



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
OCTOBER 10, 2012
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 10-5-12 TIME 4:25pm

SERVED BY

RECEIVED BY

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 – September 24, 2012
9. PRESENTATIONS
 - a) Employee of the Month for October 2012 – Morris Herrera, Inventory Technician, Public Utilities Department. (5 minutes)
 - b) Muchas Gracias – Jim Montman, 2012 New Mexico Airport Managers' Association Airport Manager of the Year. (5 minutes)
 - c) Proclamation – Santa Fe Trails One Millionth Rider Day – Saturday, November 10, 2012. (Jon Bulthuis) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Procurement Under Cooperative Agreement – Emergency Medical Supplies for Fire Department; Bound Tree Medical, LLC. (Brian Caldwell)
 - b) Request for Approval of Budget Increase for Santa Fe Trails for Operating Expenses and Ongoing Projects. (Jon Bulthuis)



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- c) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Bushee and Councilor Calvert)
A Resolution in Support of Defouri and Guadalupe Street Bridge Improvements Funded Through a Municipal Arterial Program Cooperative Agreement with the New Mexico Department of Transportation. (Desirae Lujan)
 - 1) Request for Approval of Municipal Arterial Program Cooperative Agreement – Planning and Design of Guadalupe Street Bridge and Defouri Street Bridge at Intersection of Defouri Street and Alameda and Intersection of Guadalupe Street and Alameda; New Mexico Department of Transportation. (Desirae Lujan)
 - a) Request for Approval of Budget Increase – Project Fund.
- d) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Bushee and Councilor Calvert)
A Resolution Amending Table 22 of the Impact Fees Capital Improvement Plan for Planned Major Road Improvements to Include the Camino De Las Crucitas Bicycle and Pedestrian Improvements Project for Funding in the Amount of \$400,000.00. (LeAnn Valdez)
- e) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Wurzbarger)
A Resolution Relating to The New Mexico *Development Fees Act*, §§5-8-1 to 5-8-43 NMSA 1978; Considering a Determination that No Changes of Land Use Assumptions, Capital Improvements Plan or Impact Fees are Needed; and Authorizing the Publication of Such Proposed Determination. (Reed Liming)
- f) 2011/2012 Annual Integrated Pest Management Program Status Report. (Robert Wood)
- g) Six Month Review of Ordinance 2011-31 and Lease with Majed Hamdouni dba Burro Alley Café for a 700 Square Foot Area Within the Southerly Portion of Burro Alley. (Informational Only) (Ed Vigil)
- h) Request for Approval of Construction Agreement - Bid No. 13/03/B; Runway 10-28 Medium Intensity Runway Lighting (MIRL) at Santa Fe Municipal Airport; Vis-Com, Inc. (Jim Montman)



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- i) Request to Publish Notice of Public Hearing on Wednesday, November 14, 2012:
 - 1) Bill No 2012-34: An Ordinance Authorizing the Issuance and Sale of the City of Santa Fe, New Mexico Subordinate Lien Gross Receipts Tax Improvement Revenue Bonds, Series 2012C in an Aggregate Principal Amount of \$5,135,000 for the Purpose of Defraying the Cost of Purchasing, Furnishing, Equipping, Rehabilitating, Making Additions to and Making Improvements to the Railyard Condo Unit for Existing and Future Municipal Facilities; Providing that the Bonds will Constitute a Subordinate Lien on and be Payable and Collectible Solely from (1) the Revenues of the City's One-Half of One Percent (1/2%) Municipal Gross Receipts Tax Distributed to the City by the State Taxation and Revenue Department, (2) the Revenues of the City's One-Eighth of One Percent (1/8%) Municipal Infrastructure Gross Receipts Tax Distributed to the City by the State Taxation and Revenue Department, and (3) the Revenues of the State-Shared Gross Receipts Tax Distributed to the City Pursuant to Section 7-1-6.4, NMSA 1978, as Amended; Establishing the Form, Terms, Manner of Execution and Other Details of the Bonds; Authorizing the Execution and Delivery of a Bond Purchase Agreement in Connection with the Bonds; Approving Certain Other Agreements and Documents in Connection with the Bonds; Ratifying Action Previously Taken in Connection with the Bonds; Repealing all Ordinances in Conflict Herewith; and Related Matters. (Dr. Melville Morgan and Judith Amer)
 - 2) Bill No 2012-35: An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Mobile Home Park Districts and Mobile Home Parks; Amending Section 14-4.2(J)(1) SFCC 1987 to Expand the Purpose of The MHP District to Include Residential Subdivisions and Multi-Family Dwellings; Amending Section 14-6.1(C) Table of Permitted Uses to Correspond With 14-4.2(J)(1); Amending Section 14-6.2(A)(3) SFCC 1987 to Clarify Standards for Existing Mobile Home Parks; Amending Section 14-7.2(I) SFCC 1987 to Prohibit the Establishment of New Mobile Home Parks as of the Effective Date of This Ordinance and to Clarify That Manufactured Homes are Allowed in Existing Mobile Home Parks; Amending Table 14-7.2-1 to Provide Dimensional Standards in the MHP District; Amending Section 14-12 Regarding Mobile Home-Related Definitions; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Councilor Dominguez) (Matthew O'Reilly)



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- j) CONSIDERATION OF RESOLUTION NO. 2012-____. (Councilor Ives and Councilor Wurzburger)
Request for Approval of a Resolution Amending and Readopting the *Governing Body Procedural Rules ("Rules")*. (Geno Zamora) (Postponed at August 28, 2012 City Council Meeting) (Postponed at September 12, 2012 City Council Meeting) **(Withdrawn by Sponsors)**
- 11) El Castillo Retirement Residences Industrial Revenue Bonds. (Mayor Coss) (Nick Schiavo)
 - a) Review of Application and Project Plan Submitted by El Castillo Residences for Issuance of Industrial Revenue Bonds for Approval, Conditional Approval or Rejection.
 - b) CONSIDERATION OF RESOLUTION NO. 2012-____. (Mayor Coss)
A Resolution Declaring the Intent of the City of Santa Fe to Issue Industrial Revenue Bonds and a Principal Amount up to \$30,000,000 to Finance and Refinance Improvements, Construction, Acquisition and/or Equipping of an Adult Residential Retirement Facility, Memory Support Facility and Nursing and Assisted Living Facility Located at 250 East Alameda Street and 239 East De Vargas Street in Santa Fe, New Mexico, for the Purpose of Inducing El Castillo Retirement Residences or its Successors or Assigns to Undertake the Improvement, Acquisition, Construction and Equipping of Such Project, and Authorizing the Giving and Publication of Notices in Connection with Such Bonds.
 - c) Request to Publish Notice of Public Hearing on Wednesday, November 14, 2012:
Bill No 2012-36: An Ordinance of the City of Santa Fe, New Mexico Authorizing and Providing for the Issuance and Sale of its Industrial Revenue Bonds (El Castillo Retirement Residences) Series 2012 in an Aggregate Principal Amount not to Exceed \$30,000,000 for the Purpose of Financing and Refinancing Improvement, Construction, Acquisition and/or Equipping of an Adult Residential Retirement Facility, Memory Support Facility and Nursing and Assisted Living Facility Located at 250 East Alameda Street and 239 East De Vargas Street in Santa Fe, New Mexico, Authorizing the Execution and Delivery of an Installment Sale Agreement Between the City and El Castillo Retirement Residences, an Indenture of Trust Securing Said Bonds, a Bond Purchase Agreement, Closing Documents and Such Bonds in Connection Therewith; Providing for the Terms of the Series 2012 Bonds and Making Determinations as to the Sufficiency of the Installment Sale Payments and other Matters Related to the Project; Authorizing the Sale of Said Bonds and any Ancillary Agreements in Connection Therewith; and Authorizing Other Matters Pertaining to the Issuance of Said Bonds. (Mayor Coss)



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12. Request to Publish Notice of Public Hearing on November 14, 2012:

Bill No 2012-37: An Ordinance Relating To Fluoridation of the City Water Supply; Amending Section 25-1.8 SFCC 1987 to Supplement the City Water Supply with Fluoride to a Level in Conformance with the Optimal Level Recommended by the United States Public Health Service, Center for Disease Control (CDC), for a Period of Three Years; and After Three Years, Cease the Supplementation of Fluoride in the City Water Supply. (Councilor Calvert) (Alex Puglisi)

- a) A Resolution Endorsing the Efforts of the Dental Community to Collaborate with Local Schools, Health Providers and State and Local Governmental Entities to Formulate a Plan to Provide Increased Services, Education and Outreach to the Residents of Santa Fe County in an Effort to Improve Oral Health for Both Children and Adults; and Declaring that the City of Santa Fe, Beginning In 2013 and Every Year Thereafter, Will Recognize the Month of February as "Oral Health Month," with One Day in February Being Designated as "Oral Health Day". (Councilor Calvert) (Alex Puglisi)

13. MATTERS FROM THE CITY MANAGER

14. MATTERS FROM THE CITY ATTORNEY

15. MATTERS FROM THE CITY CLERK

16. 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



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G. APPOINTMENTS

- Law Enforcement Assisted Diversion Task Force ("LEAD")

H. PUBLIC HEARINGS

- 1) Request from Vivac Winery, L.P. for a Winegrower Off-Site License (On-Premise Consumption and Package Sales) to be Located at Vivac Winery, 1607 Paseo de Peralta, Suite A. (Yolanda Y. Vigil) **(Postponed at September 24, 2012 City Council Meeting)**
- 2) Request from San Q South, LLC for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to be Located at San Q Sushi, 3470 Zafarano Drive, Suite C. (Yolanda Y. Vigil)
- 3) **Case #2012-114 Appeal.** Jennifer and Brent Cline Appeal the September 11, 2012 Decision of the Historic Districts Review Board in Case #H-12-069 Establishing as a Condition of its Approval for a Remodel at 341 Magdalena Street a Non-Contributing Residence Located in the Downtown & Eastside Historic District that the Garage Door Be Wood, Not Metal. (David Rasch and Kelley Brennan)
- 4) **CONSIDERATION OF RESOLUTION NO. 2012-_____.**
Case #2012-39. La Luz Health Complex General Plan Amendment. James W. Siebert, Agent for Sandra Pacheco, Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 6.36± Acres from Residential - Low Density Residential (3-7 Dwelling Units Per Acre) to Transitional Mixed Use. The Property is Located South of Rufina Street Extending to Aggie Road. (Dan Esquibel)
- 5) **CONSIDERATION OF BILL NO. 2012-33: ADOPTION OF ORDINANCE NO. 2012-_____.**
Case #2012-40. La Luz Health Complex Rezoning to MU. James W. Siebert, Agent for Sandra Pacheco, Requests Rezoning of 6.36± Acres of Land from MHP (Mobile Home Park) to MU (Mixed Use). The Application Includes a Development Plan for Medical Complex Consisting of a Medical Clinic, Assisted Housing for the Elderly and Medical Offices. The Property is Located South of Rufina Street Extending to Aggie Road. (Dan Esquibel)

I. ADJOURN



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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 955-6520, five (5) days prior to meeting date.

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SANTA FE CITY COUNCIL MEETING
October 10, 2012**

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CONSIDERATION OF RESOLUTION NO. 2012-83. A RESOLUTION DECLARING THE INTENT OF THE CITY OF SANTA FE TO ISSUE INDUSTRIAL REVENUE BONDS IN A PRINCIPAL AMOUNT UP TO \$30,000,000,		

ITEM**ACTION****PAGE #**

TO FINANCE AND REFINANCE IMPROVEMENTS, CONSTRUCTION, ACQUISITION AND/OR EQUIPPING OF AN ADULT RESIDENTIAL RETIREMENT FACILITY, MEMORY SUPPORT FACILITY AND NURSING AND ASSISTED LIVING FACILITY LOCATED AT 250 EAST ALAMEDA STREET AND 239 EAST DE VARGAS STREET IN SANTA FE, NEW MEXICO, FOR THE PURPOSE OF INDUCING EL CASTILLO RETIREMENT RESIDENCES OR ITS SUCCESSORS OR ASSIGNS TO UNDERTAKE THE IMPROVEMENT, ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH PROJECT, AND AUTHORIZING THE GIVING AND PUBLICATION OF NOTICES IN CONNECTION WITH SUCH BONDS

Approved

6-10

REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON WEDNESDAY, NOVEMBER 14, 2012:

BILL NO. 2012-36: AN ORDINANCE OF THE CITY OF SANTA FE, NEW MEXICO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF ITS INDUSTRIAL REVENUE BONDS (EL CASTILLO RETIREMENT RESIDENCES) SERIES 2012 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING IMPROVEMENT, CONSTRUCTION, ACQUISITION AND/OR EQUIPPING OF AN ADULT RESIDENTIAL RETIREMENT FACILITY, MEMORY SUPPORT FACILITY AND NURSING AND ASSISTED LIVING FACILITY LOCATED AT 250 EAST ALAMEDA STREET AND 239 EAST DE VARGAS STREET IN SANTA FE, NEW MEXICO, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY AND EL CASTILLO RETIREMENT RESIDENCES, AN INDENTURE OF TRUST SECURING SAID BONDS, A BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; PROVIDING FOR THE TERMS OF THE SERIES 2012 BONDS AND MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF THE INSTALLMENT SALE PAYMENTS AND OTHER MATTERS RELATED TO THE PROJECT; AUTHORIZING THE SALE OF SAID BONDS AND ANY ANCILLARY AGREEMENTS IN CONNECTION THEREWITH; AND AUTHORIZING OTHER MATTERS PERTAINING TO THE ISSUANCE OF SAID BONDS

Approved

6-10

ITEM**ACTION****PAGE #****REQUEST TO PUBLISH NOTICE OF PUBLIC
HEARING ON NOVEMBER 14, 2012:**

**BILL NO. 2012-37: AN ORDINANCE RELATING TO
FLUORIDATION OF THE CITY WATER SUPPLY;
AMENDING SECTION 25-1.8 SFCC 1987, TO
SUPPLEMENT THE CITY WATER SUPPLY WITH
FLUORIDE TO A LEVEL IN CONFORMANCE WITH
THE OPTIMAL LEVEL RECOMMENDED BY THE
UNITED STATES PUBLIC HEALTH SERVICE,
CENTERS FOR DISEASE CONTROL (CDC), FOR A
PERIOD OF THREE YEARS; AND AFTER THREE
YEARS, CEASE THE SUPPLEMENTATION OF
FLUORIDE IN THE CITY WATER SUPPLY**

Postponed**10-14**

**A RESOLUTION ENDORSING THE EFFORTS OF
THE DENTAL COMMUNITY TO COLLABORATE
WITH LOCAL SCHOOLS, HEALTH PROVIDERS
AND STATE AND LOCAL GOVERNMENT
ENTITIES TO FORMULATE A PLAN TO PROVIDE
INCREASED SERVICES, EDUCATION AND
OUTREACH TO THE RESIDENTS OF SANTA FE
COUNTY IN AN EFFORT TO IMPROVE ORAL
HEALTH FOR BOTH CHILDREN AND ADULTS,
AND DECLARING THAT THE CITY OF SANTA FE,
BEGINNING IN 2013 AND EVERY YEAR
THEREAFTER, WILL RECOGNIZE THE MONTH OF
FEBRUARY AS "ORAL HEALTH MONTH," WITH
ONE DAY IN FEBRUARY BEING DESIGNATED AS
ORAL HEALTH DAY"**

Postponed**10-14****MATTERS FROM THE CITY MANAGER****None****14****MATTERS FROM THE CITY ATTORNEY****None****14****MATTERS FROM THE CITY CLERK****None****14****COMMUNICATIONS FROM THE GOVERNING BODY****Information/discussion****14-17**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
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<u>APPOINTMENTS</u>		
Law Enforcement Assisted Diversion Task Force ("LEAD")	Approved	22-23
REQUEST FROM VIVAC WINERY, L.P., FOR A WINEGROWER OFF-SITE LICENSE (ON PREMISE CONSUMPTION AND PACKAGE SALES), TO BE LOCATED AT VIVAC WINERY, 1607 PASEO DE PERALTA, SUITE A	Approved	23-24
REQUEST FROM SAN Q SOUTH, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SAN Q SUSHI, 3470 ZAFARANO DRIVE, SUITE C	Approved w/condition	24
CASE #2012-11. APPEAL. JENNIFER AND BRENT CLINE APPEAL THE SEPTEMBER 11, 2012 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-12-069, ESTABLISHING AS A CONDITION OF ITS APPROVAL FOR A REMODEL AT 34 MAGDALENA STREET, A NON-CONTRIBUTING RESIDENCE LOCATED IN THE DOWNTOWN & EASTSIDE HISTORIC DISTRICT THAT THE GARAGE DOOR BE WOOD, NOT METAL	Appeal granted	25-28
CONSIDERATION OF RESOLUTION NO. 2012- ____. CASE #2012-39 . LA LUZ HEALTH COMPLEX GENERAL PLAN AMENDMENT. JAMES W. SIEBERT, AGENT FOR SANDRA PACHECO, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 6.36± ACRES FROM RESIDENTIAL – LOW DENSITY RESIDENTIAL 93-7 DWELLING UNITS PER ACRE) TO TRANSITIONAL MIXED USE. THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET EXTENDING TO AGGIE ROAD	Postponed to 10/30/12	28-38

ITEM**ACTION****PAGE #**

CONSIDERATION OF BILL NO. 2012-33:
ADOPTION OF ORDINANCE NO. 2012- ____.
CASE #2012-40. LA LUZ HEALTH COMPLEX
REZONING TO MU. JAMES W. SIEBERT, AGENT
FOR SANDRA PACHECO, REQUESTS REZONING
OF 6.36± ACRES OF LAND FROM MHP (MOBILE
HOME PARK) TO MIXED MU (MIXED USE). THE
APPLICATION INCLUDES A DEVELOPMENT
PLAN FOR MEDICAL COMPLEX CONSISTING OF
A MEDICAL CLINIC, ASSISTED HOUSING FOR
THE ELDERLY AND MEDICAL OFFICES. THE
PROPERTY IS LOCATED SOUTH OF RUFINA
STREET EXTENDING TO AGGIE ROAD

Postponed to 10/30/12

28-38

ADJOURN

38

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
October 10, 2012**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, October 10, 2012, 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

Mayor David Coss
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Peter N. Ives

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve the agenda as presented.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, and Trujillo voting in favor of the motion, none against and Councilor Rivera absent for the vote.

7. APPROVAL OF CONSENT CALENDAR

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to approve the following Consent Calendar, as presented.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, and Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Rivera.

