever is less
<b>Max lot cover:</b>	
Non-residential uses:	60
Residential uses:	40
<b>Open Space Requirements:</b>	
Single-Family	Where the <i>lot</i> size is between two thousand (2,000) and four thousand (4,000) square feet, qualifying <i>common open space</i> is required in an amount such that the sum of the square footage of the <i>lots</i> in the <i>development</i> plus the sum of the square footage for <i>common open space</i> , all divided by the number of single <i>family lots</i> , equals no less than four thousand (4,000) square feet.
Multiple-Family	Qualifying <i>common open space</i> is required at a minimum of two hundred fifty (250) square feet per unit.
Non Residential	<p>The minimum dimension for <i>nonresidential open space</i> shall be 10 feet and cover a minimum of 300 square feet, unless the area is a component of interior parking <i>landscape</i> and meets the requirements for <i>open space</i> credits for <i>water harvesting</i> described in 14-7.5(D)(6).</p> <p>The percentage of <i>required open space</i> shall be calculated on the basis of total <i>lot</i> area, and shall be no less than 25% unless the conditions described in 14-7.5(D)(6) are met; then the <i>required open space</i> may be reduced by a maximum of 10% of the total <i>lot</i> size.</p>



2. **CASE #2014-111. HANDS OF AMERICA LOT SPLIT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS LOT SPLIT APPROVAL TO DIVIDE 3.0± ACRES OF LAND INTO TWO LOTS, EACH 1.50 ACRES, IN ORDER TO REZONE ONE OF THE LOTS TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS ZONED R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) AND IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

*Items H(3), H(4) and H(5) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

A Memorandum, with attachments, prepared December 18, 2014, for the January 8, 2015 meeting, is incorporated herewith to these minutes as Exhibit "9."

Copies of the General Plan Amendment Application and various Plats regarding this case are on file in, and can be obtained from, the Land Use Department.

Responding to the Chair, Ms. Baer said the items will be voted upon in the order that they appear on the Agenda.

Tamara Baer presented information in this matter from the Staff Report which is in the Commission packet. Please see Exhibit "9," for specifics of this presentation.

Ms. Baer noted Risana Zaxus, Acting Director, Technical Review Division, agreed to amend her condition of approval, which pertains to the timing of when the sidewalks would take place. Ms. Zaxus agreed that the way we typically do this is the way it should be handled in this case as well. And that is, "At the time of any further construction, as Mr. Romero explained earlier when the sidewalk requirement kicks in.... so if there is a building permit application for either lot, we would require that the sidewalk be constructed with that application, and staff would ask for this particular amendment to the condition to be approved by the Planning Commission." She noted the condition originally proved that the sidewalk would be constructed within one year of recordation of the lot split, and this change would eliminate the time constraint. She said staff would like for the easement for the sidewalk and the planter to be put in place at this time with recordation of the lot split.

### **Public Hearing**

#### **Presentation by the Applicant**

**Monica Montoya, 76 Gregory Lane, Agent for Leonel Capparelli, owner, was sworn. Ms. Montoya, said, "I would just like to acknowledge and say thank you to staff for their unending assistance in this application and in other cases."**

Ms. Montoya said, "Basically, the purpose of the application is to bring a situation of the status of the property into conformance with City regulations. This application would not be here before the City had it not been for the annexation of his property. Mr. Capparelli, as Tamara discussed, has been at this site

for more than 25 years as a furniture restoration business. He basically takes antique furniture, restores it and sells it. This process occurs on the site and he proposes to retain that use in perpetuity. Once he was annexed into the City limits, as Tamara explained, he became non-conforming. And that was because, at the time the property was annexed into the City limits it received the residential zoning. It is quite possible that if a study had been done, the property may have received a C-1 zoning. We don't have a problem with that, but we do need to state that it has been problematic for Mr. Capparelli to operate his business on the property over the years."

Ms. Montoya continued, "And so as Tamara mentioned, he has always operated legally in the County of Santa Fe. He received all of his construction permits for a 3,700 sq. ft. building on the south side of the property, which is the property we are proposing for the General Plan to be amended and for the rezoning to be approved. He has permits for a 3,700 sq. ft. building to house the furniture part, the office and the display of his work in the building. And because of economic conditions at the time, and because of the circumstances at the time, he was not able to complete the building. But he has been working on it. If you've driven by the property over the past few months, you will see the construction of the building has come quite a long ways. And you can also see in the packets that the building will be quite beautiful when it is completed. I heard Mr. Capparelli say earlier this evening that he's making some significant changes within the next few weeks for that particular building."