- a) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE AGREEMENT – EMERGENCY MEDICAL SUPPLIES FOR FIRE DEPARTMENT; BOUND TREE MEDICAL, LLC. (BRIAN CALDWELL)**
- b) **REQUEST FOR APPROVAL OF BUDGET INCREASE FOR SANTA FE TRAILS FOR OPERATING EXPENSES AND ONGOING PROJECTS. (JON BULTHUIS)**
- c) **CONSIDERATION OF RESOLUTION NO. 2012-80 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION IN SUPPORT OF DEFOURI AND GUADALUPE STREET BRIDGE IMPROVEMENTS FUNDED THROUGH A MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DESIRAE LUJAN)**
 - 1) **REQUEST FOR APPROVAL OF MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT – PLANNING AND DESIGN OF GUADALUPE STREET BRIDGE AND DEFOURI STREET BRIDGE AT INTERSECTION OF DEFOURI STREET AND ALAMEDA AND INTERSECTION OF GUADALUPE STREET AND ALAMEDA; NEW MEXICO DEPARTMENT OF TRANSPORTATION. (DESIRAE LUJAN)**
 - a) **REQUEST FOR APPROVAL OF BUDGET INCREASE – PROJECT FUND.**
- d) **CONSIDERATION OF RESOLUTION NO. 2012-81 (COUNCILOR BUSHEE AND COUNCILOR CALVERT). A RESOLUTION AMENDING TABLE 22 OF THE IMPACT FEES CAPITAL IMPROVEMENT PLAN FOR PLANNED MAJOR ROAD IMPROVEMENTS TO INCLUDE THE CAMINO DE LAS CRUCITAS BICYCLE AND PEDESTRIAN IMPROVEMENTS PROJECT FOR FUNDING IN THE AMOUNT OF \$400,000.00. (LeANN VALDEZ)**

- e) **CONSIDERATION OF RESOLUTION NO. 2012-82 (COUNCILOR WURZBURGER). A RESOLUTION RELATING TO THE NEW MEXICO DEVELOPMENT FEES ACT, §§-8-1 TO 5-8-43 nmsa 1978; CONSIDERING A DETERMINATION THAT NO CHANGES OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS PLAN OR IMPACT FEES ARE NEED; AND AUTHORIZING THE PUBLICATION OF SUCH PROPOSED DETERMINATION. (REED LIMING)**
- f) **2011/2012 ANNUAL INTEGRATED PEST MANAGEMENT PROGRAM STATUS REPORT. (ROBERT WOOD)**
- g) **SIX MONTH REVIEW OF ORDINANCE 2011-31 AND LEASE WITH MAJED HAMDOUNI D/B/A BURRO ALLEY CAFÉ FOR A 700 SQUARE FOOD AREA WITHIN THE SOUTHERLY PORTION OF BURRO ALLEY. (INFORMATIONAL ONLY). (ED VIGIL)**
- h) **REQUEST FOR APPROVAL OF CONSTRUCTION AGREEMENT – BID NO. 13/03/B; RUNWAY 10-28 MEDIUM INTENSITY RUNWAY LIGHTING (MIRL) AT SANTA FE MUNICIPAL AIRPORT; VIS-COM, INC. (JIM MONTMAN)**
- i) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON WEDNESDAY, NOVEMBER 14, 2012:**
 - 1) **BILL NO. 2012-34: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF SANTA FE, NEW MEXICO SUBORDINATE LIEN GROSS RECEIPTS TAX IMPROVEMENT REVENUE BONDS, SERIES 2012C IN AN AGGREGATE PRINCIPAL AMOUNT OF \$5,135,000 FOR THE PURPOSE OF DEFRAYING THE COST OF PURCHASING, FURNISHING, EQUIPPING, REHABILITATING, MAKING ADDITIONS TO AND MAKING IMPROVEMENTS TO THE RAILYARD CONDO UNIT FOR EXISTING AND FUTURE MUNICIPAL FACILITIES; PROVIDING THAT THE BONDS WILL CONSTITUTE A SUBORDINATE LIEN ON AND BE PAYABLE AND COLLECTIBLE SOLELY FROM (1) THE REVENUES OF THE CITY'S ONE-HALF OF ONE PERCENT (½%) MUNICIPAL GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY BY THE STATE TAXATION AND REVENUE DEPARTMENT, (2) THE REVENUES OF THE CITY'S ONE-EIGHTH OF ONE PERCENT (1/8%) MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY BY THE STATE TAXATION AND REVENUE DEPARTMENT, AND (3) THE REVENUES OF THE STATE-SHARED GROSS RECEIPTS TAX DISTRIBUTED TO THE CITY PURSUANT TO SECTION 7-1-6.4, NMSA 1978, AS AMENDED; ESTABLISHING THE FORM, TERMS, MANNER OF EXECUTION AND OTHER DETAILS OF THE BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A**

BOND PURCHASE AGREEMENT IN CONNECTION WITH THE BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; APPROVING CERTAIN OTHER AGREEMENTS AND DOCUMENTS IN CONNECTION WITH THE BONDS; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH THE BONDS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND RELATED MATTERS. (DR. MELVILLE MORGAN AND JUDITH AMER)

- 2) BILL NO. 2012-35: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING MOBILE HOME PARK DISTRICTS AND MOBILE HOME PARKS; AMENDING SECTION 14-4.2(J)(1) SFCC 1987, TO EXPAND THE PURPOSE OF THE MHP DISTRICT TO INCLUDE RESIDENTIAL SUBDIVISIONS AND MULTI-FAMILY DWELLINGS; AMENDING SECTION 14-6.1(C) TABLE OF PERMITTED USES TO CORRESPOND WITH 14-4.2(J)(1); AMENDING SECTION 14-6.2(A)(3) SFCC 1987, TO CLARIFY STANDARDS FOR EXISTING MOBILE HOME PARKS; AMENDING SECTION 14-7.2(I) SFCC 1987, TO PROHIBIT THE ESTABLISHMENT OF NEW MOBILE HOME PARKS AS OF THE EFFECTIVE DATE OF THIS ORDINANCE AND TO CLARIFY THAT MANUFACTURED HOMES ARE ALLOWED IN EXISTING MOBILE HOME PARKS; AMENDING TABLE 14-7.2-1 TO PROVIDE DIMENSIONAL STANDARDS IN THE MHP DISTRICT; AMENDING SECTION 14-12 REGARDING MOBILE HOME RELATED DEFINITIONS; AND MAKING OTHER SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR DOMINGUEZ). (MATTHEW O'REILLY)**

- j) CONSIDERATION OF RESOLUTION NO. 2012- ____ (COUNCILOR IVES AND COUNCILOR WURZBURGER). REQUEST FOR APPROVAL OF A RESOLUTION AMENDING AND READOPTING THE *GOVERNING BODY PROCEDURAL RULES* ("RULES"). (GENO ZAMORA) (Postponed at August 28, 2012 City Council Meeting) (Postponed at September 12, 2012 City Council Meeting). (Withdrawn by sponsors)**

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – SEPTEMBER 24, 2012 MEETING.

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve the minutes of the Regular City Council meeting of September 24, 2012, as presented.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, and Trujillo voting in favor of the motion, none against, and Councilor Rivera absent for the vote.

9. PRESENTATIONS

a) EMPLOYEE OF THE MONTH FOR OCTOBER 202 – MORRIS HERRERA, INVENTORY TECHNICIAN, PUBLIC UTILITIES DEPARTMENT.

Mayor Coss read the letter of nomination into the record and presented Mr. Herrera with a plaque and a check from the Employee Benefit Committee in the amount of \$100.

Mr. Herrera said he has enjoyed working for the City, and he has learned a lot in the Water Division about what is involved in delivering water to the City. He thanked his coworkers and supervisors, commenting it is a one-team effort with everyone working together, doing what they should do.

Mayor Coss thanked him again for his outstanding service.

b) MUCHAS GRACIAS – JIM MONTMAN, 2012 NEW MEXICO AIRPORT MANAGER'S ASSOCIATION AIRPORT MANAGER OF THE YEAR.

Mayor Coss presented a Muchas Gracias to Jim Montman who has been named, once again, as the 2012 New Mexico Airport Manager's Association Airport Manager of the Year. He said the City is very proud of him and thanked him for all he has done for the City.

Mr. Montman said this is something for the City and not for him. He said, with the support of the Mayor, Council, City Manager and Finance Department in particular and many others, he has been able to put together a very nice Airport over the years. He said additional things are happening at the Airport and they continue to improve, commenting there are a lot of plans for the future.

c) PROCLAMATION – SANTA FE TRAILS ONE MILLIONTH RIDER DAY – SATURDAY, NOVEMBER 10, 2012.

Mayor Coss said for the first time, Santa Fe Trails will have 1 million riders in one year. He commented that he and Colin Messer were some of the first riders on Santa Fe Trails 20 years ago.

Mayor Coss read a Proclamation into the record proclaiming Saturday, November 10, 2012, as Santa Fe Trails One Millionth Rider Day in Santa Fe. He presented the Proclamation to Jon Bulthuis, Transit Division Director, and Collin Messer, Chair, Transit Advisory Board.

Councilor Calvert, a member of the Transit Advisory Board, thanked Mr. Bulthuis for his professional operation and the employees who work as a team to make everything happen. He thanked Mr. Messer for chairing the Transit Advisory Board. He said the Transit Advisory Board solicits public input to make sure that what we're providing is what they need and a fit for the needs of the community.

Mr. Messer thanked the Mayor and Council for their support of Santa Fe Trails, which is a vital component of the City, commenting that "I brag about the system wherever I go." He said people call him from across the country and the world to talk about our CNG bus system, of which we should be proud. He said, "Ride the bus, and join us on November 10th."

Jon Bulthuis reiterated the Mayor's invitation to the community to join them for the celebration on November 10th. He asked everyone to ride the bus, commenting, "We're glad to have you along for the ride."

Councilor Bushee said thanked everyone for their work, including Mr. Messer and Mr. Bulthuis for their input and oversight in the development of Santa Fe Trails. She said Mr. Bulthuis is the ultimate professional, noting Mr. Bulthuis, Mr. Messer and herself serve together on the NCTRD.

CONSENT CALENDAR DISCUSSION

No items were pulled from consent for discussion.

11. EL CASTILLO RETIREMENT RESIDENCES INDUSTRIAL REVENUE BONDS (MAYOR COSS). (NICK SCHIAVO)

1) REVIEW OF APPLICATION AND PROJECT PLAN SUBMITTED BY EL CASTILLO RESIDENCES FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS FOR APPROVAL, CONDITIONAL APPROVAL, OR REJECTION.

Items 11(1), (2) and (3) were combined for purposes of presentation and discussion, but were voted upon separately.

Nick Schiavo presented information from the materials in the Council packet, noting El Castillo is not receiving any tax breaks from the project in issuing the IRB's because its property is exempt from valuation and taxation, pursuant to the New Mexico constitution, because it's being used for charitable purposes. He said he received a letter from Mr. Joiner stating that he and his Board are committed to having at least 25% of the vendors and contractors be local, and they intend to strive for up to 50%.

Councilor Bushee said she would like to require the 50%, and asked Mr. Zamora if this is possible, and if so, how could we track that.

Mr. Zamora said, "The short answer to the question for this application, the answer is no. We are not able to make that requirement, and we have prepared a legal memorandum we can distribute to the Governing Body members, but I can summarize it this way. For this particular project plan, the City Council has no statutory or ordinance authority to require a certain percentage as pre-condition to the City's issuing the IRB. It is not provided for in the New Mexico Industrial Revenue Bond Act, and

furthermore is not contained in the City's IRB policies and procedures which were adopted by Resolution 2012-04, and that was in January of this year."

Councilor Bushee asked if it had been contained in those policies and procedures, could the City have mandated it.

Mr. Zamora said, "The short answer is, that a lot of additional research needs to be made. Some of the case law that's not directly on point, says you may, some of the case law that's not directly on point, says you may not. So I think we need considerable additional time to determine how to amend the Resolution and how to amend the Ordinances to do this, and if we can. However, this application has been submitted under the current Ordinance and Resolutions. You would need to act on that."

Councilor Bushee said, "Consider that a request from me to begin that now. That research, because my experience so far, and I appreciate again the voluntary offering. And so, what I would like to ask Nick, from my experience with past IRB's, anyhow, have been that we have required all sorts of things, like Thornburg's building. We got certain they.... made sure that they made the schools whole. There were all kinds of little proposals that were monetary and others. So I would just ask that if there were some way to be able to track, at least the 25%, and then find a way.... and who is the contractor for this. Is it an Albuquerque contractor."

Mr. Schiavo said it is Klinger from Albuquerque.

Councilor Bushee asked to hear from Mr. Jahner to see if he thinks he can achieve the 50% in local jobs.

Al Jahner, CEO, El Castillo, said they believe they can make 25%, but since it has not been bid, they don't know what their bids will be and he can't guarantee the 50%. He said his Board is from Santa Fe and they're all committed to do as much as we can, but they don't know what those numbers will be right now.

Councilor Bushee asked Mr. Jahner to keep in touch with Mr. Schiavo and report on how close we can come to that.

Mr. Jahner said he will do so, commenting he has had a number of conversations with Mr. Schiavo over the past week or so.

Councilor Bushee expressed appreciation, saying she wants to make as many changes to our policies as possible that generate local jobs.

Councilor Dominguez said then the organization is exempt from taxation, and asked if this means it does not pay a portion of its property taxes to the Santa Fe Public Schools.

Mr. Schiavo reiterated that the ruling from the District Court is that it is exempt from paying those taxes. He said Santa Fe County is in litigation with El Castillo, and El Castillo is voluntarily paying those taxes at this point, and a portion of those taxes go to the Santa Fe Public Schools.

Councilor Dominguez asked if there has been any communication between the organization and the Santa Fe Public Schools. He said, "Because, the last IRB that we did, we actually mandated that they make the schools whole, but it doesn't sound like that necessarily applies here."

Mr. Schiavo said, "The pledge that El Castillo has made is that if, through the higher Court, they are made to pay those taxes, and in this case, if the City goes forward with the IRB, they wouldn't pay them, El Castillo would still supply the payments in lieu of taxes to the City of Santa Fe. And we could use them as we see fit."

Councilor Dominguez said, "What you're saying is that we would pay that tax for the Public Schools."

Mr. Schiavo said the City would have the option to do that. He reiterated, "As it stands right now, the District Court says El Castillo is a non profit, they don't have to pay these taxes."

Councilor Dominguez asked Mr. Schiavo if he knows whether El Castillo has reached out to the public schools on any of this.

Mr. Schiavo said they have not.

Councilor Dominguez would encourage them to do that, so the Schools are aware of what is happening and have a "full picture of the potential impact or not."

Councilor Calvert said he assumes 3 motions are needed, and Mayor Coss said this is correct.

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, with respect to Item 11(1), to approve this request.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Rivera.

- 2) **CONSIDERATION OF RESOLUTION NO. 2012-83 (MAYOR COSS). A RESOLUTION DECLARING THE INTENT OF THE CITY OF SANTA FE TO ISSUE INDUSTRIAL REVENUE BONDS IN A PRINCIPAL AMOUNT UP TO \$30,000,000, TO FINANCE AND REFINANCE IMPROVEMENTS, CONSTRUCTION, ACQUISITION AND/OR EQUIPPING OF AN ADULT RESIDENTIAL RETIREMENT FACILITY, MEMORY SUPPORT FACILITY AND NURSING AND ASSISTED LIVING FACILITY LOCATED AT 250 EAST ALAMEDA STREET AND 239 EAST DE VARGAS STREET IN SANTA FE, NEW MEXICO, FOR THE PURPOSE OF INDUCING EL CASTILLO RETIREMENT RESIDENCES OR ITS SUCCESSORS OR ASSIGNS TO UNDERTAKE THE IMPROVEMENT, ACQUISITION, CONSTRUCTION AND EQUIPPING OF SUCH PROJECT, AND AUTHORIZING THE GIVING AND PUBLICATION OF NOTICES IN CONNECTION WITH SUCH BONDS.**

MOTION: Councilor Calvert moved, seconded by Councilor Bushee, to adopt Resolution No. 2012-83.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Rivera.

- 3) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON WEDNESDAY, NOVEMBER 14, 2012:**

BILL NO. 2012-36: AN ORDINANCE OF THE CITY OF SANTA FE, NEW MEXICO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF ITS INDUSTRIAL REVENUE BONDS (EL CASTILLO RETIREMENT RESIDENCES) SERIES 2012 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING IMPROVEMENT, CONSTRUCTION, ACQUISITION AND/OR EQUIPPING OF AN ADULT RESIDENTIAL RETIREMENT FACILITY, MEMORY SUPPORT FACILITY AND NURSING AND ASSISTED LIVING FACILITY LOCATED AT 250 EAST ALAMEDA STREET AND 239 EAST DE VARGAS STREET IN SANTA FE, NEW MEXICO, AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE CITY AND EL CASTILLO RETIREMENT RESIDENCES, AN INDENTURE OF TRUST

SECURING SAID BONDS, A BOND PURCHASE AGREEMENT, CLOSING DOCUMENTS AND SUCH BONDS IN CONNECTION THEREWITH; PROVIDING FOR THE TERMS OF THE SERIES 2012 BONDS AND MAKING DETERMINATIONS AS TO THE SUFFICIENCY OF THE INSTALLMENT SALE PAYMENTS AND OTHER MATTERS RELATED TO THE PROJECT; AUTHORIZING THE SALE OF SAID BONDS AND ANY ANCILLARY AGREEMENTS IN CONNECTION THEREWITH; AND AUTHORIZING OTHER MATTERS PERTAINING TO THE ISSUANCE OF SAID BONDS. (MAYOR COSS)

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to approve this request.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Councilor Trujillo.

Against: None.

Absent for the vote: Councilor Rivera.

12. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON NOVEMBER 14, 2012:

BILL NO. 2012-37: AN ORDINANCE RELATING TO FLUORIDATION OF THE CITY WATER SUPPLY; AMENDING SECTION 25-1.8 SFCC 1987, TO SUPPLEMENT THE CITY WATER SUPPLY WITH FLUORIDE TO A LEVEL IN CONFORMANCE WITH THE OPTIMAL LEVEL RECOMMENDED BY THE UNITED STATES PUBLIC HEALTH SERVICE, CENTERS FOR DISEASE CONTROL (CDC), FOR A PERIOD OF THREE YEARS; AND AFTER THREE YEARS, CEASE THE SUPPLEMENTATION OF FLUORIDE IN THE CITY WATER SUPPLY (COUNCILOR CALVERT). (ALEX PUGLISI)

- A. A RESOLUTION ENDORSING THE EFFORTS OF THE DENTAL COMMUNITY TO COLLABORATE WITH LOCAL SCHOOLS, HEALTH PROVIDERS AND STATE AND LOCAL GOVERNMENT ENTITIES TO FORMULATE A PLAN TO PROVIDE INCREASED SERVICES, EDUCATION AND OUTREACH TO THE RESIDENTS OF SANTA FE COUNTY IN AN EFFORT TO IMPROVE ORAL HEALTH FOR BOTH CHILDREN AND ADULTS, AND DECLARING THAT THE CITY OF SANTA FE, BEGINNING IN 2013 AND EVERY YEAR THEREAFTER, WILL RECOGNIZE THE MONTH OF FEBRUARY AS "ORAL HEALTH MONTH," WITH ONE DAY IN FEBRUARY BEING DESIGNATED AS ORAL HEALTH DAY" (COUNCILOR CALVERT) (ALEX PUGLISI)**

Councilor Bushee said she is an alternate on the BDD and will be attending for the first time tomorrow, and she hasn't spoken with legal counsel for that Board. She said she is concerned about moving forward with this item and the other related legislation of which she is a sponsor, until we have resolved the issues between the County, the City and BDD, in terms of how this matter will be handled. She would like something in writing that legally details the procedures that need to be followed before any hearings take place at the Council level.

Councilor Bushee said she also would like two questions to be addressed in the requested memo, whether or not it comes from the BDD legal staff. She said Albuquerque and other communities have addressed these issues administratively. She also read in the newspaper that the County is coming forward with a new pipeline to Eldorado, and maybe points beyond, from the BDD. She asked if this means we will have to involve the other communities that might be serviced by BDD water. She said, "I just find this somehow got very layered legally, and I don't feel it's time for any more hearings at the Council level, until we have some of those questions answered, so I'll be voting against this."

Councilor Calvert said, "As to some of the legal issues, I have conferred with Marcos [Martinez], who is the City legal representative to the Buckman. And his opinion is, regardless of what either the City or the County may do, neither of those decisions is binding on the Buckman Direction Diversion Board itself. It's a Joint Powers Agreement Board that makes those decisions for that entity. And I don't think that our having a hearing on this is going to impact one way or another. They would have to independently decide, for the Buckman Direct Diversion Project, whether or not to do anything regarding fluoridation at all. So I think the legal issues, Geno can correct me if I'm wrong, but I think the legal issues have sort of already been clarified. And also in the paper today, was mention that the County Commission has instructed its members, through a Resolution, not to make any decisions on this issue on the Board, at least for the time being, until they've had more of a chance to study the issue on their own. So, I don't think we're going to get anything anytime soon, if ever, from the Buckman Direct Diversion Board on this matter. So I don't think it precludes the City from taking the actions on the things over which it has jurisdiction. Is that correct Geno."

Mr. Zamora said, "The Ordinance that you're considering for publication this evening establishes essentially City policy for the facilities, over which it has authority. And there are facilities outside of the BDD which the City has complete authority over. So again, if you move forward, and it's up to the Governing Body how to move forward with regard to this Ordinance and others. If you move forward, that Ordinance will govern the facilities over which the City has authority."

Councilor Bushee said, "Mayor, again, the concern that this is... this is a vote to publish for notice of public hearing. And the majority of the water right now being used in the City, both by the City and the County, comes from the Buckman Direct Diversion. It's never been raised before that they had any oversight over these policies. They've just existed, and so since we're bringing up those discussions, and since the County has already made their move to say that they don't want the Buckman Direct Diversion to make any notice of any kind, then I think it's a similar decision."

MOTION: Councilor Calvert moved to approve this request. **THE MOTION DIED DUE TO THE LACK OF A SECOND.**

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to postpone a hearing on these bills, or any other matter related to fluoridation in the City water supply and the Buckman Direct Diversion, until the legal jurisdictional issues are cleared up and the Buckman Direct Diversion has acted.

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

For: Councilor Bushee, Councilor Dimas, Councilor Dominguez and Councilor Trujillo.

Against: Councilor Calvert.

Absent for the vote: Councilor Rivera.

Communications from the Governing Body following the vote

Councilor Calvert asked Mayor Coss if he could ask a question and Mayor Coss said yes.

Councilor Calvert said, "So, if we keep postponing this, right now, according to our Ordinance we're operating at 0.8 to 1.2, according to Ordinance anyway, and so we won't even get down to the 0.7 which is being recommended, until we pass some form or amendment to that Ordinance."

Councilor Bushee asked if this is a question.

Councilor Calvert said, "Yes, it's a question, but it's my statement and I'll ask for staff to either agree or not, would be my question."

Mr. Zamora said, "The adopted Ordinance and Policy of the City of Santa Fe is that fluoridation be maintained between 0.8 and 1.2, and so therefore, compliance with Ordinance requires 0.8 or greater."

Councilor Bushee said, "Then I have a question too, then Mayor."

Mayor Coss said, "Okay."

Councilor Bushee said, "We're out of order all the way around. Can the City withdraw, or put away it's Ordinance and allow staff to operate administratively, as I see many communities do."

Mr. Zamora said, "By amending the Ordinance they can do so, but they cannot do so without an Ordinance change...."

Councilor Bushee asked, "Well if you amend the Ordinance and allow staff to govern this... have this administratively dealt with."

Mr. Zamora said, "Correct. The Governing Body could adopt by Ordinance the type of procedures that you describe."