Ms. Montoya said, "He's operated legally, he's gotten all his correct permits, he's kept them up to date over the years, so he has operated legally. We're asking that the Planning Commission please consider that he is in this circumstance because of conditions or circumstances that were out of his control. He wants to be a good citizen of Santa Fe, but have legal zoning to assist in his business operation."

Using the drawings in the packet, via the overhead, Ms. Montoya demonstrated the subject site, and surrounding sites. Ms. Montoya said, "You all have this in your packet, but I thought I would clarify because the question came up to staff. 'This' is Mr. Capparelli's entire 3 acres of land, East Rodeo Road along the bottom of the page, the property line that we're proposing bisects the property basically in half. It is the south portion that is closest to East Rodeo Road that is the subject of the General Plan Amendment and the Rezoning, that would be C-1."

Ms. Montoya continued, "And just to kind of help put things in perspective from the Zoning standpoint. So as you can see, this is the City Zoning Map and I brought it just to show Mr. Capparelli's 1½ acres, the C-1 portion. As you can see on your map here, the property directly across the street from Mr. Capparelli's is also C-1 as are properties to the east, west and to the north. So there already has been a pattern of C-1 zoning established in the area. And what we're asking the Commission to consider is that the C-1 would be an extension of the already precedent for C-1 zoning in the area."

Ms. Montoya continued, "And 'this' is attempting to show the Commission the existing uses that Tamara discussed earlier that are in the area of Mr. Capparelli's property. 'This' right here is Hands of America, which is Mr. Capparelli's property. It's not showing up very well, but 'this' is also commercial. It's an electrical service and there is a gentleman that runs his electrical business out of there. Across the street is the Church of Jesus Christ, to the east of it is the Sierra Vista Retirement Home which is an assisted living facility. To the west of it is the former site of the Ark Veterinary Hospital. It is for sale at the

present time so there will be a C-1 use occupying that property at some point legally. And then to the west of that is another senior care. To the north of that is Memorial Gardens and it's a cemetery and they're presently expanding that property for a building for services, if I'm not mistaken. And just to the west side of Mr. Capparelli there was, at one point, a [inaudible] company. I'm not sure if they're still operating out of that property, but I believe that they are. So the real intent of this is just to show that there already has been a precedent for C-1 uses in the area."

Ms. Montoya continued, "So with that, my last comment would be, I would ask the Commission to consider that Mr. Capparelli is in the circumstance of being in a grandfathered position outside of his control, and I'm hoping and asking the Commission to consider that and his Rezoning and General Plan Amendment is an appropriate use for this property and you would grant his application to bring him into conformance with City Code. I stand for questions."

### **Speaking to the Request**

*All those speaking were sworn en masse*

**Elena Benson, representing the ACSYL Neighborhood Association [previously sworn]**, said this is one of the oldest and largest associations and this property falls within their jurisdiction area. She said, "We would like to support Leo, and we're okay with the lot split and the C-1. Our concern is that we put some amendments, and we've talked to Monica and Chris, and they are in agreement. And we've also talked with Leo and he's in agreement with restrictions on it to keep the C-1 in a low impact for the area in there. But other than that, the Association is supportive of this Lot split and Leo has shown to be a good neighbor for the neighbors around him, and I'm sure he'll continue to be a good neighbor. But again, our concern is a C-1 allows some high impact businesses, and we would like to have a restriction so the neighborhood aspect of that area does stay neighborly. Thank you."

**Gina Federici, 333 Rodeo Road [previously sworn]**. Ms. Federici said, "And on 'that' map we are the property just due east of the electrical services. We purchased the property some 22 years ago when we were in the County. Leonel is a great neighbor. He's a hard working business person and I simply stand in support of his request."

**Buck Rackley, 333 Rodeo Road [previously sworn]** said, "I support Leonel very much. Thank you."

**Christopher Graeser, Attorney, 316 E. Marcy [not sworn because he is a member of the bar]**. Mr. Graeser said, "I just wanted to address Ms. Benson's and ACSYL's concerns. We certainly understand the concerns.... and we don't want to see a McDonald's or a Conoco Station or a Walgreens or something like that going in. And obviously, there's not an intention to do that. I suspect we might even be able to address ACSYL's concerns if we sit with them and City staff and show what could actually go in there,

given the restrictions and the size of the lot to the extent we can. We are entirely happy to sit down with them and discuss some sort of agreement for limitation or something like that and we certainly commit to doing that before the City Council hearing on this."

#### **The Public Testimony Portion of the Public Hearing Was Closed**

Commissioner Padilla asked, "In reference to the lot split, are there any conditions, am I overlooking anything. Are there any conditions that come with the lot split in the staff report."

Ms. Baer said, "When we have an assembly of cases like this, we very often will combine the conditions, and I think that's what happened in this case. Since you serve on the Summary Committee, you will know which of these do pertain at the time of lot split. All of these conditions would apply, and I would ask your indulgence in letting us sort out which ones apply at which time. Did you want me to address that right now."

Commissioner Padilla said, "No. That's fine. I just wanted to make sure that as we move forward with approvals that any of the conditions that are in the Lot Split, and I see the Water Division and so forth, there are some that are there. So, these are applicable to all 3 cases that we are reviewing this evening."

Ms. Baer said, "They're applicable in the sense that it's the same property. Anything that needs to be noted on the plat will be noted on the plat. So, for example, the condition that at the time of development, we will look to see if water and sewer are available, and if they are, then their connection will have to be made. There is another condition from Traffic, I believe, that they wanted the access widened at Rodeo Road. That would also appear on the plat. The City sewer and City water connection to those is mandatory when the property is developed. And those services are available. So all of this would actually apply to the lot split."

Ms. Baer continued, "In addition, the condition that I discussed from Ms. Zaxus, the City Engineer for Land Use, we would have them plat the easement and then there would be an agreement to construct the sidewalk now, or a financial guarantee at the time of construction."

Commissioner Padilla said, "Just a quick follow-up in reference to the easement that is along the east property line. That is to access Lot 2, the northern lot, so the existing asphalt driveway and so forth, that gets revised to go into that access easement, or does it stay where it is."

Ms. Baer said, "Not necessarily. There is no plan at this time for further development of Lot 2. If and when there becomes such a plan, an application is made, that is the access there will be provided, or there will be a request to reconfigure the access. What this does is ensure there is sufficient access for vehicles as well as utilities."

Chair Harris said, "I'd like to confirm a couple of things on the restrictions. Maybe this is for you, Mr. Graeser. Did I hear you say that the Applicant is certainly willing to discuss restrictions to the allowed uses for C-1."

Mr. Graeser said, "I think that's on the table. I suspect that we should be able to get at, or pretty close to an agreement that Mr. Capparelli can live with and that ACSYL can live with. And it is a fairly significantly long use list. And I think some of them have been kind of uneasy along the lines of pharmacies and things like that, take-out restaurants that could be small and innocuous, or could be a Walgreen's or a McDonald's. And I think that was the concern that was expressed to me.

Chair Harris said, "Did I also hear you say that it would be the Applicant's intention to resolve the restrictions prior to going to the Governing Body for the rezoning."

Mr. Graeser said, "Absolutely, we'll try our best to do that, Mr. Chairman."

Chair Harris asked if there have been any discussions so far.

Mr. Graeser said they haven't gotten that far, but they've had a couple of discussions at different times, different ones of us, "and I think we understand each other. We just haven't sat down and looked at details."

Chair Harris asked Ms. Benson which neighborhood association she represents.

Ms. Benson said ACSYL, which is an acronym for Arroyo Chamisa-Sol y Lomas.

Chair Harris said the acronym is new to him.

Ms. Benson said ACSYL covers from St. Francis over to Old Pecos Trail and a little beyond, including Quail Run, the Homewise Division, DeVargas Heights North and South, and then from the Hospital down Rodeo, 1,400 homes.

Chair Harris said, "So, you heard Mr. Graeser's response on restrictions. Can you give this Commission your point of view on the discussions that have occurred to date and what your thinking is on that."