Councilor Bushee said, "Again for me, given that we're making comments, rather than asking questions.."

Mayor Coss said, "I'll just call it doing matters from the Governing Body...."

Councilor Bushee said, "Yeah, I know, I just think it's really important to sort these issues out, and I want to sort it beyond fluoride. I mean, if Eldorado is connecting and perhaps Canoncito, I want to know what kind of policies govern, and I've never really heard.... this is the first, really, I've started to hear from our lawyers on it and I haven't heard from their lawyers, so... Buckman Direct lawyers... so I would really like these matters clarified."

Councilor Calvert said, "I think to help clarify though, all that activity that you're referencing, the County, is on their side, and doesn't affect us."

Councilor Bushee said, "It possibly could, I mean, we had these same issues come up when it came to extension of water to Las Campanas. I'm just asking does that mean that Eldorado and those communities would then weigh in on this. Would they weigh-in through the County Commission. I just really want to understand, given that we've just kind of been going along, and now, all of a sudden, we've raised some issues about jurisdiction, and I'd like 'em answered."

Councilor Dominguez said, "I agree that we need to amend the Ordinance to give staff that administrative authority, for lack of a better term. But, if... just a hypothetical question that I might have: If the City were to go ahead and say that we do not want to fluoridate our water, although the Buckman is a joint board, could we at least reduce the fluoridation relative to our share, or our portion of Buckman. Or is that something that is governed solely by BDD and the City has no jurisdiction over how much the City wants to put, based on its proportionate abilities."

Mr. Zamora said, "Theoretically, there are master meters that come out of Buckman Direct Diversion, some of it stays within the County, some that goes within the City. I'm not the expert on this."

Councilor Calvert said, "I think you might want to get Brian down here, but I think what you're looking at is engineering and the way the plant is operated, before it goes through the meters, it's gone through the processing plant and the fluoride's already added. So I don't think you'll be able to meter it out to different uses, but Brian can probably answer that better."

Councilor Dominguez asked Brian Snyder to answer his question.

Brian Snyder, Public Utilities Director, said, "Councilor Calvert is correct that we add fluoride before it leaves the treatment plant, so there is no opportunity to add it just for City and not for County Water. It's all intermingled water."

Councilor Dominguez asked if it has to be this way, or is that an operational feature.

Mr. Snyder said, "It's our existing operational procedure, one. And two, the County conveys a good portion of their water through the City's infrastructure to get it to the master meters. So the water is commingled throughout our distribution system, our transmission/distribution system. An example, the Richards Avenue meter. It goes the whole way through our water distribution system to get to the County master meter, and there would be no way to supplement or reduce fluoride prior to or after that meter."

Councilor Dominguez said, "Well I guess my point is, Mayor, is that we could probably re-engineer it to accommodate what it is that we would like to accommodate. It probably could cost a lot of money, but the point is, as it pertains to the comments Councilor Bushee has made, is that we need to have some of that discussion before we can make some of these decisions, and so it could get very complicated until we have that information I think. It's really a moot point right now."

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

There were no matters from the City Attorney.

16. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

17. 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 September 24, 2012, is incorporated herewith to these minutes as Exhibit "1."

Councilor Calvert

Councilor Calvert Introduced two Resolutions as follows:

- 1 A Resolution directing staff to complete the landscape project originally planned and designed for the Santa Fe Community Convention Center. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "2"

2. A Resolution directing staff to prepare a new Santa Fe General Plan to replace the existing Santa Fe General Plan. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "3."

Councilor Calvert said he expects the replacement to be a very concise document, which stays at a high level of goals and objectives, and doesn't get into much detail. He said we spent a lot of time and money on the last one which was a nice big document which sits on the shelf and nobody ever looks at it. This one is intended to, to a certain extent update, if necessary, but mainly "to put something out there that is concise and user friendly, and is readable, and will serve as that high level document and complement the things we are already doing as well."

Councilor Bushee asked if there will be any kind of input process.

Councilor Calvert said yes, noting it is provided in the Resolution.

Councilor Dimas

Councilor Dimas said his oldest daughter, Angelique, is getting married on Saturday, and he wishes her the very best of luck, noting he will be walking her down the aisle.

Councilor Trujillo

Councilor Trujillo had no communications.

Councilor Bushee

Councilor Bushee introduced the following:

1. A Resolution declaring an emergency relating to Community Workforce Agreements ("CWA") Subsection 28.8 of the City of Santa Fe Purchasing Manual; directing staff to contract with the Bureau of Business and Economic Research at the University of New Mexico to research and report to the City of Santa Fe on the economic impact of Community Workforce Agreements; and directing staff to delay the implementation of the CWA Ordinance until a presentation of the report is made to the Governing Body. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "4."

Councilor Bushee asked Melissa Byers to add language to the Resolution to declare an emergency, because we've already begun this practice so it comes right to the Council at the next meeting.

2. A Resolution relating to the Water Resources Agreement between the City of Santa Fe and Santa Fe County; directing staff to initiate the dispute resolution provisions of such agreement to resolve the process by which the County may request additional water meters and what discretion the City may exercise when responding to such requests. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "5."

Councilor Bushee noted a letter was sent to the City by the County saying that the Agreement has been breached, and we need to work these things out before we have another emergency situation.

3. An Ordinance relating to the City of Santa Fe Animal Services Ordinance; Repealing Articles 5-1 SFCC 1987 through 5-10 SFCC 1987, of the Animal Services Ordinance and adopting new Articles 5-1 SFCC 987 through 5-10 SFCC 1987. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "6."

Councilor Bushee said this is a working document and she wanted to let the lawyers know about it, and ask for comment and responses.

Mr. Zamora said Alfred Walker will be the attorney on this ordinance.

Councilor Bushee said Krishna Picard had expressed an interest in working on it, and asked if it is something she has time to do.

Mr. Zamora said the big question is whether she has the time with all the prosecutions she has, noting she coordinates closely with Mr. Walker, and he is the policy person.

Councilor Bushee asked Mr. Zamora to check with Ms. Picard, noting she spoke with her recently at Judge Vigil's retirement party, and she told her she thought she would have time to work on it. She said they have met previously with the Judge on Animal Services issues.

Councilor Dominguez

Councilor Dominguez thanked Geno Zamora and staff, primarily Alfred Walker and Mark Allen, for their work on the Giant Station liquor license. He understands that the State is appealing our decision, and he would like a summary of that via email, and asked him to send it to the other members of the Governing Body as well. He wants them to continue to pursue more options with regard to that effort.

Councilor Rivera arrived at the meeting

Mayor Coss

Mayor Coss introduced a Resolution authorizing the City of Santa Fe Transit Division to provide free rides on all bus routes and Santa Fe Ride vehicles on General Election Day, November 6, 2012. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

Mayor Coss noted that early voting has started at the Santa Fe County Courthouse, and voting at the satellite locations including the County Fairgrounds, starts on October 20, 2012. He encouraged everyone to vote in the election.

Councilor Bushee said she would like to cosponsor the Resolution.

Councilor Rivera

Councilor Rivera had no communications.

END OF AFTERNOON SESSION AT 6:00 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately 7:00 p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Peter N. Ives
Councilor Carmichael A. Dominguez

Others Attending

Robert P. Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Seven sheets of petitions with the heading *We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use, and direct all proceeds to expanding and supporting Santa Fe's recycling programs*, submitted for the record by Sophie Ortiz, are incorporated herewith to these minutes collectively as Exhibit "8."

Mayor Coss gave each person 2 minutes to petition the Governing Body.

Sophie Ortiz said she represents the Go Green Club at Wood Gormley Elementary School. She is here tonight to encourage the Council to do the right thing and ban plastic bags. She said she and her parents recently went on a trip to California where there were recycling bins everywhere, and they only offer paper bags at the grocery store for 15¢ each, and plastic bags were not an option. She said some

business owners are worried about whether the ban will affect business, but it seems to be working in other places. She is hoping that the Santa Fe City Council will lead New Mexico on the right path. She said she has petitions. She said, "Please consider how this decision will affect my generation and generations to come." Miss Ortiz then submitted petitions to the Mayor [Exhibit "8"].

Roxanne Rivera Weist, President, Associated Builders & Contractors of New Mexico, representing 96.5% of contractors who work hard in New Mexico and choose not to join at union. She has been attending City Council meetings all summer, and in the past two meetings she has noticed that the chambers have been extremely filled. She said she can't fill the room the way the unions can. She said about 236 years ago, a group of individuals, not "unlike yourselves," got together in a room not unlike this and they worked on founding a country which was based on free enterprise and open competition. She said, "I ask you. How can you leave out the majority of Santa Fe contractors who choose not to join a union and not allow them to bid on public works projects, just like their neighbors. This is a very tough economy. New Mexico is number one in the country for construction job last, and last in construction income. So, how can you remove that open competition from all of our contractors, not to mention the majority of contractors in Santa Fe, who only want to be given a fair chance to bid on public works projects that their taxpayer dollars have gone to pay for. So I ask you again to please reconsider the mandate, the Community Workforce mandate."

Louie B. Medina, representing the Southwest Regional Carpenters Union, said last week he was here and speaking on behalf of the Southwest Regional Council of Carpenters, and asked the Carpenters in attendance to stand and be recognized. He said he talked about having more local workers on public works jobs, saying that is the most crucial point he wanted to make last week. He said more local workers who earn good wages with retirement and health care, helps to maintain a solid middle class and makes this a much better place to live for everyone. He said there are safeguards in place in the Ordinance for cost control. He said the Ordinance was modeled after many others across the country and are proven to deliver the intended benefits to the community and the awarding agencies. He said these agreements have been proven to work well. He said he has data from Cornell University, and presented that information. He said project length agreements are a vital instrument in fulfilling the responsibility. He said in San Diego they had a PLA, and 2009 the bids were put on a level playing field between the union and non-union workers. He said it levels the playing field for all contractors and workers. He said it is time to implement the Community Workforce Agreement and put local workers back to work.

Martin Padilla, Ironworkers, said he put together answers to questions from the last meeting. He has been an Ironworker since 1974 in New Mexico, and a licensed contractor since 1983. He said, with regard to a 401K, the companies don't distinguish between union and non-union. They have a 5 year investment program that has to be met by all contractors. Non-union contractors who do work on prevailing wage projects have been known to furnish 401K programs to its employees. A non-union contractor will contribute a majority of the fringe benefit required on a 401K, which lowers the gross wages and he doesn't have to pay the full amount for unemployment, liability and workers compensation insurance. An individual working for a non-union company who requires to quit on a CWA prevailing wage

job, or is terminate, all of his 401K contributions will stay with the company. If he decides to go with the union, those contributions will continue to grow for health insurance and pension, if the employee stays with the union, they will place them in a job in Santa Fe, Las Vegas, Albuquerque, Los Alamos, wherever the individual wants to work, as long as he meets the job requirements. He said with regard to OSHA, OSHA doesn't have enough safety inspectors to check the jobs around New Mexico. The unions, through apprenticeship training offer OSHA education for apprentices and journeyman. Once they become a journeyman, the training does not stop. He spoke about an incident at Starbuck's in August where a young man died during a demolition. The company did not have individuals trained in safety or in the process of steel erection or demolition. He said someone said last meeting that contractors won't be able to acquire work under the CWA.

Mayor Coss asked Mr. Padilla to wrap up his presentation, because this is a time for petitions to the Governing Body to ask the City Council to do something. He said there will be opportunities in the future to provide testimony at the public hearing(s) on this matter.

Mr. Padilla said the City Council unanimously approved the CWA in Santa Fe. He said the CWA is a way to help high school students and the construction trade to acquire health insurance for their families and a retirement for their future. He spoke about rising costs, and said the City needs to implement the CWA for upcoming projects being put out to bid in Santa Fe.

Bruce Weatherbee, Rosario Hill, former President, Central Labor Council. He said he has been a non-union and non-union worker. He has served on a local Board and in the Legislature in another State. He understands the desire to get hard facts. He said he is petitioning the Governing Body to go ahead and to implement the plan which was developed over the past 20 years. He said he would remind the woman from the ABC that we have been talking about this for the past 2 years, and suddenly they get worried and act as if something were taken away. He said she basically said that history in this country had to do with giving every the individual rights to go out and work. He said the oldest of the founding fathers, Ben Franklin, help to organize the first labor union, called a guild, and helped solve the first strike in the United States in the 1780's for the Printers Guild. He said they were very proud of the organized workers at that time. He said it is way off base for her to act as if this is an attack on America is way off base. He said they have tried to provide information, and will continue to do so. The best way to get the information on how this works is to do it. He said, "Let's try it out and then we'll have the hard information. It's worked elsewhere."

Saul Renteria, Belen, Laborers International Union, Pacific Southwest Region, which covers California, Arizona, New Mexico and 10 counties in West Texas. He reminded the Governing Body that this was passed to help the community to help put people to work. He urged the Governing Body not to be distracted by the "lies and clouded judgment that ABC has been giving and the falsehoods that they have been stating." He said they said they represent 96.5% of contractors, and asked where are the

contractors. He asked everyone in favor of the CWA from Santa Fe to rise. He said we want to put the community to work to help the local economy and the reason it was put in place. He said according to the Bureau of Labor study, ABC represents only 6% of all contractors, and represent less than half of a percent nationally. He said union apprenticeship and training firms represent 70% of apprentices that go to work. They want to put Santa Feans to work. He said, "Please continue on the path to the Community Workforce Agreement."

Darrell DeArguero, Business Agent for the Laborers in the National Union of America, representing workers in New Mexico and West Texas. He said the CWA works. It's proven. He said you've had two years to look at all the information, and what is getting lost are those people it directly affects – the community and works. He said there is a room full of skilled workers who came up through apprenticeship programs who are working outside in the sun and elements every day. They can testify that the CWA's work. He said, "I would hope that you all take into consideration the turnout of the people here, look around this room. Each individual person that is here that represent the works came up in the system. This is the benefit of the system. Utilize it here in Santa Fe. Do the community a favor and implement this."

Jess J. Senteria, Southern California District Council of Laborers in New Mexico, representing laborers in New Mexico, West Texas and California. He said in California and throughout the country CWA's work as in San Diego, and such all over the contractor. This is for public works projects which are 14% of the City's budget. He said the CWA gives everyone a fair chance to bid the work. He said the people who elected you are Santa Feans, and we want to make sure that local come to work. He said local contractors can bid, whether union or non-union. He said this would provide apprenticeship. He wants the Council to move forward, especially for the local work force and the working families of Santa Fe. He said, "I hope you make the right call."

Tabitha Hurst said we should take action to help the environment like Sophia Ortiz did, by banning plastic bags. She said, "I think we all should try to do something to help the environment too. Thank you very much."

Jon Hendry, President of the New Mexico Federation of Labor. He said he is here to urge the Governing Body to move forward with the CWA. He said labor unions are subject to a higher standard of scrutiny than any other organization in America. He said they can go on the internet and find out how much he is paid, and find any single check they wrote, and what they contributed. He said they welcome the scrutiny, and they want you to know where the "money comes from and where we spend our money." He said we need to study the CWA to see what works and what doesn't, but the only way is to actually do this. He said to go to a University and look at it from an academic level won't have the same effect as

actually implementing the plan, seeing what works and then coming back and discussing, in a rational manner, union and non-union, with the Council and staff what works and how we can improve it, or if it doesn't work, what we can remove. He said to paraphrase Lew Wallace, "What works in the rest of the world doesn't necessarily work in Santa Fe." He urged the Governing Body to implement the CWA, job by job, dollar by dollar, see what works and doesn't work and revisit this in 6-12 months. He said we want to develop the best system for Santa Fe. He said, "In the same way as we lead the nation with our living wage, let's lead the nation with a Community Workforce Agreement."

Mike Archuleta, President, Central Labor Council in Northern New Mexico. Mr. Archuleta quoted Thomas Jefferson, "This democracy will cease to exist when we take away from those who are willing to work and give to those who would not." He asked the Governing Body to please implement the CWA.

Ray Baca, Executive Director, New Mexico Building Trades Council, representing all of the construction labor unions in New Mexico. He said the nature of construction jobs across the nation is that people have to drive a long way to get work, and are unemployed for weeks, and sometimes they can work in their back yard. He said he sent the Governing Body an email this week of a study done by Cornell University, which is the best among those which have come out in the past two years. He urged the Governing Body to look at that when they can, noting it is an easy read. He would welcome any questions on the study. He invited the Mayor, Council and staff to visit the apprenticeship programs and talk to the people going through those programs. He also can bring some of the apprentice coordinators to Santa Fe, so you can have a roundtable and ask questions about the program. The CWA before the Council doesn't precludes anyone from bidding. The primary reason behind the CWA is to have workers on public works jobs to be represented fairly. He said, "We petition you to go ahead with the CWA as it stands. Thank you."

G. APPOINTMENTS

Law Enforcement Assisted Diversion Task Force ("LEAD")

Mayor Coss appointed the following individuals to the Law Enforcement Assisted Diversion Task Force:

Councilor Patti Bushee;
Jessica Dimas, Santa Fe Public Schools Teacher;
Detective Sergeant Jerome Sanchez, Santa Fe Police Department;
Krishna H. Picard, Assistant City Attorney/City Prosecutor;
Mary Sky Gray, M.S., Executive Director, Santa Fe Mountain Center, Inc.;

Lieutenant Eric F. Garcia, New Mexico State Police;
Maria Jose Rodriguez Cadiz, Executive Director, Solace Crisis Treatment Center;
Yolanda Briscoe, M.Ed., PsyD., Executive Director, Santa Fe Recovery Center;
Cathy Ansheles, Executive Director, NM Criminal Defense Lawyers Association; and
Marcella Diaz, Executive Director, *Somos un Pueblo Unido*

MOTION: Councilor Calvert moved, seconded by Councilor Dimas, to approve these appointments.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Rivera and Trujillo voting in favor of the motion and none voting against.

Mayor Coss said the Committee will meet in early November to come up with a set of meetings, noting they will be meeting monthly for the next 6 months.

Responding to Councilor Bushee, Ms. Vigil said Councilor Bushee wasn't included in the appointment Memorandum last time, so she wanted to make this official.

H. PUBLIC HEARINGS

- 1) **REQUEST FROM VIVAC WINERY, L.P., FOR A WINEGROWER OFF-SITE LICENSE (ON PREMISE CONSUMPTION AND PACKAGE SALES), TO BE LOCATED AT VIVAC WINERY, 1607 PASEO DE PERALTA, SUITE A. (YOLANDA Y. VIGIL)** (Postponed at the ~~October 10, 2012~~ September 24, 2012 meeting)

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the location is not within 300 feet of a church or school, and staff reports on litter noise and traffic are in the Council packet. She said staff recommends this business be required to comply with all City ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve the request from Vivac Winery, LP, for a Winegrower Off-site License (on premise consumption and package sales), to be located at Vivac Winery, 1607 Paseo de Peralta, Suite A.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Rivera, and Councilor Trujillo.

Against: None.

2) REQUEST FROM SAN Q SOUTH, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT SAN Q SUSHI, 3470 ZAFARANO DRIVE, SUITE C. (YOLANDA Y. VIGIL)

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting the application includes an outdoor seating area. She asked, as a condition of approval, that the applicant be required to apply for a building permit, and install a 3½ foot fence or wall, to enclose the proposed outdoor licensed premises. She said there are reports on litter noise and traffic are in the Council pack, and staff recommends this business be required to comply with all City ordinances.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Dimas moved, seconded by Councilor Bushee, to approve the request from San Q South, LLC, for a Restaurant Liquor License (beer and wine on-premise consumption only) to be located at San Q Sushi, 3470 Zafarano Drive, Suite C, with a condition of approval that the applicant be required to apply for a building permit, and install a 3 ½ foot fence or wall to enclose the proposed outdoor licensed premises.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Rivera and Councilor Trujillo.

Against: None.

3) CASE #2012-11. APPEAL. JENNIFER AND BRENT CLINE APPEAL THE SEPTEMBER 11, 2012 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD IN CASE #H-12-069, ESTABLISHING AS A CONDITION OF ITS APPROVAL FOR A REMODEL AT 34 MAGDALENA STREET, A NON-CONTRIBUTING RESIDENCE LOCATED IN THE DOWNTOWN & EASTSIDE HISTORIC DISTRICT THAT THE GARAGE DOOR BE WOOD, NOT METAL. (DAVID RASCH AND KELLEY BRENNAN)

A Memorandum, with attachments, regarding this matter, prepared October 1, 2012, for the October 10, 2012 Meeting of the Governing Body, to Members of the Governing Body, from Kelley Brennan, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Kelley Brennan. She said she said that the standards that the Board applies generally is to achieve harmony between existing construction and new construction, and between old style and new style. The Code does not say that doors need to be wood. This was a condition exercised in the discussion of the Board. She said Mr. Rasch reviewed the streetscape recently and took some pictures, and he'll show you the other garage doors in the streetscape. The appellants are here and will speak after David. Please see Exhibit "9," for specifics of this presentation.

Councilor Calvert said on page 4 it says Chair Woods said that "They didn't look like metal doors." He asked if that was from pictures.

Ms. Brennan deferred to David Rasch noting he was on the site visit, noting this is a quotation from the minutes of the meeting.