Ms. Benson said, "The discussions that have occurred to date have been with Leo, Monica and I think with Chris. And it's all been amiable. It's understandable that our concern is about high impact. The other C-1's are not high impact. And the types he explained pretty much nail the top two as far as C-1. C-1 allows a restaurant, a fast food restaurant. A pharmacy, such as a Walgreen's I think would be disruptive to the area. And there's some other ones. So, for example, you can put in, I believe a kennel, which can get pretty smelly to the houses around it. And so, that's been the concern of, not the immediate neighbors, but of the Association in that as C-1 encroaches down Rodeo, it has the possibility of going all the way to Old Pecos Trail, maybe not this year, but in 10 or 15 years, as the C-1 just creeps down. So the neighbors, again, not immediate, but in the Association near there are concerned about the C-1 creep that would include high impact businesses."

Chair Harris said, "I accept the high impact argument, I would question the creep on C-1 down Rodeo Road. I use that road a lot. But that's all conjecture, and I think the focus will have to be on this particular property."

Ms. Benson said, "I think we're addressing fears and unknowns. And what we're asking for, we've discussed, and Leonel is comfortable with, and we're not requesting restrictions such that his property wouldn't be re-sellable. It sounds like he's living at the property, so we believe he's going to do well. Now there are a number of properties next to him, the other neighbors we've spoken to who are immediate also live there. But, as I say, I prefer not to use 'hit by a bus,' but if some of those, when the lottery moved to Tahiti, we don't know what the next owners are going to want to do. So that's been a major concern. And if you want to use the word fear, I think it's also applicable in this situation."

Ms. Benson continued, "So what the Association is doing is trying to support Leo, and to settle the concerns so that when he goes to the City Council, he doesn't run into a lot of opposition, because we think he's going to do well. A gallery fits into the area."

Chair Harris said, "Ms. Montoya, maybe I could ask you, because I do live in the general neighborhood, I pass this way, and I appreciate your statement on the pace of construction. I'm glad to see it's picked up, and I would hope that it is more than just a temporary pick-up. Do you know how many renewals to a CID permit can be obtained. I'd like to see that building finished, is what I'm saying. It's been there a long time in its current state."

Ms. Montoya said Mr. Capparelli can answer that question with regard to the construction. She said she doesn't know the answer to the question about the State Construction Industry's permits and how many times it can be renewed. She noted Lisa Martinez, Planning Director is here and might know.

Lisa Martinez, Director, Land Use Department, said, "Generally CID building permits are good for a year. During that time period there have to be inspections performed, and if an entire year goes by without an inspection being done, it becomes void. So they would have to renew it at some point in time, but the maximum time period they can go without a single inspection is essentially twelve months."

Chair Harris asked if there is a limitation on the number of renewals.

Ms. Martinez said, "I don't think there are. I don't remember there being any limitations, but then I don't remember a whole lot of permits that went on over the course of several years, very few of them."

**Leonel Capparelli, owner/Applicant, was sworn.** Mr. Capparelli said, "I am at the property at 401 Rodeo Road. I've been in Santa Fe for 30 years. I've been a cabinet maker, doing things like those symbols behind you for the last 30 years. I've worked for the museums here. I've worked for hotels. I worked directly with many of the signs. I'm one of those craftsmen who is being pushed away by the economy. And I'm trying to survive and support my family in that location. I've been there for 25 years, and conducting business in the same way that I'm doing right now."

Mr. Capparelli continued, "I applied for the permit for the County, and the County gave many requirements. You were talking about conditions. I am supposed to provide fire sprinklers and doing 100% of water catchment from the roof, I improved my septic tank, I improved my water well. I'm widening the driveway to make more room for City fire trucks. I am doing everything I was asked to do."

Mr. Capparelli continued, "I started the construction in 2007 and the economy went into the tank. Everybody suffered, and the City was allowing people to renew their permits every two years, instead of every year because of the economy situation. So the permits have been extended, not only to me, but to many people in the last 7-8 years. And I'm not the only one in this condition. I've been to the CID many times and they have told me, you are in the same place as a lot of people, so this isn't new."

Mr. Capparelli continued, "First of all, when I bought the property, I bought it at the top of the market, under the impression I was buying a commercial property. Then the City annexed me. We went to many annexation meetings, with my neighbors that are here. And the Mayor of Santa Fe promised us that nothing was going to change, that we were going to be fine. The next time they went to the back room, they come out and say, hey, you know what, you are R-1. Across the street is C-1, but you are R-1. And then our taxes went up and insurance went up. We get no service in that section of the property. I had a situation 20 years ago when I called the Fire Department or the Police Department, I got people broken into my property, and they are pointing fingers. Who should come. The County, the City, I don't know. You know, it's not my responsibility."

Mr. Capparelli continued, "So I want all of these to get out of the way. I was in this position because the City got me into this situation. I'm going to do it to keep working, keep my family safe and give a future to my daughters. I don't think it's completely fair for you all to tell me, in the future 50 years from now, you can know how it will be. I don't see that this is totally agreeable with that. I don't want to have the government there. I made that made that building, I have no need to expand any more in there, so I'm not going to build a gas station or put a [inaudible] in. I don't want to tell my daughters either, you know what, you got this property but you have some conditions. You can only do this, but not that. That I don't think is fair neither."

Mr. Capparelli continued, "So I complied with everything I was asked for. I'm working in good faith and the building is going to be completed in the next 2-3 months. I had a fire in February, I lost over 3,500 sq. ft. of shop. I wanted to rebuild my shop because I had insurance, but I'm not in compliance to rebuild my shop because I've been grandfathered-in, and that shell was too close to the property next to me. So, the insurance and I come up with, okay, let's finish that building and then we'll be okay. Well, I'm finishing the building, but if I don't have a Certificate of Occupancy, it doesn't do me any good. And I cannot have that unless I have a rezoning. So I'm asking you to please consider the situation that I've been put in, and my family is in, so we can just keep working. And actually, keeping a division Santa Fe going, because I know many craftsmen left here, and because of the economy situation, there are not that many left. And that's the problem."

Chair Harris thanked Mr. Capparelli for his statement. He said, "Clearly your neighbors and others want to support you. I think there is a fair amount of support, certainly at the staff level and even within the Commission, we'll find out soon. But again we want not only you to be able to move forward, not only in your family life, but in your business life. But I just wanted some assurance and I think I received that. And it's really outside of our purview, but I would like to know that the project is moving forward, and the building that is very visible, and I hope serves you well, will be complete."

Mr. Capparelli said he is going to complete it. He said this is a green building, built with recyclable material, and they are recycling all the water. He said he has preserved the history, and that is what that building is about. *[inaudible here, because Mr. Capparelli was speaking from the audience and was not speaking into the microphone.]*

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-111, Hands of America Lot Split, with all staff conditions as outlined in the Staff Report [Exhibit "9"], and with the amended condition as proposed by Risana "R.B." Zaxus, Acting Director, Technical Review Division.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

4. **CASE #2014-109. HANDS OF AMERICA GENERAL PLAN AMENDMENT. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.50± ACRES OF LAND FROM RURAL/MOUNTAIN/CORRIDOR (1 DWELLING UNIT PER 1 ACRE) TO OFFICE. THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-109, Hands of America General Plan Amendment, with all staff conditions as outlined in the Staff Report [Exhibit "9"].

**DISCUSSION:** Commissioner Padilla asked if this is a recommendation to the Governing Body for approval, and Ms. Baer said yes.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

5. **CASE #2014-110. HANDS OF AMERICA REZONING. MONICA MONTOYA, AGENT FOR LEONEL CAPPARELLI, REQUESTS REZONING APPROVAL OF 1.50± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO C-1 (OFFICE AND RELATED COMMERCIAL). THE PROPERTY IS LOCATED AT 401 RODEO ROAD. (DONNA WYNANT, CASE MANAGER)**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Villarreal, to approve Case #2014-110, Hands of America Rezoning, with all staff conditions as outlined in the Staff Report [Exhibit "9"].

**DISCUSSION:** Commissioner Padilla asked if this is a recommendation to the Governing Body for approval, and Ms. Baer said yes.

**VOTE:** The motion was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

**FRIENDLY AMENDMENT:** Commissioner Padilla would like to amend the motion to say it is a recommendation to the Governing Body for approval. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

**VOTE:** The motion, as amended, was approved unanimously on a voice vote, with Commissioners Bemis, Gutierrez, Ortiz, Padilla, Pava and Villarreal voting in favor of the motion and no one voting against [6-0].