David Rasch said the garage doors in question haven't been installed yet, so the quote from the Chairman of the Board is based upon on the application submitted from the appellant, and that was drawings as well as cut sheets of the garage doors that they wished to install.

Councilor Calvert asked if the Chair was talking about the ones to be installed or the ones on adjacent properties which they actually saw.

Mr. Rasch said she didn't make clear what she intended. He said, "I think she did intend to talk about the proposed doors, not the doors that exist in the streetscape. I'll be showing you photos of those."

Mr. Rasch said, "I did look at the streetscape the other day, and I wanted to show what is relevant for the Board's decision and what I found in the streetscape. So, on the screens right now, you see how the Code defines the relevant streetscape. Right 'here' is where the project location is, and so the streetscape is almost the entire Magdalena Road. It goes all the way down, almost to Paseo. In that streetscape though, from 'here' down is a steep hill down, and then up 'here' are where all the garage doors are. This is looking north, up the hill from Paseo, and in 'this' part of the streetscape, there are no garage doors that face the street that are visible."

Mr. Rasch continued, "Once we get up to the project location, my City unit is parked at the project location. So 'this' is the end of Magdalena Street. You don't see any garage doors except right on the appellant's adjacent property from this view. From looking back, you can see closer the existing garages. There's where the proposed site is, and on the other side of the street, you don't see any garage doors from this angle, but I will show you one that's right here. So, of the four garage doors that are in the defined streetscape, one and two are identical. These are metal. They belong to the appellant on the adjacent property. Number three, similar, on the adjacent property, metal door. Directly across the street from the project, is the fourth door in the streetscape. That one is metal as well."

Mr. Rasch continued, "Now, just for your information, I'd like to show you again that streetscape map. Even though the Code defines how a streetscape is defined, this property on Kearney is in the streetscape. 'This' property is not, but right there at 'this' property, which is visible from the project site, there is one door which is historic and it is this one wood door. So the defined streetscape has 4 metal doors in it, no wood doors."

The photographs used by Mr. Rasch were not submitted for the record, but can be obtained from David Rasch, Historic Preservation, City of Santa Fe.

Public Hearing

Jennifer Marie Cline, the owner, was sworn. She said, "A little bit of clarification. When you go back to the record, and actually if you were to ask the Chair of the Historic District Review Board, she was in fact referring to the existing doors on the streetscape, the ones that were in the photograph that David was showing you of the burgundy colored doors. She did in fact think, and if you go back and ask her, she did think that those doors were wood, but they are in fact metal, because we had a discussion at that point that I had installed those doors, though I was aware that they are indeed metal, not wood. So she was surprised to learn that the doors that are very similar to the ones that we were planning to install are in fact metal, not wood, although they do have... and if you would like I have a sample of the metal which I can pass around. So that metal actually has a little bit of texture and character to it. Our intent is to paint them burgundy, which would match the existing windows and doors on the property, but they still would have the texture, and a little bit of the wood feel which comes through in the other doors that exist on the streetscape. And I think David and everybody else has already covered most of the points, in terms of we really just want to be harmonious with what's already on the streetscape."

Ms. Cline continued, "The original price for the doors that we were planning to install, which are slightly nicer than the doors that are on the existing garage on the adjacent property, that bid was \$3,600 by the same company to create those same look and feel of door in wood as opposed to metal, is \$14,000. So that's greater than \$10,000 difference for a door that's going to take a lot more maintenance. That's why we're requesting this appeal. Thank you."

The Public Hearing was closed

Councilor Trujillo said, "So, on this street, there's nothing in the Code, nothing which states wood doors have to be in this part of the Historic District, right."

Mr. Rasch said, "There is a provision in the Historic Code that talks about issues which aren't relevant to this case. If we had a historic building, and they had wooden garage doors that were [inaudible] and they needed to replace them, they could require wood. This is a non-contributing building."

Councilor Trujillo said, "Okay. Let me read this. It says, 'The two doors that we wish to install at 341 Magdalena, tend to be very similar to the doors that are installed on the adjacent garage.' So there's an adjacent garage attached to this building already."

Mr. Rasch said this is correct.

Councilor Trujillo said, "And those are metal."

Mr. Rasch said, "The 3 doors are metal. It is the same owner, but there are two adjacent properties."

Councilor Trujillo said, "Then it's not on this same building."

Mr. Rasch said correct.

Councilor Calvert said on page 7 of the packet, in the letter from the appellants. He said, "I'm going ask you to verify this, David. It says that 'The three car garage on the adjacent properties, 339, 341 and 343 Bishop's Lodge, was build several decades before 341 Magdalena. It has decorative metal doors that were installed in 2006, with the approval of the HDRB.' Do you concur."

Mr. Rasch said, "I did research that case. It did go before the H-Board in 2006, and the interesting thing was the action of that case. The applicant did propose the metal doors. The H-Board's decision on that case was approval of the application with a preference that wooden doors be used."

Councilor Calvert said obviously their preference was not honored, and asked if a preference is binding, and Mr. Rasch said no.

MOTION: Councilor Calvert moved, seconded by Councilor Bushee, to grant the appeal, "on the grounds that similar doors have been approved in the past by the HDRB, and even some of the people couldn't tell the difference between the two, and because they don't require as much maintenance, they probably will continue to stay better looking in the long run, and that the City Attorney come back with Findings of Fact and Conclusions of Law that uphold this appeal."

DISCUSSION: Mayor Coss asked Councilor Calvert if he would like to direct staff to do the first paragraph, with a Finding of Fact that the metal garage comply with the design standards.

Councilor Calvert said, "I'm going to give staff the ability, because they asked, in the Staff Report, for that option to bring them back. And I would like to give the time to make sure that that is done properly."

Councilor Bushee asked why they didn't bring forward Findings of Fact and Conclusions of Law.

Ms. Brennan said the Findings of Fact and Conclusions of Law made by the Historic District Board are in the packet. The Finding of Fact and Conclusions of Law to which Councilor Bushee is referring are based on the decision of the Governing Body. She said, "I will do Findings and present them at the next Council hearing."

Councilor Bushee said, "I agree with this motion. The concern I have, is I get that metal garage doors can be very unattractive. I have one myself. I'd love to be able to afford to replace it with a nice custom wood door. But I am grateful you brought forward a sample of the type of door you would be putting in. It does seem like it will match the streetscape that exists. And I do want to recognize that I think the H-Board had the right to make that motion, given the streetscape in the downtown, and to try to make sure that we didn't get one of those unattractive metal garage doors. So, I'm grateful that the appellants were, you know, able to come forward and be understanding. But I do think it helps.... I read the Chair's comments and I think perhaps directing them a little more closely at the HDRB level, perhaps we would haven't had to see an appeal here on this one. But anyhow, I will support the motion."

CLARIFICATION BY THE CITY CLERK: Yolanda Vigil clarified that Councilor Calvert's motion is to grant the appeal, and Councilor Calvert said that is correct.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Rivera and Councilor Trujillo.

Against: None.

Explaining his vote: Councilor Trujillo said, "Yes. You know I'm just going to make a comment on this. I don't necessarily agree with Councilor Bushee that the H-Board had the right to do this. Because I think a condition would have been that it look like wood. I'm sorry. I'm going to say it's ridiculous that this even came before us. City staff's time should be spent, in my opinion, on more important things than a garage door. But I'm going to vote yes. I'm just voting yes."

- 4) **CONSIDERATION OF RESOLUTION NO. 2012- ____ . CASE #2012-39 . LA LUZ HEALTH COMPLEX GENERAL PLAN AMENDMENT. JAMES W. SIEBERT, AGENT FOR SANDRA PACHECO, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 6.36± ACRES FROM RESIDENTIAL – LOW DENSITY RESIDENTIAL 93-7 DWELLING UNITS PER ACRE) TO TRANSITIONAL MIXED USE. THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET EXTENDING TO AGGIE ROAD. (DAN ESQUIBEL)**

Items H(4) and H(5) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum dated October 10, 2012, with attachments, to the Governing Body, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, regarding this matter, is incorporated herewith to these minutes as Exhibit "10."

The *La Luz Health Complex Rezoning from MHP (Mobile Home Park) to MU (Mixed Use) & Preliminary Development Plan*, are incorporated herewith to these minutes by reference, and are on file with, and can be obtained from, the Land Use Department, Current Planning Division.

The staff report was presented by Dan Esquibel. Please see Exhibit "10" for specifics of this presentation. Mr. Esquibel noted John Romero is here to discuss any questions which might arise regarding traffic issues and Aggie Road.

Recommendation: The applicant has demonstrated compliance with Chapter 14 for a General Plan amendment and rezoning. The Land Use Department recommends approval of Case #2012-39 and #2012-40 subject to conditions listed in Conditions Exhibit A [Exhibit "10"].

Questions from the Governing Body prior to the Public Hearing

Councilor Calvert said on page 2 of the Memo, under Application Summary, paragraph 2, line 4, it says, "The predominant response from the attending landowners was to keep Aggie Road as is..." He asked what is "as is." He asked if it is a "no man's land or free-for-all."

Mr. Esquibel said Aggie Road is a dirt road and it isn't built to City standards. He said, "The overwhelming response of the neighborhood was to keep it as is. They don't wish to increase any volume of traffic along Aggie Road by bringing Aggie Road up to any form of standards that may be required by the City."

Councilor Calvert noted ownership is a big question we don't know the answer to. He asked how the road is being used today.

Mr. Esquibel said, "They maintain it themselves. The owners along that road that use Aggie Road."

Councilor Calvert said those would be the abutting landowners.

Mr. Esquibel said, "Yes, abutting landowners. As you know, Aggie Road comes in between Country Dan's Sleep Center and what used to be a Chinese restaurant, China Star. And it comes 'this' way and goes 'that.' There's an easement that runs through what is that, they just got bought out, Sprout's, that connects to Zafarano. It's not technically part of Aggie Road, but there's an easement that runs through their driveway. From 'this' point 'here,' from 'here' to 'here,' is paved. And then from 'this' ending point to the property, it's all dirt and the widths vary from, maybe, 14 to 20 feet, and they maintain it themselves."

Councilor Calvert asked if there is a sign or posting saying "you can't use this." He said, "I mean, anybody is free to use it. It sounds like you don't know who owns it, and if the abutting landowners are sort of saying letting it stay as it is, I mean, it sounds like it's available to anybody to use."

Mr. Esquibel said, "The question is upgrade. Who has the right to upgrade it. And the applicants maintain that they have the right to use it, along with all of the other landowners. That's going to be an issue relevant to their deeds. And I'll let the applicant talk further on their rightful ownership to access that road. But that's pretty much all we know, in terms of Aggie Road. It's somewhat of an issue."

Public Hearing

Presentation by Applicant

James Siebert, 915 Mercer, Agent for the Applicant, was sworn. He said Sandra and Chris Pacheco are here this evening. Mr. Siebert said Sandra Pacheco's family has owned the property for several generations. He said as previously stated by Mr. Esquibel, the property currently is zoned Mobile Home Park. He said Mr. Esquibel said it is for a "Vet Clinic," but it is for a Veterans Administration Clinic. He said the reason this came about is that Mr. Pacheco has constructed several of these Veterans Administration clinics in the region – New Mexico, Texas and Colorado. He said Mr. Pacheco will be happy to answer any questions. He said the Veterans Administration had requested proposals from various landowners, so this is one of several proposals which have been submitted. He said it has been approved that they can submit the proposal for final review to the VA.

Mr. Siebert presented information using enlarged maps and drawings which are in the Council packet. Mr. Siebert said, "To orient you, this is Rufina Street here. The property sits 'here,' runs between Rufina Street and Aggie Road. We do have another photograph if you would like to see it, that's a larger scale, that shows all of Aggie Road if you'd like to see that. What's characteristic of this area are these long, narrow strips of land that were part of the [inaudible] inheritance because of the original acequias in the area. 'This' is the Vegas Verdes Mobile Home Park. We had an ENN and a lot of these ladies showed

up from the Vegas Verdes Mobile Home Park thinking that there was going to be a road that extended through 'here' into Vegas Verdes. There's none proposed. At that point, the ENN was over. So I think we've addressed the concerns from Vegas Verdes."

Mr. Siebert continued, "This is an infill property. The Rufina Street has all the pertinent access. It has room for additional lanes at some point in time, and additional improvements, actually, the applicant will have to do to Rufina Street to provide for adequate access. Water, sewer, electric, telephone, cable TV, all in this particular along Rufina Street. Any questions on the aerial before I go on."

Mr. Siebert continued, "The first phase of this, this is broken into... 'this' is Rufina Street here. It's broken into 3 phases. The first phase being the VA Clinic. One of the issues, you may say, well gee, you know why do you have all this parking, because we're well in excess of what the Code requires. It's a requirement of the VA you have a certain number.... for that size building you have to have to have a certain number of parking spaces. We've satisfied that particular requirement. The yellow are assisted living units. There's 41 assisted living units. That would be Phase 2. Phase 3 would be medical clinics and hopefully, what we'd like to do is kind of begin to maybe tie all this together and provide for health care services in this particular area."

Mr. Siebert continued, "This is an enlargement. Some of the improvements that would have to take place will have to be a left turn lane created 'here.' One thing that the Traffic Engineer wants to see, is a widening 'here' to allow for people that can't turn left further down Rufina Street, to be able to make a U-turn and go back east. We do have ponding that's proposed in proximity to the building and the parking."

Mr. Siebert said, "So, to kind of summarize, the reason that we ask for your approval of this project is for several reasons. First of all, the staff has approved it. The Planning Commission has unanimously approved it. The neighbors and the community have expressed a preference for this particular land use, versus the existing zoning which is Mobile Home Park, and I think one thing that is most important, it serves a need in this particular area of the community, that is currently under-served, and that is for health care services. And finally, it is consistent with the goals and the policies of the City General Plan. I'll answer any questions you may have."

Speaking to the Request

John Gallegos was sworn. Mr. Gallegos said, "Part of the thing is my mom and dad had land and they gave, I guess, access [on the] road where Aggie's at, along with David R. Romero, he's my cousin. I guess Clyde Gonzales was I guess my dad's sister's husband. It's all family that used to own that land. And so they gave Aggie Road, I thought it was 35 feet, of their land so they could do that access to their property from that side of Cerrillos Road. And I guess that concern that the people have at this point... my sister Tessie's got the land adjacent to Aggie Road. I guess Mr. Vigil, and he can talk later, has land also and it's due east, and I guess Mr. Saiz's family has that. And I guess their concern is that they want the utilize that road. They understand is that they want to widen it, which means that their lands are

going to be made even smaller than what it is already. Okay. And I think, from what I heard is that it seems like they want to use mostly Rufina to gain access in and out, but also using Aggie Road also as an access, it's going to bring a lot of traffic to our property which is all private. So, I don't know if that's... what the concern is, for example, if they make it 15 feet wider, that's going to make Mr. Vigil's land 15 feet less and he's not going to be put his equipment that he's got at this point. Along with my sister, who's got a trailer about 30 feet from the road, which means they're going to have no access at all. Anyway, I think is that's our concern, is the utilization of Aggie Road."

The Public Hearing was closed

Councilor Bushee said she was ready for a motion, but wants Mr. Siebert to respond to Mr. Gallegos' concerns.

Mr. Siebert said, "Well, when we had a meeting with the landowners, it was very clear that they didn't want any improvements to Aggie Road. So we proposed... you can see there's a cul-de-sac, we would use Aggie Road only for emergency vehicle purposes. John's here, but the issue was is there capacity at the intersection. The answer is, even if you direct all of the Rufina Street, there is capacity at that intersection."

Councilor Bushee asked Mr. Gallegos, "Would that satisfy your concerns, if it's only emergency vehicle traffic."

Mr. Gallegos said, "I believe so, it's just that I don't think that's what's going to happen in the future. I think our concern is that once you open a door... like I guess the comment was made that there was no specific thing drafted about how this road's going to be used. Because I think back in the forties and fifties when they did this, it was just like an agreement between families that this was going to be open so they can get in and out, the families can get in and out."

Councilor Bushee asked Mr. Mercer if it would be possible for "you to put one of those things like we have that allows like, it's a bollard, and it's got a little thing you flash, I guess, to open it, that like our Fire Department gets to use. A gate, whatever it's called. It's a specific name. Can you do something like that."

Mr. Siebert said, "Yes. It's easy enough to work something out with the Fire Department that prevents access both ways, but allows for emergency vehicles to enter."

Councilor Bushee said she would move to approve with such a condition, so that is actually done, so there is something physical which prevents traffic from ingress/egress in an out just for emergency vehicles.

MOTION: Councilor Bushee moved, seconded by Councilor Trujillo, to adopt the Resolution approving Case #2012039, the La Luz Health Complex General Plan Amendment, with all conditions of approval as recommended by staff and the Planning Commission, and with an additional conditional condition that the applicant work with the applicant to install an electronic gate for emergency access.

DISCUSSION: Mr. Gallegos said, "Our concern, ever since they put up the Farmer's Market, we've had all kinds of traffic come in through our property. And I guess this thing of maybe putting on gates and locking our roads, but I think this is just going to increase access. An example, two weeks ago, they had a DWI checkpoint, and people were coming through out property like crazy to avoid it."

Mayor Coss said it might help to have it barricaded on one end..

Councilor Bushee said, "John Romero is in the audience. For this particular property, cul-de-sacing it and putting a gate in is probably, you can't get any better than that as far as blocking access. Is there anything else in the general area that the City can do to make it work better for the folks that already exist there."

John Romero, Director, Traffic Engineering Division, Public Works Department, said, "Again, if the intent is to keep this development traffic off that road, a gate would accomplish that."

Councilor Bushee said Mr. Gallegos is talking about other cut-through traffic and asked if "we have looked at that as a whole, and made sure that we've done everything we can to keep folks from coming in on private property essentially."

Mr. Romero said he hasn't looked that, and right now, it has not been determined whether that portion of Aggie Road is a public right-of-way or a public easement. If it is a public easement, it will be up to the property owners, but they can't legally shut it off. If it is a private easement it would be up to the property owners to determine that.

Councilor Rivera noted Aggie Road is very narrow, and probably will require widening for the fire vehicles.

Mr. Romero said he hasn't reviewed the road for purposes of emergency access, noting that was done by the Fire Marshal, but his understanding is that it was an acceptable fire access. However, he doesn't know if it would need to be improved and smoothed-out. His understanding is that it there was enough width for the minimum fire access.

Councilor Rivera said some of the neighbors' concerns were that it was actually going to widen the road, and we haven't studied that to see if that is true.

Mr. Romero said he was never under the assumption that we were going to widen the road.

Councilor Rivera asked if he is speaking of Aggie Road.

Mr. Romero said, "No. My initial request to have it open for public access was just to improve it with base course, because right now there is no base course. It's just a dirt road that's very rutted-out."

Councilor Rivera asked if it has been examined to see if some of the larger fire trucks can make that turn onto the proposed property.

Mr. Romero said the Fire Marshal would have reviewed that, and he doesn't know what the determination was.

Councilor Rivera said it appears the Fire Marshal's memo is a standard memo that requires two means of access into the property area, so you have the one off Rufina. So you would need a second one off Aggie Road, but we're not sure if he actually looked at whether there was going to be any widening to Aggie Road."

Mayor Coss asked Mr. Esquibel if he has clarification on this.

Mr. Esquibel said, "Because we were having so many issues relevant to ownership and being able to upgrade Aggie Road, it was our decision to eliminate, at this point in time, the approval of Phase 2 and 3, leaving Aggie Road as somewhat of an emergency access only at this point in time. Until they can actually provide us additional information so than we can render an appropriate decision, it would be hard to say what we could do."

FRIENDLY AMENDMENT: Councilor Rivera would like to amend the motion to say that we are approving only Phase 1 of the project, and that Phase 2 and 3 will come back for approval once we have the answers to the issue of access.

DISCUSSION ON THE FRIENDLY AMENDMENT: Councilor Calvert said that was what the Planning Commission said.

Mayor Coss said, "That's what we'd be approving now, right, the General Plan and the Zoning."

Mr. Esquibel said, "Correct. Phase 1. The rest of the phases go back to the Planning for the final approval.

Councilor Bushee said it doesn't necessarily come back to the Council, and it will go only to the Planning Commission and they can address concerns there, unless it is appealed, asking if this is correct.

Mr. Esquibel said, "Yes and no. Actually part of the mixed use development actually requires a development plan to move forward. So unlike a regular zoning, the mixed use development, like a PUD, actually does come to the City Council for approval, so you would be voting on a preliminary development plan along with the mixed use development. And then it would get sent back to the Planning Commission."

THE MAKER OF THE MOTION AND COUNCILOR RIVERA AGREED THE FRIENDLY AMENDMENT IS NOT NEEDED.

Councilor Calvert said, "This is where I'm having a little problem though. We're rezoning the whole thing, but we're only approving a part of it. And if, for some reason, that Aggie Road didn't materialize, then we're rezoned it with those other two parts not usable. And I don't even know if the first part is usable. John, is going either way on Rufina considered two means of access to the property."

Responding to Mayor Coss, Councilor Calvert, "What I'm just saying. I mean, as the Fire Marshal stated, two points of ingress/egress are required by the Fire Marshal. So that applies to any place. It applies to the whole plat, right. Does that include even Phase 1, since it's on Rufina. Would you require another one just for that, or can going either way on Rufina satisfy two points or two ways to get there."