Mr. Capparelli thanked the Planning Commission for the approvals.

#### **H. STAFF COMMUNICATIONS**

Ms. Baer said at the last meeting she asked which Commissioners needed a new copy of Chapter 14. She said she will provide new copies from scratch to all the Commissioners, other than Commissioner Gutierrez who has the latest version, by the middle of next week and they can either deliver them or hold them for pickup..

Land Use Director Lisa Martinez introduced Noah Berke the newest member of the Current Planning Division, and said he has been working with the Technical Review Division for about 7 years. He has recently been promoted to a Senior Planner position, specifically for neighborhoods.

Chair Harris congratulated and welcomed Mr. Berke.

#### **I. MATTERS FROM THE COMMISSION**

Commissioner Ortiz said the Summary Committee meeting went well today, noting they have been having one case per meeting. He said today, it was a lot split on Seville Road..

Commissioner Pava said he didn't attend the Long Range Committee, noting it was chaired by Commissioner Bemis.

Curtis Canon  
Canon's Backhoe & Dumptruck Service  
421 Rodeo Road  
Santa Fe, New Mexico 87505  
(505) 780-1781

March 25, 2015

To Whom It May Concern:


I am writing this letter in support of the zoning changes for Leonel Capparelli and Hands Across America located at 401 E. Rodeo Road.

Leonel has been our next-door neighbor for over 20 years and both lives and works on site. He has a low impact business on our neighborhood & is a very good neighbor. He always follows through with his commitment to improve his property.

We believe his new building will be a beautiful addition to our neighborhood and am looking forward to all the wonderful things he supplies.

If you would like to discuss this further, please contact me at the phone number above.

Sincerely,



Martha Canon

Curtis Canon

Owner

Canon Backhoe & Dumptruck Service LLC.

Exhibit "7"


## *Electrical Services*

March 11, 2015  
Electrical Services  
PO Box 4098  
Santa Fe, NM 87502

To whom it may concern,

I'm writing about the zoning application for Leonel Capparelli and his business, Hands of America located at 401 E. Rodeo Rd. Leonel has been my next door neighbor and operating his family business of Antique and Design at this location for the last 25 years. He has a low impact business with no pollution or noise. He also lives on this property. He has continuously been working on improving his land. I feel his new building would be a beautiful addition to our neighborhood. I'm in full support of his plans.

Sincerely yours,  
Scott Rosenberg



*Exhibit B'*

**Robert "Buck" Rackley  
333 Rodeo Road  
Santa Fe, NM 87505  
(505) 660-3973**

**March 20<sup>th</sup>, 2015**

**To Whom It May Concern:**

**I've been a neighbor to Leonel Capparelli and his business Hands of America for over 22 years. Leonel has successfully operated his business there on his property for many years.**

**I have enjoyed being neighbors and believe that the building being constructed on his property will enhance the neighborhood.**

**I am in full and complete support of Leonel Capparelli's requests to the City for the amendment to the General Plan and his request for rezoning on his property @ 401 Rodeo Road.**

**Sincerely,**

A handwritten signature in cursive script that reads "Buck Rackley".

**Buck Rackley**

*Exhibit "9"*

Gina M. Federici  
333 Rodeo Road  
Santa Fe, New Mexico 87505  
(505) 983-0712

March 25, 2015

To: Governing Body of the City of Santa Fe

**RE: Land located at 401 Rodeo Road (Hands of America)**

Dear Mayor Gonzales & City Council Members:

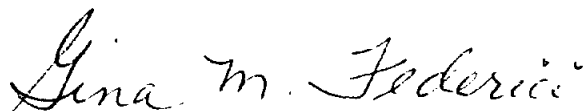
My name is Gina M. Federici. I was born and raised in Santa Fe and the majority of my family still resides in Santa Fe. I currently own and live on the property located @ 333 Rodeo Road and have for 22+ years. My home is in very close proximity to the above referenced property, owned by Leonel Capparelli, and in fact we are located just two driveways (off Rodeo Road) to the east of this property.

When I moved into my home at 333 Rodeo Road some 22+ years ago, I met my immediate neighbors to the west of my property, including Leonel. Not only is Leonel, his wife Elena and beautiful two girls a joy to be around, they are wonderful neighbors. Leonel's business 'Hands of America' has also been a good 'neighbor'.

As an owner myself of a small family business in Santa Fe, I applaud Leonel and his family for providing good jobs in Santa Fe and running such a creative and professional business.

This being said, I submit this letter in full support of the requests by Monica Montoya, agent for Leonel Capparelli, regarding the land located @ 401 Rodeo Road, for **both** the amendment to the General Plan and well as the rezoning request for this property.

Cordially,



Gina M. Federici

*Exhibit "10"*

March 2015  
 Mayor and City Council Members  
 City of Santa Fe  
 200 Lincoln Avenue  
 Santa Fe, NM 87505

Dear Mayor Gonzales and City Council Members,

We wish to express our support for the rezoning and development plan applications for Hands of America located at 401 E. Rodeo Road.

we fully support C-1, Light Commercial Zoning in this area of East Rodeo Road.

Over the years, East Rodeo Road has increasingly become a busy traffic thoroughfare for east/west commuters and the character of the street lends itself to light commercial uses such as those allowed by the C-1 zone. Many of the uses on the west, south and east properties surrounding the Hands of America are already light commercial in nature and to approve C-1 zoning for the subject property only solidifies the historic use.

The Capparelli's have operated their business at the subject location for over 25 years. It is only the annexation of their property into the city limits that makes this application before you necessary. They only seek the proper zoning to bring their use into conformance with City zoning and we strongly support this effort.

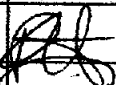
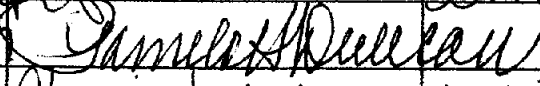
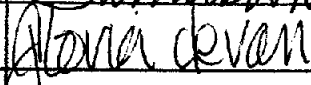
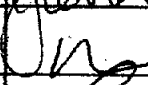

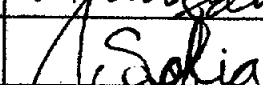
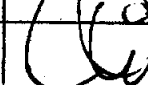
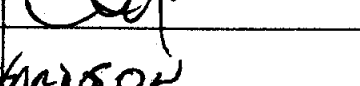
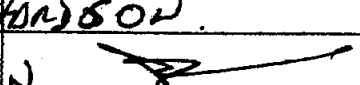
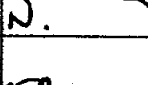
NAME PRINTED	SIGNATURE	ADDRESS
Pouge Herrera		339 Rodeo Rd
Patricia H. Duncan		1021 Mansion Ridge Rd
Gloria Arvan		9 White Boulder Lane
DEBRA WEISSMAN		1349 Cerrito Grande, SF NM 87501
ALS ANDERSON		1707 Santa Fe River Rd SF 87501
Sofia Capparelli		401 Rodeo Rd
Jim Long		125 Washington St. SF NM 87501
MOZZER/RICHARDSON		9 JAIL RUN -
Faethel Pullman		MONTECITO
GUADALUPE GONZALEZ		34055 PALACE -

Exhibit "11"

March 2015  
Mayor and City Council Members  
City of Santa Fe  
200 Lincoln Avenue  
Santa Fe, NM 87505




Dear Mayor Gonzales and City Council Members,

We wish to express our support for the rezoning and development plan applications for Hands of America located at 401 E. Rodeo Road.

, we fully support C-1, Light Commercial Zoning in this area of East Rodeo Road.

Over the years, East Rodeo Road has increasingly become a busy traffic thoroughfare for east/west commuters and the character of the street lends itself to light commercial uses such as those allowed by the C-1 zone. Many of the uses on the west, south and east properties surrounding the Hands of America are already light commercial in nature and to approve C-1 zoning for the subject property only solidifies the historic use.

The Capparelli's have operated their business at the subject location for over 25 years. It is only the annexation of their property into the city limits that makes this application before you necessary. They only seek the proper zoning to bring their use into conformance with City zoning and we strongly support this effort.