Mr. Romero said, "That's a good question about the phasing. Now as far as the access on Rufina, that is one access point, regardless of whether it's right/in, right/out, left/in, it is one access, but I'm not sure what the Fire Marshal's opinion is on whether Phase 1 needs the second point, or if Phase 2 triggers it, or not until Phase 3 triggers it."

Councilor Calvert said, "I'm not clear on that point. I'm not as concerned about the two points when Phase 1 is right on Rufina, I think we have a little flexibility and come at it from two different ways. But if we approve rezoning the whole 6 acres and Aggie Road doesn't materialize as an emergency egress, then you've rezoned it without anything that can really go on in the other two, but why would you want to rezone it. I don't know. I don't what you can do with it if you can't do that. But I'm just a little concerned that rezoning it, we only know that Phase 1 is all that we're pretty sure that go in there right now, without further information or clarification."

Councilor Bushee said, "I'm not sure get that."

Mayor Coss asked Mr. Siebert if he has a response or clarification.

Mr. Siebert said, "The issue is, is there are two points of access, and the Fire Department has always taken the position that you have an emergency access that is gated, that that is sufficient for two points of access."

Councilor Calvert said, "I understand that point, but what I'm getting at is... Since we don't have the Fire Marshal here to answer some of these questions, is that road sufficient, as Councilor Rivera has asked, as access without widening is, which is what some of the people have stated they don't want to happen. They're not too concerned, I think there's still some concerned, but they're not too concerned as long as you don't widen it. So we need to know if the existing road is sufficient for the vehicles we have, and not only sufficient, but as Councilor Rivera said, you've got to make a turn there to get into the roadway within

this lot. So, that's... I don't know that we have the answer to that. And so, not having the answer to that, and nobody here can necessarily answer that, I'm concerned about the rezoning of the whole property without the assurance that that will somehow materialize."

Mr. Siebert said, "I think, if that's a concern shared by other Councilors, then we would be happy to table it for one month to allow the Fire Department to provide an analysis. I can tell you, and I can't speak for the Fire Department, I can tell you right next door to this is a heavy equipment operator that runs some pretty substantial trucks up and down that road. In my opinion, it's not going to be an issue."

Councilor Calvert asked, "Does the heavy equipment... sort of all-terrain and are the fire trucks considered such, and if they're too wide would they sink in somewhere and not be able to make it down the road. These are some of the questions I have. Heavy equipment usually can operate whether they stay within the confines of that existing roadway or not. In getting out, it sounds like there's leeway right now, but the concerns of the people are if you expand the roadway, it's going to take away property they think they need or might use. That's my only concern. I'm not opposed to this project, and I would certainly like to see Phase 1 with the VA clinic here. I think this community needs it. I just want to be sure we're not doing something that will send it down a blind alley, figuratively and literally."

Councilor Bushee said she would be happy if Councilor Calvert moved to postpone, noting that would supercede her motion.

Mr. Siebert said the applicant will have to submit a proposal in December, so they are facing time limitation, and hopefully the Council will consider that.

Councilor Bushee said she isn't opposed to conceptually approving this and having this worked out through staff administratively, and if not it would come back to us.

Councilor Calvert said the action this evening approves the rezoning which won't come back to the Council, and he wants to be careful we are doing something which we can't undo if it doesn't work out.

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to postpone Case #2012-39, to the next meeting of the City Council on October 30, 2012.

DISCUSSION: Councilor Bushee said either way we are going to rezone this as a Mobile Home Park and there would be a similar traffic concern. She wants to be sure we don't harm their ability to get their proposal funded, and believes staff can work it out with them. She said this land is going to change its use and the rezoning isn't the problem in her mind.

Sandra Pacheco (previously sworn) 5895 El Prado Northwest, Los Ranchos, New Mexico, said, "I was before Council back in 2006-2007. Councilor Bushee you were on Council then, and that is when we rezoned it as a Mobile Home Park. When we had it rezoned as a Mobile Home Park, we had the same issue. And when that was approved, it was approved contingent on the emergency access. This doesn't

changed. It was approved the way it is in the way that you're asking back when we had it rezoned as Mobile Home Park. I just wanted to make that statement so that everybody was clear that had already been determined."

Councilor Calvert said, "His question now is, if it was rezoned then contingent upon that emergency access, how come we still don't have that resolved."

Mayor Coss said we are on the road to resolution of that right now.

Responding to Councilor Bushee, Mayor Coss said it is postponed to the meeting of October 30, 2012.

Mr. Gallegos said we're talking about tripling the utilization of the land, noting there eventually will be 70 units.

Councilor Calvert said that traffic won't be on Aggie Road, which will be only for emergency access.

Mr. Gallegos asked if there really is going to be a gate there.

Mayor Coss said as set now, there will be a gate there, and only fire trucks will be able to go through.

Councilor Trujillo asked Roland Montano if the access is by his shop is the one that goes to the road.

Roland Montano was sworn. Mr. Montano said this is correct.

Mr. Montano asked if the gate will be there forever.

Councilor Trujillo said it will be forever, once it is installed, and will be accessed only by the Fire Department if there is an emergency.

Mr. Montano asked what kinds of upgrades will they do to the road, or do the residents have to keep it up.

Councilor Trujillo said we will have that discussion at the next meeting, because the Fire Department will make the decision, and we'll have the answer.

Councilor Bushee wants someone from the Fire Department at the next meeting.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Rivera and Trujillo voting in favor of the motion and none against.

- 5) **CONSIDERATION OF BILL NO. 2012-33: ADOPTION OF ORDINANCE NO. 2012- ____.**
CASE #2012-40. LA LUZ HEALTH COMPLEX REZONING TO MU. JAMES W. SIEBERT, AGENT FOR SANDRA PACHECO, REQUESTS REZONING OF 6.36± ACRES OF LAND FROM MHP (MOBILE HOME PARK) TO MIXED MU (MIXED USE). THE APPLICATION INCLUDES A DEVELOPMENT PLAN FOR MEDICAL COMPLEX CONSISTING OF A MEDICAL CLINIC, ASSISTED HOUSING FOR THE ELDERLY AND MEDICAL OFFICES. THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET EXTENDING TO AGGIE ROAD. (DAN ESQUIBEL)

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to postpone Case #2012-40, La Luz Health Complex Rezoning to MU, to the next meeting of the City Council on October 30, 2012.

VOTE: The motion was approved unanimously on a voice vote with Councilors Bushee, Calvert, Dimas, Rivera and Trujillo voting in favor of the motion and none against.

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 8:30 p.m.

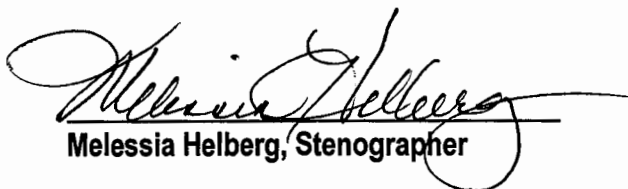
Approved by:

Mayor David Coss

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer



**CITY COUNCIL MEETING OF
OCTOBER 10, 2012
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION AUTHORIZING THE CITY OF SANTA FE TRANSIT DIVISION TO PROVIDE FREE RIDES ON ALL BUS ROUTES AND SANTA FE RIDE VEHICLES ON GENERAL ELECTION DAY, NOVEMBER 6, 2012.	Finance Committee – 10/22/12 Council – 10/30/12
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION RELATING TO COMMUNITY WORKFORCE AGREEMENTS (“CWA”) SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING STAFF TO CONTRACT WITH THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH AT THE UNIVERSITY OF NEW MEXICO TO RESEARCH AND REPORT TO THE CITY OF SANTA FE ON THE ECONOMIC IMPACT OF COMMUNITY WORKFORCE AGREEMENTS; AND DIRECTING STAFF TO DELAY THE IMPLEMENTATION OF THE CWA ORDINANCE UNTIL A PRESENTATION OF THE REPORT IS MADE TO THE GOVERNING BODY.	Public Works – 10/29/12 Finance Committee – 11/5/12 Council – 11/14/12
	A RESOLUTION RELATING TO THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY; DIRECTING STAFF TO INITIATE THE DISPUTE RESOLUTION PROVISIONS OF SUCH AGREEMENT TO RESOLVE THE PROCESS BY WHICH THE COUNTY MAY REQUEST ADDITIONAL WATER METERS AND WHAT DISCRETION THE CITY MAY EXERCISE WHEN RESPONDING TO SUCH REQUESTS.	Finance Committee – 10/22/12 Public Utilities – 11/7/12 Council – 11/14/12
	AN ORDINANCE RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE; REPEALING ARTICLES 5-1 SFCC 1987 THROUGH 5-10 SFCC 1987 OF THE ANIMAL SERVICE ORDINANCE AND ADOPTING A NEW ARTICLES 5-1 SFCC 1987 THROUGH 5-10 SFCC 1987.	Public Safety – 11/20/12 Finance – 11/19/12 Council (request to publish) – 11/28/12 Council (public hearing) – 1/9/13

Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING STAFF TO COMPLETE THE LANDSCAPE PROJECT ORIGINALLY PLANNED AND DESIGNED FOR THE SANTA FE COMMUNITY CONVENTION CENTER.	Public Works – 10/29/12 Finance Committee – 11/5/12 Council – 11/14/12
	A RESOLUTION REQUESTING THAT STAFF PREPARE A NEW SANTA FE GENERAL PLAN TO REPLACE THE EXISTING SANTA FE GENERAL PLAN (ADOPTED APRIL 14, 1999).	Planning Commission – 11/1/12 Finance – 11/5/12 Public Works – 11/13/12 Council – 11/14/12
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Wurzbarger		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services (<http://www.santafenm.gov/index.asp?nid=320>). 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.

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

2 **RESOLUTION NO. 2012-____**

3 **INTRODUCED BY:**

4 Councilor Chris Calvert

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10 **A RESOLUTION**

11 **DIRECTING STAFF TO COMPLETE THE LANDSCAPE PROJECT ORIGINALLY**
12 **PLANNED AND DESIGNED FOR THE SANTA FE COMMUNITY CONVENTION**
13 **CENTER.**

14
15 **WHEREAS**, the Santa Fe Community Convention Center ("SFCCC") began operation
16 in the Fall of 2008; and

17 **WHEREAS**, at the time, the landscape project originally planned and designed for the
18 SFCCC was never completed due to the significant national and local economic downturn; and

19 **WHEREAS**, the City currently has an approved master plan and construction design
20 documents for the SFCCC landscape project; and

21 **WHEREAS**, the landscape project is in compliance with ADA requirements and the
22 Historic Districts Review Board has granted its approval for the landscape project; and

23 **WHEREAS**, the cost estimate for the landscape project is \$550,000 which will include
24 design services, consultant fees and probable construction costs; and

25 **WHEREAS**, there are currently 2.5 million dollars in the SFCCC fund that would make

1 the SFCCC landscape project feasible,

2 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
3 **CITY OF SANTA FE** that staff is directed to use funding that is available in the SFCCC fund to
4 complete the landscape project originally planned and designed for the SFCCC.

5 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2012.

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8 DAVID COSS, MAYOR

9 ATTEST:

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12 YOLANDA Y. VIGIL, CITY CLERK

13 APPROVED AS TO FORM:

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16 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/RESOLUTIONS 2012/SFCCC Landscaping*

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

2 **RESOLUTION NO. 2012 - _____**

3 **INTRODUCED BY:**

4 Councilor Chris Calvert

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10 **A RESOLUTION**

11 **DIRECTING STAFF TO PREPARE A NEW SANTA FE GENERAL PLAN TO REPLACE**
12 **THE EXISTING SANTA FE GENERAL PLAN (ADOPTED APRIL 14, 1999).**

13
14 **WHEREAS**, the City has previously prepared and/or adopted city-wide general plans in
15 1947, 1962, 1974, 1983 and 1999; and

16 **WHEREAS**, the City desires that the current General Plan be replaced and improved to
17 reflect changing conditions; and

18 **WHEREAS**, each General Plan has been a unique document providing guidance to the
19 community stating goals and policies that should be considered, used and followed in moving the
20 City forward, including its physical development; and

21 **WHEREAS**, pursuant to Section 3-19-9 NMSA 1978, municipalities are granted the
22 authority through their planning commissions to "...prepare and adopt a master plan for the physical
23 development of the municipality and the area within the planning and platting jurisdiction of the
24 municipality which in the planning commission's judgment bears a relationship to the planning of the
25 municipality..."; and

1 **WHEREAS**, pursuant to Section 3-19-9 NMSA 1978 the master plan shall "...be made with
2 the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious
3 development of the municipality which will, in accordance with existing and future needs, best
4 promote health, safety, morals, order, convenience, prosperity or general welfare as well as efficiency
5 and economy in the process of development..."; and

6 **WHEREAS**, the purpose of the new General Plan will be to highlight the goals and
7 objectives the City has adopted in areas such as economic development, housing, sustainability and
8 transportation, with the goal to communicate to the citizenry and general public how the City is
9 moving forward toward the future while respecting its great history; and

10 **WHEREAS**, the City desires to create a document that is both concise and user friendly.

11 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
12 **CITY OF SANTA FE that:**

13 1. Long Range Planning Division Staff is hereby directed to prepare a new General
14 Plan, working with the various city staff and appropriate City committees and other governmental
15 agency staff.

16 2. Staff shall hold public meetings for the purpose of reviewing and soliciting input on
17 the new General Plan and then bring forth an updated plan for recommendation by the Planning
18 Commission and adoption by the Governing Body in 2013.

19 **PASSED, APPROVED and ADOPTED** this ____ day of _____, 2012.

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22 **ATTEST:**

DAVID COSS, MAYOR

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25 **YOLANDA Y. VIGIL, CITY CLERK**

1 APPROVED AS TO FORM:

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4 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2012/General Plan Update*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

DECLARING AN EMERGENCY RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA") SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING STAFF TO CONTRACT WITH THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH AT THE UNIVERSITY OF NEW MEXICO TO RESEARCH AND REPORT TO THE CITY OF SANTA FE ON THE ECONOMIC IMPACT OF COMMUNITY WORKFORCE AGREEMENTS; AND DIRECTING STAFF TO DELAY THE IMPLEMENTATION OF THE CWA ORDINANCE UNTIL A PRESENTATION OF THE REPORT IS MADE TO THE GOVERNING BODY.

WHEREAS, on February 29, 2012, the Governing Body adopted Ordinance No. 2012-12 to establish provisions in the City of Santa Fe Purchasing Manual, Subsection 28.8 that would require community work force agreements for public works construction contracts in excess of \$500,000; and

WHEREAS, on June 13, 2012, the Governing Body adopted Resolution No. 2012-61 to

1 delay the implementation of the CWA Ordinance to October 1, 2012 so that the City Purchasing
2 Director could develop specific implementation procedures and guidelines for contractors seeking
3 to bid on covered public works projects for the CWA Ordinance; and

4 **WHEREAS**, since the adoption of the CWA Ordinance, the economic impact to the City
5 related to CWAs has come into question as to whether the cost to implement the CWA Ordinance
6 outweighs the cost of not having a CWA; and

7 **WHEREAS**, the Governing Body desires that a research and economic impact study be
8 conducted by the Bureau of Business and Economic Research at the University of New Mexico
9 (BBER) regarding the economic impact of Community Workforce Agreements to the City of
10 Santa Fe; and

11 **WHEREAS**, the Governing Body further desires to delay the implementation of the
12 CWA Ordinance until a presentation is made to the Governing Body on the findings in the BBER
13 report.

14 **NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
15 **CITY OF SANTA FE** that the Governing Body hereby declares an emergency related to
16 community workforce agreements and staff is directed to:

- 17 1. Contract with BBER to research and report to the City of Santa Fe on the
18 economic impact of community workforce agreements to the City of Santa Fe; and
19 2. Delay the implementation of the CWA Ordinance until a presentation is made to
20 the Governing Body on the findings of such report.

21 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2012.

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24 DAVID COSS, MAYOR
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1 ATTEST:

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YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

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GENO ZAMORA, CITY ATTORNEY

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25 *MDB/CAO/JEP&MDB/RESOLUTIONS 2012/CWA BBER Report_Delay*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012 – ____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

**RELATING TO THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF
SANTA FE AND SANTA FE COUNTY; DIRECTING STAFF TO INITIATE THE DISPUTE
RESOLUTION PROVISIONS OF SUCH AGREEMENT TO RESOLVE THE PROCESS BY
WHICH THE COUNTY MAY REQUEST ADDITIONAL WATER METERS AND WHAT
DISCRETION THE CITY MAY EXERCISE WHEN RESPONDING TO SUCH REQUESTS.**

WHEREAS, on January 11, 2005, the City of Santa Fe and Santa Fe County entered into a
Water Resources Agreement ("Agreement") for a perpetual term; and

WHEREAS, on July 25, 2012, the Governing Body approved a two (2) week supply for
Santa Fe County's Request for a Master Meter in the City's Water Distribution System and such
approval provided the County a way to provide backup to the Club at Las Campañas' Raw Water
Pipeline for Golf Course Irrigation on short notice; and

WHEREAS, on August 8, 2012 the Governing Body approved a second request for a thirty
(30) day supply for Santa Fe County's Request for a Master Meter in the City's Water Distribution
System and such approval provided the County a way to provide backup to the Club at Las

1 Campañas' Raw Water Pipeline for Golf Course Irrigation on short notice; and

2 **WHEREAS**, on September 10, 2012, the City Attorney's Office received a letter from Santa
3 Fe County alleging that the City has breached the following provisions of the Agreement:

- 4 • **Paragraph 2** – because in the County's opinion the City has failed "to provide the
5 County with 500 afy contracted for;"
- 6 • **Paragraph 7** – because in the County's opinion the City has failed to "provide
7 backup water to the County when its use was clearly justified by the circumstances;"
8 and
- 9 • **Paragraph 11** – because in the County's opinion the City has failed to "provide
10 access to the existing master meter when its use was clearly reasonable and justified"

11 **WHEREAS**, since the city did provide water to the County, the City does not agree that it
12 has breached any provisions of the Agreement; and

13 **WHEREAS**, the City maintains that it has some discretion to review County requests for
14 additional meters; and

15 **WHEREAS**, Paragraph 16 of the Agreement provides a process in which to resolve disputes
16 between the City and the County:

17 **16. Dispute Resolution.** The City and County agree to use any and
18 all methods of dispute resolution, up to and including binding arbitration,
19 to resolve any conflicts arising under this Agreement, the expenses of
20 which shall be shared equally by the City and County. Disputes shall be
21 first discussed by representatives of each party having the authority, if
22 necessary, to bind the party that they represent. Such representatives
23 shall use their best efforts to amicably and promptly resolve the dispute.
24 If the parties are unable to resolve the dispute through informal
25 mechanisms or mediation within 30 days of the occurrence of the event

1 or circumstances giving rise to the dispute, either party may give notice
2 to the other party that the dispute is to be submitted to binding
3 arbitration. Any dispute requiring notice shall be reported to the next
4 meeting of the respective City and County governing bodies. Such notice
5 shall contain the name of a proposed arbitrator, and in the event the other
6 party does not agree with the proposed arbitrator, the model guidelines of
7 the American Arbitration Association shall be used to select an arbitrator
8 and govern the conduct of the arbitration, rendering of an award and
9 enforcement of the award consistent with New Mexico state law. Within
10 60 days of notice an arbitrator shall be appointed and within 120 days of
11 notice the arbitrator shall prepare an award. The arbitrator's award shall
12 be binding on the parties.

13 **WHEREAS**, the Governing Body desires to initiate the dispute resolution provisions of the
14 Agreement to resolve the process by which the County may request additional water meters and what
15 discretion the City may exercise when responding to such requests.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that staff is directed to initiate the dispute resolution provisions of the
18 Agreement to resolve the process by which the County may request additional water meters and what
19 discretion the City may exercise when responding to such requests.

20 PASSED, APPROVED, and ADOPTED this _____ day of _____, 2012.

21
22 _____
23 DAVID COSS, MAYOR
24
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1 ATTEST:

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4 YOLANDA Y. VIGIL, CITY CLERK

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6 APPROVED AS TO FORM:

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9 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2012/Water Resources Agreement_Dispute Resolution*

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-__

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

**RELATING TO THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE;
REPEALING ARTICLES 5-1 SFCC 1987 THROUGH 5-10 SFCC 1987 OF THE ANIMAL
SERVICE ORDINANCE AND ADOPTING A NEW ARTICLES 5-1 SFCC 1987 THROUGH
5-10 SFCC 1987.**

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

**Section 1. Article 5-1 SFCC 1987 (being Ord. #1979-2, §4-1, as amended) is
repealed and a new Article 5-1 is ordained to read:**

5-1 [NEW MATERIAL] SHORT TITLE; AUTHORITY; PURPOSE.