NAME PRINTED	SIGNATURE	ADDRESS
LB Shipman	LB Shipman	25 General Sage St
NAT SHIPMAN		25 General Sage St.
Gerson Sagche		4241 Agua Fria sp. 15
YADIN Sagche		4241 Agua Fria sp. 14.
Hector M Marin	Hector M Marin	2284 Henry Lynch rd #40
Ashley Montoya	Ashley Montoya	09 Valle Vista Ct
Billie Driscoll	Billie Driscoll	1498 S. St Francis Dr. SF 87505
Bruce Eider		2nd St Studios
Michael Pullman		Rainbowvision/ Montecito

**Santa Fe, NM 87505**

**Dear Mayor Gonzales and City Council Members,**

**We wish to express our support for the rezoning and development plan applications for Hands of America located at 401 E. Rodeo Road. We fully support C-1, Light Commercial Zoning in this area of East Rodeo Road.**

Over the years, East Rodeo Road has increasingly become a busy traffic thoroughfare for east/west commuters and the character of the street lends itself to light commercial uses such as those allowed by the C-1 zone. Many of the uses on the west, south and east properties surrounding the Hands of America are already light commercial in nature and to approve C-1 zoning for the subject property only solidifies the historic use.

The Capparelli's have operated their business at the subject location for over 25 years. It is only the annexation of their property into the city limits that makes this application before you necessary. They only seek the proper zoning to bring their use into conformance with City zoning and we strongly support this effort.

[illegible]

Graeser & McQueen, LLC  
— ATTORNEYS AT LAW —

Monday, February 16, 2015

Elena Benton,  
Helen Tomlin  
Arroyo Chamiso, Sol Y Lomas Neighborhood Association  
via: email to [ecbenton@yahoo.com](mailto:ecbenton@yahoo.com), [classycoyote@cybermesa.com](mailto:classycoyote@cybermesa.com)

re: 401 E. Rodeo Road C-1 Zoning Application,

Dear Elena and Helen,

Thank you for taking to time to meet with us recently. Leonel, Monica and I have <sup>now</sup>met and reviewed the substance of our discussion with ACSyL. I am happy to report that Leonel is willing to agree with most of your requests, modified as discussed below. Primarily, for several of the items in discussion he would like to move the otherwise-allowed uses to Special Use Permits. This would ensure public involvement and independent determination of compatibility and necessary conditions, while not foreclosing uses that may be appropriate in the future, given potential neighborhood and road corridor changes.

As to the specific uses discussed:

Group Residential Care Facility, including limited and correctional	SUP
Boarding, dormitory, monastery	SUP
Dwelling, multiple-family	2-story permitted, SUP for anything else
Manufactured home	SUP
Mobile home, permanent installation	Prohibited
Foster homes (licensed)	SUP
Kennel	Prohibited
Banks, credit unions (without drive-through)	SUP
Banks, credit unions (with drive-through)	Prohibited
Restaurant-Fast service/take-out, no drive through	Permitted
Apothecary shops or pharmacy	SUP
Neighborhood grocery stores, <i>NO NATIONAL CHAINS</i>	Permitted
Laundromats	SUP

As you can see, Leonel has agreed with the bulk of ACSyL's requests. He does have articulable, reasonable purposes for the changes from those requests, which we are happy to discuss at your convenience.

We propose an agreement memorializing these terms that endures for ten years. Either party could request to meet to renegotiate of the agreement prior to the end of ten years, as well as extend the agreement.

We look forward to reaching a resolution that protects both the neighborhood and Leonel Capparelli's investment. Feel free to contact me at your convenience.

*Exhibit "12"*

Sincerely,



Christopher L. Graeser

cc: Leonel Capparelli  
Monica Montoya

**please see attached**

---

**Chris Graeser <chris@tierralaw.com>**

Mon, Feb 16, 2015 at 10:42 AM

To: Elena Benton <ecbenton@yahoo.com>, classycoyote@cybermesa.com

Cc: Leonel Capparelli <handsofamer@cybermesa.com>, Monica Montoya  
<monica@mnty.com>

Good morning, please see my attached letter.

*-Chris*

**Graeser &  
McQueen, LLC**  
ATTORNEYS AT LAW

Christopher L. Graeser  
316 East Marcy Street  
Post Office Box 220  
Santa Fe, New Mexico 87504-0220  
(505) 982-9074  
www.tierralaw.com

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 **letter to acsyl.pdf**  
106K

Exhibit 730



Exhibit "14"