A. Chapter V SFCC 1987 may be cited as the Animal Services Ordinance.

B. This Ordinance is enacted pursuant to the authority specified in NMSA 1978, §§ 3-
18-3, 77-1-15.1, 77-14-4, 77-18-2.

C. The purpose and intent of the Animal Services Ordinance is to protect animals from
cruelty, neglect, and abuse; protect residents from annoyance and injury; promote the health, safety,
and welfare of residents and animals; require owners to control their animals; establish a mechanism

for financing the functions of licensing, permitting, and control of animals; establish requirements for spaying and neutering animals to control the unintentional reproduction of animals, reduce the number of unwanted animals, and limit the number of animals that must be euthanized each year.

Section 2. Article 5-2 SFCC 1987 (being Ord. #1979-2, §4-2, as amended) is repealed and a new Article 5-2 is ordained to read:

5-2 [NEW MATERIAL] DEFINITIONS.

As used in this Chapter:

Abandonment or *Abandon* means to intentionally desert and/or to relinquish supervision or care of an animal.

Animal means any dog, cat, or vertebrate (including livestock and excluding humans)

Animal Services Division or *ASD* shall mean that division of the city of Santa Fe which is specifically charged with regulating and enforcing the laws and this ordinance dealing with animal control within its jurisdiction.

Animal Services Officer or *ASO* means an employee of the city, designated as such by the chief of police, who has the authority of a peace officer to issue citations for violations of this Ordinance and who performs other duties relating to animal services as described in this Ordinance.

Animal Shelter means an establishment licensed to do business in the State of New Mexico which is under contract with the city for the care and custody, impoundment, or safe-keeping of animals.

Bite means a wound inflicted by the teeth of any animal.

Breeder means a person involved in the breeding of animals.

Breeding means to intentionally cause an animal to reproduce, especially by controlled mating and selection.

City means the city of Santa Fe, New Mexico, a political subdivision of the State of New Mexico.

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1 *Cruelty* means causing death or unjustifiable pain or suffering to an animal by an act, an
2 omission, or neglect.

3 *Dangerous Animal* means any one of the following:

4 A. An animal which, when unprovoked, engages in behavior that requires a
5 defensive action by a person or animal to prevent bodily injury or harm to a person or animal
6 provided that the person or the second animal are not on the premises of the owner or person
7 having custody of the first animal; or

8 B. An animal which, when unprovoked, causes injury to a person by biting or
9 other aggressive behavior; or

10 C. An animal which, because of its poisonous bite or sting, constitutes a
11 significant hazard to the public.

12 *Direct Control* means that an owner or responsible party has an animal in control on a leash
13 held by or attached to the owner or responsible party.

14 *Dog Park* means an officially designated area where dogs are allowed to exercise and run off
15 leash in a safe, secure environment designated for that purpose.

16 *Domestic Livestock* means any large or small livestock, including, but not limited to horses,
17 cattle, mules, donkeys, burros, swine, goats, sheep, and fowl, including, but not limited to, chickens,
18 guinea hens, ducks, turkeys, geese, quail, or pigeons.

19 *Enclosed Lot* means any parcel of land or portion thereof in private ownership around the
20 perimeter of which a wall or fence has been erected of such a height and surety so as to retain the
21 species of animal within the bounds for which the fence was erected.

22 *Estray* means any animal which is off its owner's premises, away from its home, or not under
23 the control or supervision of the owner or a responsible party, unattended and running at large.

24 *Euthanasia of Animals* or *Euthanize* means the act or practice of humanely ending the life of
25 an animal.

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1 *Exotic Animal* means an animal that is rare or different from ordinary domestic animals or not
2 indigenous to the State of New Mexico, including skunks, llamas, birds of prey, wolf hybrids and the
3 offspring of wild animals crossbred with domestic dogs and cats, but not including parrots, toucans,
4 or other tame and domesticated birds.

5 *Feral* means an animal that appears domestic but is untamed and uninterested in human
6 touch, including animals that have returned to an untamed state or were born into an environment
7 without human contact.

8 *Grooming Parlor* means an establishment, or part thereof, or premises maintained for the
9 purpose of, offering cosmetic services to animals for profit or fee.

10 *Guard Dog* means a dog that is utilized by its owner to protect property.

11 *Impound* means the act, by an ASO or other law enforcement official, of picking up and
12 confining an animal within a shelter or other facility used by the city for the confinement of said
13 animal.

14 *Inhumane* means causing unnecessary or intentional pain or suffering to an animal.

15 *Kennel* means any establishment or premises where dogs, cats, or other animals are boarded,
16 bred, kept, bought, sold, traded, let for hire, groomed, or trained for a fee.

17 *Leash* means a chain, leather strap, cord, or restraining device sufficient to hold under control
18 the animal attached thereto. A leash shall be no longer than eight (8) feet, or twelve (12) feet for
19 training purposes.

20 *Neuter* means to render an animal permanently sterile and incapable of reproduction.

21 *Nuisance* means, but is not limited to, defecation, urination, disturbing the peace, emitting
22 noxious or offensive odors, destruction of property or disturbing the property of another, including
23 the rubbish or trash of a resident, or otherwise endangering or offending the well-being of the
24 inhabitants of the city.

25 *Owner* means a person who owns, has, keeps, harbors, or knowingly permits an animal to

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1 remain in, on or about the person's premises.

2 *Pet Shop* means any commercial establishment or premises or part thereof maintained for the
3 purchase, sale, exchange, or hire of animals of any type, including exotic animals, except that the
4 term shall not include livestock auctions.

5 *Premises* means a parcel of land owned, leased, rented, or controlled by any person, legal or
6 natural. Premises include all structures, including kennels, mobile homes, apartments, condominiums,
7 and houses, which are located on a parcel of land.

8 *Public Place* means an area which is not privately owned and is open to the public.

9 *Quarantine* means to detain or isolate an animal suspected of having a contagious disease.

10 *Responsible Party* means a person under whose care and custody an animal is placed by the
11 animal's owner for any period of time.

12 *Run at Large* means to be free of direct control beyond an enclosed lot or the premises or
13 vehicle of an owner or responsible party.

14 *Service Animal* means a guide animal or seeing-eye animal, a signal animal, or other animal
15 individually trained to do work or perform tasks for the benefit of an individual with a disability,
16 including, but not limited to, guiding individuals with impaired vision, alerting individuals with
17 impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a
18 wheelchair or fetching dropped items, and has documentation from a valid agency attesting to the
19 training and ability of the animal.

20 *Spay* means to render a female animal permanently sterile and incapable of reproduction.

21 *Unsafe* means jeopardizing the health or welfare of another person or animal.

22 *Vaccination* means the protection provided against rabies by inoculation with anti-rabies
23 vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry,
24 and the State of New Mexico Department of Health pursuant to NMSA 1978, § 77-1-3 as amended,
25 given in amounts sufficient for three years of immunization.

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1 *Veterinarian* means a person with a doctor of veterinary medicine degree, licensed to practice
2 veterinary medicine in New Mexico.

3 *Vicious Animal* means an animal which kills or severely injures (so as to result in muscle
4 tears or disfiguring lacerations, require multiple sutures, or corrective or cosmetic surgery) a person
5 or domesticated animal, but does not include an animal which bites, attacks, or injures a person or an
6 animal that is unlawfully upon its owner's premises, or an animal that is provoked.

7 *Wild Animal* means an animal or species that in its natural life is wild, dangerous, or
8 ferocious and though it may be trained and domesticated, is still dangerous to persons or animals and
9 has the potential to injure or kill a person or animal. Wild animals, however domesticated, shall
10 include but are not limited to:

11 A. Dog family (Canidae), all except domestic dogs, but including wolves, foxes,
12 and coyotes;

13 B. Cat family (Felidae) all except the commonly accepted domesticated cats, but
14 including lions, pumas, panthers, mountain lions, bobcats and ocelots;

15 C. Bears (Ursidae), including grizzly bears and brown bears;

16 D. Weasels (Mustelidae) all except the commonly accepted domesticated
17 ferrets, but including the weasel, marten, mink, wolverine, badger, otter, ermine, and
18 mongoose;

19 E. Raccoon (Procyonidae), including eastern raccoon, desert raccoon and ring-
20 tailed cat;

21 F. Primates (Homidae);

22 G. Porcupines (Erthizontidae);

23 H. Venomous snakes;

24 I. Venomous lizards, alligators, and crocodiles;

25 J. Venomous fish and piranha.

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1 **Section 3. Article 5-3 SFCC 1987 (being Ord. #1979-2, §4-4, as amended) is**
2 **repealed and a new Article 5-3 is ordained to read:**

3 **5-3 [NEW MATERIAL] ADMINISTRATION, ENFORCEMENT, AND IMPLEMENTATION.**

4 A. The chief of police of the city or his designee shall be responsible for enforcement of
5 this Ordinance and may.

6 B. Citations for violations of this Ordinance may be issued by an ASO designated by the
7 police chief, a code enforcement officer of the city, or an employee or employees of the city
8 designated by the governing body of the city of Santa Fe.

9 C. An ASO with appropriate credentials may be commissioned by the chief of police as
10 a special deputy as provided by law and shall have the authority to issue citations for violations of the
11 licensing provisions of this Ordinance. Such commission may be terminated by the chief of police at
12 any time at the sole discretion of the chief of police.

13 D. For a violation of this Ordinance committed outside of the presence of a person
14 charged with enforcement of this Ordinance, the ASD may require that the complaining party submit
15 a completed form provided by the ASD. The complaint shall include the name and address of the
16 complainant, the name and address of the animal's owner, if known, the nature of the violation, and
17 any pertinent details.

18 E. An ASO is authorized to enter onto and inspect premises and animals thereon within
19 the city as necessary to perform the ASO's duties. If the owner or occupant of the premises is absent
20 or objects to inspection a warrant shall be obtained from a court of competent jurisdiction prior to
21 inspection, unless it appears to the ASO that probable cause exists of an emergency requiring such
22 inspection. An ASO shall not enter onto the premises for the sole purpose of picking up an animal
23 which has been alleged to be running at large by a person who is not an ASO or law enforcement
24 officer.

25 F. The holder of a permit under this Ordinance shall allow an ASO access to the

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1 permitted premises at any reasonable time for the purpose of inspection to determine compliance with
2 this Ordinance. Failure to allow for such inspection is grounds for suspension or revocation of the
3 permit.

4 G. If a citation is issued under this Ordinance that requires payment of a fine, the
5 recipient may either pay the citation or contest the citation in the municipal court. If the citation is not
6 remediable by payment of a fine, the recipient shall be directed to appear in municipal court.

7 **Section 4. Article 5-4 SFCC 1987 (being Ord. #1979-2, §4-10, as amended) is**
8 **repealed and a new Article 5-4 is ordained to read:**

9 **5-4 [NEW MATERIAL] OWNER'S DUTIES.**

10 **5-4.1 Care and Maintenance.**

11 A. It shall be unlawful and a violation of this Ordinance for any owner of an animal to
12 fail, refuse, or neglect to provide the animal with proper and adequate food, water, shade, shelter, and
13 ventilation.

14 B. A person keeping animals shall provide adequate and sanitary housing facilities for
15 such animals. All structures used for the housing of such animals and all yards, cages, and runs
16 provided for them shall be cleaned in a timely manner so as not to cause noxious or offensive odors
17 and to prevent the breeding of insects. No stagnant water shall be permitted to accumulate. Such areas
18 shall be cleaned often enough so as not to cause a health hazard for the animal or interfere with the
19 animal's well being.

20 C. Any animal habitually kept outside shall be provided, by its owner, with a
21 structurally sound, insulated weatherproof enclosure large enough to accommodate the animal in a
22 manner suitable for that species, or other shelter suitable to the species.

23 D. An owner or responsible party shall keep the premises where an animal is kept free of
24 garbage, hazardous materials, feces, insect infestation, and other debris which may endanger the
25 animal's health and safety.

E. An owner or responsible person must provide an injured or sick animal with adequate veterinary care.

F. If dogs are in an enclosure, the enclosure shall meet the following minimum guidelines:

- (1) Large dogs (more than 50 pounds), at least 4 feet by 6 feet, or 24 square feet;
- (2) Medium-sized dogs (36-50 pounds), at least 4 feet by 5 feet, or 20 square feet;
- (3) Small dogs (up to 35 pounds), at least 3 feet by 4 feet, or 12 square feet;
- (4) No more than two dogs shall be maintained in a single cage at any time.

G. If cats are in an enclosure, the enclosure shall meet the following minimum guidelines:

- (1) Cages shall be in an area of at least 9 square feet for each cat and should house no more than one cat, except for nursing mothers, young litters of kittens, or pairs of adult cats who are bonded;
- (2) If colony cages are used to house cats, the following standards apply:
 - (a) Separate unsterilized males from females;
 - (b) Separate nursing mothers from all others;
 - (c) Separate young kittens from adult cats (except for their mothers);
- (3) No more than fifteen adult cats or twenty kittens shall be housed in a room;
- (4) One 12-inch by 18-inch cat litter pan for every three cats or five kittens shall be included.
- (5) Cats shall be able to move about normally.

H. If an animal is removed from an owner for violation of this Section, the impounded animal shall be spayed or neutered, vaccinated, and micro chipped at the owner's expense before being released. In addition, all boarding fees and veterinary fees incurred during the impoundment

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1 shall be paid by the owner prior to release. An animal impounded as a result of a violation of this
2 Section shall not be returned to its owner until all violations have been remedied.

3 I. Failure to comply with the provisions of this Section shall be deemed to be a
4 nuisance and unlawful.

5 **5-4.2 Rabies Vaccination.**

6 A. It shall be unlawful and a violation of this Ordinance, and a violation of NMSA 1978,
7 Section 77-1-3 (1901), for an owner or responsible party of a dog or cat over the age of three months
8 to fail to provide the required vaccination against rabies.

9 B. A dog or cat brought into the state shall be securely confined by the owner until
10 vaccinated against rabies, which vaccination shall be administered within one week after entry into
11 the state unless the owner has a certificate of vaccination issued by a veterinarian in another state or
12 foreign country and the vaccination conforms to the requirements of the State of New Mexico and
13 this Ordinance.

14 C. The rabies vaccine shall be administered by or under the supervision of a licensed
15 veterinarian who shall issue a serially numbered certificate and tag for each administration.

16 D. The rabies vaccination shall be given in a dose that is sufficient to provide immunity
17 from rabies for up to three (3) years. A certificate or tag from the administering veterinarian shall be
18 evidence of vaccination and shall be provided to the ASD upon request.

19 E. A titer test is not an acceptable alternative to a rabies vaccination.

20 F. The veterinarian administering the rabies vaccine to any animal shall issue to the
21 owner of the animal a numbered vaccination certificate. The certificate shall contain the name and
22 address of the owner of the animal, a description of the animal vaccinated, the date of vaccination,
23 and the expiration date of the period of immunity.

24 G. A veterinarian shall provide the ASD or its designated licensing agent, when
25 requested, the following information for each rabies vaccination administered:

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- (1) The name, residence address, and phone number of the owner;
- (2) The name, age, sex (including spay/neuter status), species, breed, and color of the animal;
- (3) The date the vaccination was administered;
- (4) The type of vaccination used and the vaccine's expiration date;
- (5) The name of the veterinary clinic and veterinary license number of the veterinarian administering the vaccination.

H. Veterinarians shall deliver to the city the information listed in paragraph G, above, within thirty (30) days of administering the rabies vaccination in the form of a paper copy or in an electronic format approved by the City.

I. It shall be unlawful for the owner or responsible party of any dog, cat, or ferret to fail to exhibit its certificate of vaccination upon demand by an ASO.

5-4.3 Rabid Animals.

A. It shall be unlawful for a person to keep an unvaccinated dog, cat, or ferret with any symptom of rabies.

B. It shall be unlawful to fail or refuse to destroy an unvaccinated dog, cat, or ferret with symptoms of rabies as prescribed by regulations of the New Mexico Department of Health pursuant to NMSA 1978, § 77-1-10(C) (1901).

C. A person who knows or who has reason to know that a dog, cat, or ferret has any symptom of rabies infection or has been exposed to rabies shall immediately notify the ASD and the New Mexico Department of Health. The dog, cat, or ferret shall be surrendered to an ASO, Sheriff's Deputy, or the Department of Health.

5-4.4 Dogs Attacking or Killing, Mandatory Destruction.

A. An ASO or a peace officer may impound a dog that is found running at large and unaccompanied by and not under the control of its owner or responsible party.

1 B. An ASO or peace officer may kill a dog that is in the act of pursuing or wounding
2 any livestock, wounding or killing poultry, or attacking a human whether or not the dog wears a
3 rabies tag required by NMSA 1978, § 77-1-3; there shall be no liability of the ASO or peace officer in
4 damages or otherwise for the killing. NMSA 1978, § 77-1-9(B) (1975).

5 **5-4.5 Animal Biting a Person.**

6 A. The owner or responsible party of an animal that bites a person and the person bitten
7 by an animal shall both report that occurrence to the ASD within twenty-four (24) hours of the
8 occurrence. The owner or responsible party of an animal that bites a person shall surrender the animal
9 to the ASD. The animal will be impounded for an observation period deemed reasonably necessary
10 by the ASD. The ASD may authorize that a vaccinated animal be confined on its owner's premises
11 during the observation. The premises where the home confinement is to occur shall be inspected and
12 approved for such purposes by the ASD.

13 B. The owner of an animal shall bear the cost of impoundment or confinement resulting
14 from biting.

15 C. A physician who renders treatment to a person bitten by an animal shall report the
16 fact that he has rendered such treatment to the ASD within twenty-four (24) hours of his first
17 professional attendance to the bite wound. The physician shall report the name, sex, and address of
18 the person bitten as well as the type and location of the bite. The physician shall give the name and
19 address of the owner of the animal that inflicted the bite, if known, and other facts that may assist the
20 ASD in ascertaining the immunization status of the animal.

21 D. A person who has custody of an animal that has bitten a person shall immediately
22 notify the ASD if the animal shows any signs of sickness, abnormal behavior, or if the animal escapes
23 confinement. If the animal dies while it is in confinement, the person having custody of the animal
24 shall notify the ASD and relinquish claims to the animal.

25 **5-4.6 Restraint of Animals.**

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1 A. It shall be unlawful for an owner or responsible party to allow an animal to run at
2 large on property not belonging to the owner or responsible party, except at a dog park.

3 B. Animals located upon the property of the owner or responsible party without an
4 enclosed lot shall be physically restrained to prevent the animal from reaching outside the perimeter
5 of the property in compliance with Section Six (J) of this Ordinance. Voice command is not an
6 acceptable form of restraint.

7 C. A dog is permitted on the public streets, walkways, and in other public places only if
8 the dog is on a secured leash under the direct control of its owner or responsible party, except while in
9 a dog park. The leash shall be continually secured to the dog. All other animals must be secured in a
10 fashion acceptable for the species of animal. A person physically capable of controlling and
11 restraining the animal must maintain direct control of the animal. This section does not apply when an
12 animal is participating in a bona fide animal show authorized by the city or other appropriate
13 authorities.

14 D. Nothing in this section shall be construed as allowing any animal under physical
15 restraint to commit any act defined as unlawful in this Ordinance.

16 **5-4.7 Licenses for Cats and Dogs.**

17 A. The owner of a dog or cat three (3) months of age or over shall pay the applicable
18 license fee and obtain a license for such animal. Licenses valid for one (1) year, two (2) years, or
19 three (3) years may be obtained from the ASD or its licensing agent. The ASD shall keep a record of
20 all licenses issued and shall issue a tag for each license granted. Proof of compliance with Section 4-2
21 must be presented at the time of the license purchase. In the event a tag is lost, replacement tags shall
22 be purchased.

23 B. A current license tag shall be affixed to the licensed dog or cat at all times unless the
24 licensed dog or cat is appearing in an approved show, provided that the person showing the dog or cat
25 shall have in their possession a valid license tag for each dog or cat.

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C. Dogs or cats belonging to nonresidents of Santa Fe City who do not keep the animals within the City limit for thirty (30) consecutive days shall be exempt from this section; provided, however, that all the other provisions of this Ordinance must be complied with.

D. License fees do not apply to service animals.

E. Proof of license shall be provided upon request by an ASO. The owner of an animal who fails to show proof of a license will be cited for a violation of this Section and the animal may be impounded for failure to have proper license.

5-4.8 Spay and Neuter.

A. No person shall own or harbor within the City any dog or cat over the age of six (6) months that has not been spayed or neutered unless that person obtains an annual license from the ASD or its licensing agent to keep an unaltered dog or cat or obtains written verification from a veterinarian that the dog or cat should not be neutered for health reasons.

B. Proof of neutering, if not apparent upon visual inspection, may be made by a notarized statement or affidavit from a veterinarian.

C. A vasectomy is not an acceptable form of neutering.

D. Any female in the stage of estrus (heat) shall be confined to a well-ventilated building, escape proof kennel, or a boarding facility so that contact with male animals is prevented except for intentional breeding purposes.

E. Any unneutered animals impounded by the ASD shall be spayed or neutered before being released, subject to the following exceptions:

(1) Competition animals who have attained champion status from a nationally recognized club;

(2) Service animals; and

(3) Animals which are unable to be neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity where the owner of the animal

1 has obtained written confirmation of that fact from a licensed veterinarian in the state of New
2 Mexico.

3 **5-4.9 Feral Cats.**

4 The ASD will not respond to requests to retrieve feral cats unless the property owner where
5 the cats are located agrees at the property owner's expense to have the feral cats spayed or neutered
6 and re-released on the property where the feral cats are located.

7 **5-4.10 Animal Premises.**

8 A. A person owning or having charge, custody, care, or control over an animal,
9 including livestock, shall keep the animal upon the premises by either a secure run or kennel area, an
10 enclosure surrounding the perimeter of the property, or any other acceptable means associated with a
11 particular species of animal. Direct point chaining to stationary objects is prohibited.

12 B. An animal not deemed dangerous and not within a secure enclosure or enclosed lot
13 may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run on its
14 owner's property, subject to the following conditions:

- 15 (1) Only one animal may be tethered to each cable run;
- 16 (2) There must be a swivel on at least one end of the tether to minimize tangling
17 of the tether;
- 18 (3) The tether and cable run must be of adequate size and strength to effectively
19 restrain the animal. The size and weight of the tether must not be excessive, as determined by
20 the ASD, considering the age, size and health of the dog;
- 21 (4) The cable run must be mounted either at ground level or at least four (4) feet
22 above ground level;
- 23 (5) The tether must be at least ten (10) feet in length unless such length allows
24 the animal to move beyond the legal boundary of the property, in which case the tether shall
25 be no less than eight (8) feet in length;

(6) The tether must be affixed to an animal by use of a non-abrasive, comfortably fitted collar or harness. Prong-type, pinch-type, or choke collars shall not be used;

(7) The device must be fastened so that the animal can sit, walk, and lie down comfortably, and must be unobstructed by objects that may cause the device or animal to become entangled or strangled;

(8) The animal must have easy access to adequate shelter, shade, food, and potable water;

(9) The area where the animal is confined must be kept free of garbage, debris or other hazard that might endanger the animal's health or safety. Feces shall be cleaned up regularly.

(10) The area where the animal is confined must be kept free of insect infestations, such as anthills, wasp's nests, fleas, ticks, and maggots.

C. A dangerous animal shall be confined in a secure manner indoors or outdoors, by use of a fenced yard, locked pen, or other structure that is capable of preventing the animal from escaping the confined area and preventing young children from entering the confined area. An acceptable means of confinement does not include chaining, restraining, or otherwise tying the animal to a stationary object.

D. A person who uses electric or invisible fencing designed to confine an animal on their property must clearly post a notice in two separate locations upon the property that such a device is in use.

E. A person who chooses to confine their dog by means of a pen type enclosure must adhere to the minimum space requirements set forth in Section J.

5-4.11 Vicious and Dangerous Animals.

A. It shall be unlawful and a violation of this ordinance to keep or harbor a vicious

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1 animal.

2 B. A person attacked by a vicious animal may use reasonable force to repel the attack.

3 C. A vicious animal shall be immediately surrendered to the ASD to be euthanized or
4 the owner shall provide acceptable proof to the ASD that the animal has been euthanized.

5 D. It shall be unlawful and a violation of this ordinance for any person to keep or harbor
6 a dangerous animal unless the animal is muzzled, on a leash no longer than three (3') feet, and under
7 the immediate physical control of the owner or responsible party whenever the animal is not on the
8 premises of the owner or responsible party.

9 **5-4.12 Animals Disturbing the Peace.**

10 A. It shall be unlawful and a violation of this ordinance to own, keep, or harbor any
11 animal which habitually howls, yelps, whines, barks, or makes other noises in a manner which tends
12 to unreasonably disturb the public peace.

13 B. A person who violates the provisions of this Section shall be fined in accordance with
14 Article 5-12 SFCC 1987 and may be prosecuted in accordance with this Ordinance and other
15 applicable laws.

16 C. Upon receipt of the first and second complaints of an animal disturbing the peace, the
17 ASD shall notify the owner in person or in writing of the complaint filed and shall ask the owner to
18 eliminate the disturbance. If the complaint is not resolved and a third complaint is filed, the ASD may
19 issue a citation.

20 **5-4.13 Animal Nuisances on Sidewalks, Parks, Alleys, and Other Public Places.**

21 A. It shall be unlawful and a violation of this ordinance for the owner of an animal to
22 permit, either willfully or through failure to exercise due care or control, the animal to create a
23 nuisance upon a sidewalk, park, alley, or public place or upon any property other than that of the
24 owner of the animal.

25 B. The term nuisance shall include, but is not limited to, defecation that is not

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1 immediately removed in a sanitary manner by the owner, destruction of property, disturbance of trash
2 contained in a trash receptacle, disturbing the property or quiet enjoyment of another, and urination
3 on the private property of anyone other than the owner of the animal.

4 C. Anyone walking an animal in a public place shall have in his or her possession a
5 sanitary and disposable means of removing the animal's feces. The feces must be placed in a refuse
6 container for sanitary removal. The person shall present such means upon request of an ASO.

7 **5-4.14 Animals Trained to Assist the Handicapped Allowed in Public Places.**

8 Service animals shall be allowed in public places. It shall be unlawful for a person who owns,
9 operates, or maintains a public place of business or conveyance into which the general public is
10 invited to exclude a service animal, provided the service animal accompanies the individual it was
11 trained to assist.

12 **5-4.15 Birds.**

13 It shall be unlawful and a violation of this ordinance to confine a bird unless provisions are
14 made for the proper feeding and the furnishing of water to such bird at intervals not longer than forty-
15 eight (48) hours. No person shall confine any bird in a crate, box, or other enclosure which does not
16 permit each bird confined therein to stand in a naturally erect position, spread their wings fully, and
17 perch.

18 **5-4.16 Disposal of Dead Animals.**

19 A. Within twenty-four (24) hours of the death of an animal, the owner shall dispose of
20 the animal's carcass by burying it least three (3) feet underground in a suitable location, by cremation
21 at a licensed pet crematorium, or by other means approved by the ASD.

22 B. An ASO may pick up and dispose of dead animals immediately upon discovery or
23 notification. Prior to disposal the ASO may cause the animal to be checked for identification,
24 including microchip scanning, to determine any owner identification.

25 C. The ASD is not responsible for pick up or disposal of domestic livestock, wild

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1 animals, or animals killed on interstate highways or state roadways.

2 D. At the request of the owner, an ASO may pick up the carcass of dogs and cats
3 weighing less than twenty (20) pounds from the homes of the owners who are residents of the City.

4 E. An animal carcass picked up pursuant to this section shall be disposed of by the city
5 in whatever way is determined to be the most feasible to protect the health, safety, and welfare of the
6 residents of the city and in such a manner as to minimize expense to the ASD and the City.

7 **5-4.17 Keeping of Diseased or Painfully Crippled Animals.**

8 It shall be unlawful and a violation of this ordinance to have, keep, or harbor an animal which
9 is afflicted with an incurable or infectious disease or which is in a painfully crippling condition. An
10 ASO may impound a diseased or painfully crippled animal in accordance with the provisions of this
11 Ordinance. This section does not apply to animals receiving adequate veterinary care for their
12 incurable or infectious disease or painfully crippling condition.

13 **5-4.18 Injury to Animal by Motorists.**

14 A. A person operating a motor vehicle or other self propelled vehicle upon the streets
15 and ways of the city, immediately upon hitting, striking, maiming, or running down any animal, shall
16 render reasonable aid. In the absence of the owner, the operator shall immediately notify the ASD and
17 shall furnish sufficient facts relative to the incident to identify the location of the injury, the type of
18 animal injured, and the name and address of the operator.

19 B. It is the duty of the operator to remain at or near the scene until such time as the
20 appropriate authorities arrive, unless permission is granted from those authorities to leave the scene
21 after providing the operator's name, address, and other relevant information as requested by the
22 appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking
23 the animal to a licensed veterinarian or to an animal control shelter after notifying an ASO.

24 C. Emergency vehicles in the course of emergency duties are exempt from this
25 provision except the requirement to report the incident.

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5-4.19 Animals Used for Entertainment.

Owners of animals used in exhibits, circuses, rodeos, and otherwise used for entertainment purposes must comply with all provisions of this Ordinance.

5-4.20 Special Events on the Plaza.

The city of Santa Fe declared it to be conducive to the protection, health, and general welfare of the people to ban all animals from the Plaza during Fourth of July Pancake Breakfast, Spanish Market, Indian Market, Santa Fe Fiesta Labor Day Arts and Crafts Market and Santa Fe Fiesta described in Section 23-5.2 SFCC 1987 except as set forth in this section. Service animals and animals in city-approved parades or other animal events shall be exempt from this ban. For the purposes of this restriction, the Plaza shall include the center park and those areas surrounding the center park designated for those events as described in subsection 23-5.2 SFCC 1987.

Section 5. Article 5-5 SFCC 1987 (being Ord. #1979-2, §4-11, as amended) is repealed and a new Article 5-5 is ordained to read:

5-5 [NEW MATERIAL] Impoundment.

5-5.1 Impound of Estrays.

A. The ASD may impound any stray animal found in the city.

B. If an stray is wearing a license, or bears other identification tags, the ASD shall notify the owner by telephone or by delivering notice in writing to the owner's residence. The notice shall inform the owner where the impounded animal may be redeemed. All efforts to notify the owner shall be documented.

C. The ASD shall confine the animal at an appropriate animal shelter pending notification of and response from the owner. The animal shall be held for a period of at least seven (7) days. The day the stray animal is impounded constitutes the first day.

D. After notification of the owner, any animal wearing a license or other identification tag not redeemed within seven (7) days shall be deemed forfeited by the owner, shall become the

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1 property of Santa Fe City, and may be subject to adoption, transfer, or euthanasia at the discretion of
2 the ASD.

3 E. If an estray animal is not wearing a license and bears no other identification tags, the
4 animal shall be impounded at an appropriate animal shelter for five (5) days. An animal not claimed
5 within five (5) days of the date of impoundment shall be deemed forfeited by the owner, shall become
6 the property of Santa Fe City, and may be subject to adoption, transfer, or euthanasia at the discretion
7 of the ASD.

8 F. To redeem an animal that has been impounded, the owner or responsible party shall
9 pay all fines and impoundment fees to the ASD. The owner or responsible party must also comply
10 with all licensing requirements of this Ordinance. Payments shall be made by cash, money order, or
11 certified funds.

12 G. The owner or responsible party shall reimburse the City or the City's designated
13 agent for all boarding, vaccination, emergency veterinary costs, or other expenses incurred by the
14 City or an animal shelter, whether or not the animal is redeemed.

15 H. If an impounded animal is certified by a veterinarian as suffering because of sickness,
16 injury or age, it may be euthanized pursuant to Article 3, Section 3-5 of this Ordinance, after the ASD
17 gives notice or attempts to give notice to the owner in a reasonable manner.

18 I. No person shall, without knowledge and consent of the owner, hold or retain
19 possession of any animal of which the person is not the owner, when such person has knowledge of or
20 could reasonably discover the owner of such animal, without first reporting the possession of such
21 animal to the owner or, if this cannot be done, to the ASD or the animal shelter. This provision shall
22 not conflict with NMSA 1978, Section 77-14-1 et seq.

23 J. Any person who holds or retains possession of any animal of which it is not the
24 owner shall immediately surrender such animal to its owner or to an ASO upon request.

25 K. If a person exercises control and custody of an estray animal for a period of fourteen

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(14) days and makes all reasonable efforts to determine its owner or responsible party, the person shall be considered the owner of the animal and shall be responsible for all provisions under this Ordinance. Reasonable efforts to determine the stray animal's owner shall include the following:

- (1) Contacting the Animal Shelter to report the found animal;
- (2) Having the animal scanned for microchip identification by the City, its designated agent, a licensed veterinarian, or any animal shelter; and
- (3) Making such other reasonable efforts as recommended by the ASD.

L. All violations and fine amounts assessed by the ASD shall be reported to the Animal Shelter upon the animal's impoundment.

M. No animal that has been impounded may be adopted for purposes of breeding or sale.

5-5.2 Impound of Other Animals.

A. If an ASO reasonably believes that the life or health of an animal is endangered due to cruel treatment, or that other violations of this Ordinance justify seizure of an animal, the ASO may apply to a court of competent jurisdiction for a warrant to seize the animal.

B. If the court finds probable cause that the animal is being cruelly treated or finds probable cause that a violation of this Ordinance justifies seizure of the animal, the court shall issue a warrant for the seizure of the animal. The court shall also schedule a hearing on the matter as expeditiously as possible.

C. Written notice regarding the time and location of the hearing shall be provided to the owner of the seized animal. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.

D. If the owner of the animal cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the animal is seized at the time the seizure occurs.

E. At the option and expense of the owner, the seized animal may be examined by a

1 veterinarian of the owner's choice.

2 F. The disposition of animals impounded under this Section shall be pursuant to NMSA
3 1978, § 30-18-1.2 as amended.

4 **5-5.3 Impound in Cases of Emergency.**

5 A. If an ASO determines that the life or health of an animal is in immediate danger, or
6 that a violation of this Ordinance poses an immediate threat to the health, safety, or well-being of an
7 animal or a person, the ASO may take such action as the ASO reasonably determines to be necessary
8 to alleviate the emergency, including impounding the animal.

9 B. If an animal is impounded due to an emergency, a citation shall be issued to the
10 owner and the owner shall have the opportunity to remedy the citation or contest the impoundment
11 and the citation as provided in Section 5(G).

12 **5-5.4 Impoundment Fees.**

13 The owner of an impounded animal is responsible impoundment fees, fees required for
14 adoption of an impounded animal, boarding costs, and additional fees for the redemption of
15 impounded animals in accordance with Article 5-12 SFCC 1987.

16 **5-5.5 Euthanasia of Impounded Animals.**

17 A. If an impounded animal is not redeemed within the specified time period, is not
18 successfully adopted out, is suffering because of sickness, injury, or age as certified by a veterinarian,
19 or is otherwise unsuitable for adoption, the animal may be euthanized under the supervision of a
20 veterinarian by an intravenous or intracardial injection of a dose of barbiturates (sodium
21 pentobarbital), or any other method deemed humane and painless by the veterinarian.

22 B. An animal which is vicious, infected with an incurable disease, or is in a painfully
23 crippled condition, and consequently cannot be brought to an animal shelter, may be euthanized in the
24 field by an ASO or a veterinarian in an appropriate and reasonable manner and as humanely as
25 possible.

5-5.6 Protective Care.

When an ASO finds or learns that an animal is or will be without proper care because of injury, illness, incarceration, or absence of the owner or responsible party, the ASO may take the animal for protective care. In the event of sickness or injury of the animal, upon the advice of a veterinarian, the ASO may take or recommend such action as called for to prevent undue pain and suffering, including euthanasia. The animal shall be held by ASD or the animal shelter and the owner shall be required to pay applicable fees.

Section 6. Article 5-6 SFCC 1987 (being Ord. #1979-2, §4-17, as amended) is repealed and a new Article 5-6 is ordained to read:

5-6 [NEW MATERIAL] PERMITS.

5-6.1 Standards for Kennels, Grooming Parlors, Pet Shops, Pet Shelters and Animal Rescues. The following standards, in addition to those provided in Section 7(A), shall be complied with for a kennel, grooming parlor, pet shop, pet shelter, or animal rescue to obtain and maintain a professional animal care permit:

A. Animal enclosures must be provided which allow adequate protection against all weather extremes. Floors of buildings, runs, and walls must be constructed with an impervious material to permit proper cleaning and disinfecting.

B. Building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.

C. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages.

D Cages are to be of material and construction that permits adequate cleaning and sanitizing.

E. Cages are to be radiantly heated, and shall have a resting board or some kind of bedding.

F. Rooms shall provide an adequate exercise area and protection from the weather.

G. All animal quarters and rooms are to be kept clean, dry, and in a sanitary condition.

H. Animal food shall be free from contamination, shall be wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.

I. All animals shall have fresh, potable water in kennel cages and in common areas where the animals may be kept. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable.

Failure to comply with these standards may result in the imposition of a fine and/or revocation of a permit in accordance with Article 5-12 SFCC 19887.

5-6.2 Guard Dogs at Residences.

A. A person owning or keeping a dog for the sole purpose of guarding a residence, and not as a pet or for hunting uses, must follow the restrictions set forth in this Section, in addition to all other applicable provisions of this Ordinance.

B. The enclosure surrounding the property protected by a guard dog must be secure at all times so as to prevent the dog from running at large, unless the owner complies with Section 4-11.

C. If tethered, the animal must be located within 10 feet of the entrance of the building to be guarded and tethered in such manner as set forth in Section 4-11(A).

D. The owner of the guard dog shall post warning signs prominently on all sides of the premises and on the entryway to the premises, stating that a guard dog is on the premises.

5-6.2 Guard Dogs on Commerical Property.

A. The following standards, in addition to those provided in Section 7(A), shall be complied with by a person using a guard dog on a commercial property to obtain and maintain a professional animal care Permit:

(1) Permit applications shall include the following information:

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(a) The business name, address, and telephone number of the commercial property where a guard dogs is to be used;

(b) The name, address, and telephone number of the guard dog's handler who can be reached at any time during the day or night;

(c) The number and breed of dogs to be used and a general description of their use;

(d) The location where a guard dog is to be housed; and

(e) Any other information that the ASD requires. Permit holders shall notify the ASD if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.

B. The ASD shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for or renewed.

C. If the inspection confirms compliance with all applicable laws and regulations, a guard dog permit for the approved commercial property shall be issued by the ASD. The permit shall be displayed at the approved commercial property. An identification tag shall be affixed to the collar of each guard dog. A valid guard dog permit shall satisfy the licensing fee in Section 8.

D. A guard dog permit is valid for one (1) year. The permit may be transferred to a new location operated by the same business entity during the permitted year. Such transfer shall not be permitted until the ASD inspects and approves the premises. Applicants for transfer must provide at least five (5) business days notice to the ASD for a permit transfer.

E. A guard dog permit must be obtained prior to housing or utilizing guard dogs upon commercial property.

F. Whenever there is a guard dog on the premises, the following minimum requirements must be maintained:

(1) Housing shall have anti-escape fences completely surrounding it or be an

1 anti-escape building sufficient to house and securely enclose the guard dogs.

2 (2) All gates and entrances to the premises where guard dogs are housed, used,
3 or trained shall be locked when not in use.

4 (3) Additional measures found necessary by the ASD shall be taken to protect
5 the public from accidental contact with any guard dog.

6 G. Where guard dogs are used outside buildings, the property must be enclosed by at
7 least a six-foot chain link fence or other fence of equal security, wall, or adequate wood fence, to
8 which anti-escape devices have been added. The adequacy of the fencing shall be subject to the
9 approval of the ASD.

10 H. In order to control noise, the ASD may require a sight barrier which breaks the dog's
11 line-of-sight.

12 I. In buildings where guard dogs are housed, glass doors or windows shall be adequate,
13 or additional protective measures shall be taken by the owner, as required by the ASD, to prevent
14 guard dogs from jumping through the door or window.

15 J. The building and yard in which a guard dog is housed shall be posted with
16 bilingual, English and Spanish, or visual guard dog signs, approved by the ASD that shall not be more
17 than two hundred feet (200') apart, and shall be at all corners of the premises and at every entrance
18 into the premises.

19 K. For guard dogs transported or used in vehicles, measures approved by the ASD must
20 be taken to protect the public from accidental contact with a guard dog.

21 L. A handler is required to be physically present while guard dogs are being used at
22 temporary sites which do not comply with this subsection.

23 M. The provisions of this subsection do not apply to dogs used on the owner's private
24 residence, unless the residence is located on a premises used for commercial purposes.

25 **5-6.3 Breeder's Permit Required.**

1 It shall be unlawful and a violation of this ordinance to breed cats or dogs without a breeder's
2 permit. A separate permit is required for each animal which will be bred.

3 **5-6.4 Litter Permit Required.**

4 An owner who intentionally or unintentionally breeds dogs or cats and does not have a
5 current breeder's permit must obtain a litter permit for each litter in accordance with this Ordinance.
6 An owner shall not advertise, sell, barter, exchange, give away, or otherwise transfer ownership or
7 control of any dog or cat unless the owner has a litter permit. An advertisement for the sale, barter,
8 exchange, or give away shall include the litter permit number. An owner shall furnish the litter permit
9 number to anyone requesting the number. If the owner purchases a breeder's permit, litter permit, or
10 provides proof of sterilization of the female animal which produced the litter within thirty (30) days
11 of being cited for violation of this Section, no further action will be pursued against the owner for
12 failure to obtain a breeder's permit or litter permit for the litter. If the owner surrenders the litter to
13 the Animal Shelter, pays requisite surrender fees in accordance with this Ordinance, and sterilizes the
14 animal that produced the litter, the requirement to obtain a litter permit will be waived.

15 **5-6.5 Wild or Exotic Animals.**

16 A. No person or entity shall receive, own, or keep a wild or exotic animal within the
17 limits of the City without first applying for and receiving from the ASD an annual permit to do so.
18 The applicant must provide evidence of knowledge of and facilities for the care and feeding of the
19 animal. The ASO is permitted to enter the premises of the permit holder hereunder at any reasonable
20 time for the purpose of inspection or re-inspection to determine compliance with this Ordinance. The
21 ASO may deny, revoke, or suspend a permit for failure to comply with this Ordinance. Wild and
22 Exotic Animal permits shall be valid for a period of one year.

23 B. No person shall keep an animal which is vicious, noxious, or naturally inclined to do
24 harm, except in a zoological park, veterinary hospital, animal shelter, public laboratory, circus,
25 amusement show, or educational facility, and then only if there are adequate protective devices to

1 prevent the animal from escaping or injuring the public.

2 C. No person shall keep a wild or exotic animal in such a manner as to constitute a
3 likelihood of harm to the animal or other animals, to humans, or to property, or which constitutes a
4 nuisance.

5 **5-6.6 Suspension and Revocation of Permits.**

6 A. All permits issued by the city under this Ordinance are subject to revocation for
7 failure to comply with the requirements established in this Ordinance.

8 B. Notice of proposed revocation shall precede any permanent revocation of a permit
9 issued under this Ordinance.

10 C. The notice of proposed revocation shall specify the following:

11 (1) The specific violation or violations alleged, including dates and times of the
12 alleged violation or violations, and any specific section of this Ordinance or state law that is
13 alleged to have been violated;

14 (2) A specific date by which the alleged violations shall be corrected to avoid
15 further revocation proceedings, if the violation is of a nature that may be corrected;

16 (3) A warning that failure to correct the violation or request a hearing shall result
17 in revocation of the permit; and

18 (4) Procedures for requesting a hearing regarding the alleged violation and
19 proposed revocation of the permit.

20 D. If the period in which the permit holder was allowed to correct the violation passes
21 without correction of the violation, and the permit holder has not requested a hearing as described in
22 this Section, the ASD shall issue a notice of revocation. The revocation shall be effective thirty (30)
23 days from service of the original notice of proposed revocation.

24 E. A permit holder may appeal the proposed revocation by requesting a hearing. The
25 request for hearing shall be made within five (5) days of service of the notice of proposed revocation.

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1 The request for hearing shall be in writing, sent by certified mail, return receipt requested. The
2 request for hearing shall briefly state the reasons why the permit holder believes the revocation is not
3 justified under the circumstances.

4 F. The ASD shall give written notice of the date, time, and place of the hearing to the
5 permit holder. The date of the hearing shall be not less than ten (10) days or more than thirty (30)
6 days from the date of service of the notice of the hearing. The ASD may designate an employee of the
7 ASD or Sheriff's Department or any other suitable individual to be the hearing officer.

8 G. The hearing officer may uphold, modify, or reverse the permit revocation. In
9 conducting the hearing, the hearing officer shall not be limited by formal rules of evidence; evidence
10 may be considered which is of a type upon which responsible people are accustomed to rely in the
11 conduct of serious affairs. During the pendency of an appeal, the permit may be placed in suspended
12 status pending resolution of the appeal. During the pendency of the appeal, the ASD may take such
13 action as is deemed appropriate for the health and safety of the animals and the general public,
14 including temporarily prohibiting the permit holder from operating under the permit. Within fifteen
15 (15) business days of the hearing, the hearing officer shall send written findings and conclusions to
16 the permit holder, by certified mail, return receipt requested. Permit holders may be represented by
17 counsel at the hearing.

18 H. A person aggrieved by the hearing officer's decision may appeal the decision as
19 otherwise provided by law.

20 I. Notices provided for under this subsection shall be deemed served when the notice is
21 delivered personally or mailed by registered or certified mail, return receipt requested, to the address
22 on record for the permit holder.

23 J. During the pendency of the appeal, the ASD may take such action as is deemed
24 appropriate for the health and safety of the animals and the general public, including temporarily
25 prohibiting the permit holder from operating under the permit.

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K. A permit holder whose permit has been revoked shall not be eligible to apply for another permit for a period of one year after the revocation of the permit.

L. Upon revocation of a permit, the permit holder shall cease operating under the permit within five (5) days of the effective date of revocation. If necessary, the permit holder shall give away, sell, or surrender all animals previously covered by the permit in compliance with relevant laws, regulations, and in a manner satisfactory to the ASD.

Section 7. Article 5-7 SFCC 1987 (being Ord. #1979-2, §4-22, as amended) is repealed and a new Article 5-7 is ordained to read:

5-7 [NEW MATERIAL] OFFENSES.

5-7.1 Cruelty to Animals Prohibited, Physical Abuse.

A. It shall be unlawful and a violation of this ordinance to willfully or maliciously do the following to any animal:

- (1) Kill;
- (2) Maim;
- (3) Poison;
- (4) Disfigure;
- (5) Burn or scald;
- (6) Torture;
- (7) Kick;
- (8) Beat with a stick, chain, club, or other object;
- (9) Molest.

B. A person may use reasonable force to defend against vicious or threatening animals. Such actions shall not constitute a violation of this Section.

5-7.2 Teasing, Annoying, or Disturbing Animals.

It shall be unlawful and a violation of this ordinance to tease, annoy, or disturb an animal

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which is on the property of its owner or under the control of its owner.

5-7.3 Work Cruelty.

It shall be unlawful and a violation of this ordinance to drive or work an animal cruelly.

5-7.4 Abandonment.

It shall be unlawful and a violation of this ordinance for an owner or responsible party to abandon an animal. In lieu of being abandoned, an animal may be turned over to an ASO or the animal shelter.

5-7.5 Animal Fights.

It shall be unlawful and a violation of this ordinance for any person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition, or contest in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or another animal.

5-7.6 False Report.

It shall be unlawful and a violation of this Ordinance for any person to make a false report of an offense described in this Ordinance.

5-7.7 Animals Running at Large.

An animal that runs at large in violation of this Section shall be declared to be an estray, a nuisance, or a menace to the public health and safety and may be picked up and impounded.

5-7.8 Number of Dogs, Cats and Other Pets Allowed,

It shall be unlawful to keep, harbor, possess, maintain, or allow to be kept, harbored, possessed, or maintained more than ten (10) dogs, cats, or other pets more than three (3) months old upon or within any premises without a professional animal care permit.

5-7.9 Animals in Vehicles.

A. It shall be unlawful and a violation of this ordinance to carry an animal in or upon a vehicle in a cruel, inhumane, or unsafe manner.

B. It shall be unlawful and a violation of this ordinance for a person to keep or transport

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1 an animal in the bed of a pickup truck unless the animal is properly restrained and confined in a
2 humane and safe manner.

3 C. It shall be unlawful and a violation of this ordinance to leave an animal in a closed
4 vehicle for a length of time that is dangerous to the health or safety of the animal. An ASO or a peace
5 officer may immediately remove such an animal whose health or safety is in danger and impound the
6 animal. The cost associated with impounding the animal shall be assessed to the owner.

7 D. A violation of this Section constitutes an act of cruelty or neglect.

8 **5-7.10 Unlawful Use of License and Tag.**

9 A. It shall be unlawful and a violation of this ordinance for a person to remove a license
10 tag from an animal and attach it to another animal.

11 B. It shall be unlawful and a violation of this ordinance for a person to manufacture,
12 cause to be manufactured, or to have in the person's possession or control a stolen, counterfeit, or
13 forged animal license tag, rabies vaccination certificate, or other form of license required under this
14 Ordinance.

15 **5-7.11 Breaking Into Enclosure.**

16 It is unlawful to break into or aid, directly or indirectly, in breaking into the enclosure in
17 which any animal is trapped, impounded, or kept under authority of an ASO or Sheriff's deputy.

18 **5-7.12 Hindering an ASO.**

19 It is a violation of this Ordinance to willfully or intentionally hinder or obstruct an ASO in the
20 discharge of the ASO's official duties under this Ordinance.

21 **Section 8. Article 5-8 SFCC 1987 (being Ord. #1979-2, §4-32, as amended) is**
22 **repealed and a new Article 5-8 is ordained to read:**

23 **5-8 [NEW MATERIAL] PENALTIES, SAVINGS CLAUSE, EFFECTIVE DATE.**

24 A. **Penalty Clause.** A person who violates any of the provisions of this Ordinance shall
25 be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding \$300.00,

imprisonment for a period not exceeding 90 days, or both the fine and imprisonment. NMSA 1978, § 4-37-3(A) (1975).

B. Savings Clause and Repeal Provisions. If any of the sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not thereby be affected since it is the express intent of the governing body to pass each section, phrase, paragraph, and word separately.

Section 9. Article 5-9 SFCC 1987 (being Ord. #1979-2, §4-44, as amended) is repealed and a new Article 5-9 is ordained to read:

5-9 [NEW MATERIAL] ANIMAL SERVICES CENTERS.

5-4.1 Established.

There are established one (1) or more animal services centers in such numbers and locations as designated by the city.

5-4.2 Hours of Business.

The animal services center shall be kept open to the public for the transaction of business during the hours set by the director.

5-4.3 Impoundment.

It is the duty of the animal services officers to take-up and impound in the animal services center any stray or any animal kept or maintained contrary to this chapter.

5-4.4 Records.

The animal services center shall maintain records of all animals impounded in the center for a period of time that is deemed reasonable by the city. The records shall contain at least the following:

- (1) A complete description of the animal;
- (2) The manner and date of its acquisition by the center;
- (3) The date and manner of its disposal;

Draft
Working

1 (4) The name and address of the purchaser of any animal; and

2 (5) All fees received.

3 APPROVED AS TO FORM:

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6 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Bills 2012/Animal Control/Animal Services Amendments*

Working Draft

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-____

INTRODUCED BY:

Mayor David Coss

Councilor Patti Bushee

A RESOLUTION

**AUTHORIZING THE CITY OF SANTA FE TRANSIT DIVISION TO PROVIDE FREE
RIDES ON ALL BUS ROUTES AND SANTA FE RIDE VEHICLES ON GENERAL
ELECTION DAY, NOVEMBER 6, 2012.**

WHEREAS, as a mechanism for increasing voter participation on election day for the
upcoming general election, the Governing Body desires to provide free public transit for voters;
and

WHEREAS, increased use of public transportation will reduce traffic congestion as
voters travel to and from polling locations; and

WHEREAS, free public transportation provides transportation to polling locations for
citizens who may have no other transportation available or who cannot afford regular fares; and

WHEREAS, eliminating fares on election day encourages people to try public
transportation thereby promoting its use.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF SANTA FE that the City of Santa Fe Transit Division shall provide free rides on**

Exhibit "7"

1 Santa Fe Trails and Santa Fe Ride on general election day: November 6, 2012.

2 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2012.

3

4

5

DAVID COSS, MAYOR

6 ATTEST:

7

8

9 _____
YOLANDA Y. VIGIL, CITY CLERK

10

11 APPROVED AS TO FORM:

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14 _____
GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2012/Election Day Transit*

Petitions from the floor

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

[illegible]

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

[illegible]

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

[illegible]

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[illegible]

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

Chloë Lyra

Name (Print) Signature Address Email and/or Phone Age (optional)

[illegible]

We support an ordinance by the Santa Fe City Council to ban the use of plastic bags or to charge for their use and direct all proceeds to expanding and supporting Santa Fe's recycling programs.

Name (Print)	Signature	Address	Email and/or Phone	Age (optional)
Zame	Zame	fort on DR	988 5975	9
Emily Rothschild	Emily Rothschild	717 Rosita St.	983-3929	45
Char Rothschild	Char Rothschild	717 Rosita St.	983-3929	40
Emily Wesely	Emily Wesely	717 Rosita St.		
PIERCE MORAN	Pierce Moran	107 1/2 CAMINO SERRA	(702) 606-8871	33
KRACHEL KEIL	Krachel Keil	717 1/2 Rosita St	mambakerk@yahoo.com	44
Mollie Parris	Mollie Parris	825 Gonzales St	541-212-3884	29
Brenna Rothschild	Brenna Rothschild	134 Sereno Dr.	brennadoula@gmail.com	37
LOU ROTHSCHILD	Lou Rothschild	734 SERENO DR.	9828188	67
EMMA ROTHSCHILD	Emma Rothschild	134 SERENO DR.	982-8188	3
Shanna Solid	Shanna Solid	PO Box 9509	shannasolid@gmail.com	41
F M Olin	F M Olin	2140 Cauthers	fmob11@hotmail.com	
Kate Skwire	Kate Skwire	6428 Jaguar Drive	cecileythoet@yahoo.com	38
Claire Gallingshouse	Claire Gallingshouse	131 Sereno Dr.		38
Helen Wilgihan	Helen Wilgihan	2125 Calle Navidad	82505 goldenacorns camp@gmail.com	510
Maddie Knox	Maddie Knox	02708 Placita Chueco	maddieknox100@gmail.com	21
Dani Vondrak	Dani Vondrak	1600 St Michaels Dr #261	801-707-9549	18
Brigitte Hamilton	Brigitte Hamilton	600 St Michaels Dr #261	bwaystar@carcc.com	18
MARCIA MUSSER	Marcia E. Musser	147 FT Calle Oro Folia	505 CAMUDRA@GMAIL.COM	73
Maia nyhlik	Maia nyhlik	1600 St. Michaels Dr.	maianyhlik@yahoo.com	20
Annie King	Annie King	1713 Santa Fe River Rd	annizpaz@hotmail.com	32
Kimberly Wildhal	Kimberly Wildhal	1267 Calle Navidad	690-9984	39
Jett Horton	Jett Horton	905 WISAND ESP.	505 253 8062	67
Elise Gent	Elise Gent	621 ALARID ST.	505-982-3516	
ROBIN LON	Robin Lon	4 Torneo Ave	960 6156	52
Mariah Duku	Mariah Duku	4 Torneo Court	466-6156	11
Meira Rubin	Meira Rubin	1 Monte Alto Circle	(505) 501-9791	13
Ben Gillock	Ben Gillock	546 Franklin	(505) 690-2379	31
MIRANDA SCOTT	Miranda Scott	1566 Corte la Canada	(505) 470-7901	21
ZORANA KNEEL	Zorana Kneel	1625 BEN HUR DR	(505) 466-4644	40
SUSAN GREEN	Susan Green	628 Alarid St	(505) 660-7332	64
Julie Rothschild	Julie Rothschild	1170 North Llanada	(505) 988-2154	
LEAH BECKER	Leah Becker	65 Cibola Cr 87505	505-424-712	44
BEN BECKER	Ben Becker	65 Cibola Cr 87505	"	4
CANTON BECKER	Canton Becker	65 Cibola Cr 87505	"	39
PAUL REINDORF	Paul Reindorf	7 Verano Drive	87508 505 466 3881	69
Jonah Shimbuch	Jonah Shimbuch	65 Cibola Cr 87505	505-424-1712	41
Marsha Reindorf	Marsha Reindorf	7 Verano Dr	466 3881	68
Revelly Rothschild	Revelly Rothschild	717 Rosita St.	983-3929	9

City of Santa Fe, New Mexico

memo

To: Members of the Governing Body

Via: Geno Zamora
City Attorney

From: Kelley Brennan
Assistant City Attorney

Re: Appeal of Jennifer and Brent Cline from the
August 28, 2012 Decision of the Historic Districts Review Board
in Case #H-12-069 Requiring Wood Garage Doors
at 341 Magdalena Road
Case No. 2012-114

Date: October 1, 2012 for the October 10, 2012 Meeting of the Governing Body

I. The Appeal

On September 13, 2012 Jennifer and Brent Cline (Appellants) filed a Verified Appeal Petition (Petition) appealing that part of the August 28, 2012 decision (the Decision) of the Historic Districts Review Board (HDRB) requiring that the garage doors on a noncontributing accessory dwelling unit that Appellants are converting to a garage (Project) at 341 Magdalena Road (Property). A copy of the Petition is attached as **Exhibit A**. The Appellant is not appealing the HDRB's approval of other parts of the Project.

II. History of the Case

The Property is located in the Downtown and Eastside Historic District (H-District). The Project is comprised of four work items, including item 1, which provides for the removal of an existing pedestrian door, two windows and two chimneys located on the east elevation and their replacement by two roll-up vehicle doors featuring divided-lite windows in their top third. The HDRB held a hearing on the Application on August 28, 2012 (the Hearing). HDRB staff provided the HDRB with a report (Staff Report) briefly describing the Application and recommending that the HDRB approve the Application as complying with Santa Fe City Code (Code) §14-5.2(E) regulating development in the H-District. A copy of the Staff Report is attached as **Exhibit B**.

Exhibit "9"

The HDRB voted 3 to 2 at the conclusion of the Hearing to approve the Application on the condition that "...the garage doors shall be wood, not metal, in harmony with other wooden elements..." A copy of the relevant portion of the minutes of the August 28, 2012 meeting is attached as **Exhibit C**. Findings of Fact and Conclusions of Law embodying the Decision were adopted by the HDRB on September 11, 2012 (**Findings**). The Findings (Item #12-0822) are attached as **Exhibit D**.

III. Basis of Appeal

The Appellants claim that the Decision holds them to an inappropriate standard in that (1) the Project building is noncontributing to the H-District, (2) applicable Code does not require wood doors and (3) citing examples, that garage doors on the immediately adjacent properties that comprise the streetscape by which the applicable standard is established are either metal or other materials such as melamine. Additionally, Appellants state that wood garage doors will cost approximately \$10,000 more than the garage doors proposed in the Application and will require a higher degree of maintenance, imposing on the Appellants an unreasonable burden.

IV. Relief Sought

The Appellant asks the Governing Body to vacate the Decision requiring the garage doors to be wood and approve the wood-grained metal burgundy-colored garage doors proposed in the Application.

V. Issues Raised by the Appeal; Analysis

The HDRB imposed the condition requiring that the garage doors be wood, not metal (**Condition**) to assure that they be "in harmony with other wooden elements." ("Given the amount of exposed wood right next to the [proposed metal doors], it will be glaringly evident that they are of non-organic material.") (Ex.C at 12) The wooden elements include a wooden pergola with carved corbels above the garage doors.

Code §14-5.2(A)(1)(c) provides generally that the historic qualities of Santa Fe be preserved through, among other things, "...[a] general harmony as to style, form, color, height, proportion, texture and material between buildings of historic design and those of more modern design." "Harmony" with respect to a proposed development is established by reference to the specific design standards set out for each of the H-districts.

Code §14-5.2(E)(2) establishes the design standards for "Recent Santa Fe Style" within the District which are applicable to the Project. The standards provide generally that "[r]ecent Santa Fe style intends to achieve harmony with historic buildings by retention of a similarity of materials, color, proportion, and general detail."

Code §§14-5.2(E)(2)(a) - (f) (**Design Standards**) specifically regulate height, the percentage of publicly visible façades used for window and door openings and their location, the use of cantilevers, surface finish materials on publicly visible facades, color of surface finishes on publicly visible facades and roof overhangs. A copy of the Design Standards is attached as

Exhibit E. While the Design Standards do not require wood doors, they do require that any materials used help “achieve harmony with historic buildings.” In practice, the HDRB uses as a reference point the “streetscape” where the proposed development is located as described in §14-5.2(D)(9)(a)(ii). Appellant Jennifer Cline testified that the garage doors on the immediately adjacent property, which is also owned by the Appellants, were metal and had been approved by the HDRB when the Appellants put them in. HDRB Chair Woods said that “they didn’t look like metal doors. Thus it appears that there is a basis to conclude that the metal doors proposed for the Project are harmonious with those on other buildings in the streetscape.

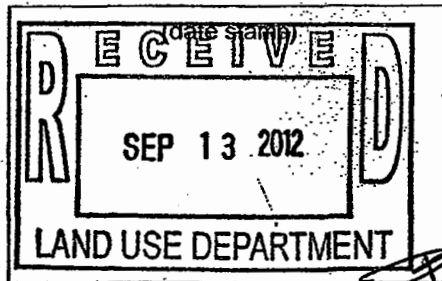
VI. Conclusion

If the Governing Body concludes that the Project’s metal garage doors comply with the Design Standards and are harmonious with other garage doors in the streetscape, it should grant the appeal and direct staff to draft findings of fact and conclusions of law reflecting its decision.

If the Governing Body concludes that the Project’s metal garage doors do comply with the Design Standards and/or are not harmonious with other garage doors in the streetscape, it should deny the appeal and adopt the Findings as its own.



LUD-Use Only
Time Filed: 2 PM
Fee paid: \$ 1.00
Receipt attached: ☐



Case # 2012-114
VERIFIED APPEAL
PETITION

Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.

Appellant Information

Name: Cline Jennifer & Brent
Last First M.I.
Address: 325 Bishops Lodge Road
Street Address Suite/Unit #
Santa Fe NM 87501
City State ZIP Code
Phone: (505) 870-3306 E-mail Address: yucca@plata.com
Additional Appellant Names: _____

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

Agent Authorization (if applicable)

I/We: _____
authorize _____ to act as my/our agent to execute this application.
Signed: _____ Date: _____
Signed: _____ Date: _____

Subject of Appeal

Project Name: Secondary dwelling/garage modification appeal
Applicant or Owner Name: Jennifer & Brent Cline
Location of Subject Site: 341 Magdalena Road, Santa Fe NM 87501
Case Number: H-12-069 Permit Number (if applicable): NA

Final Action Appealed:

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

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

Basis of Standing (see Section 14-3-17(B) SFCC 2001):

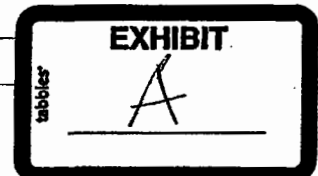
I) ... the approval includes conditions not accepted by the applicant

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

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

Final action taken 9/11/2012. HDRB determination that "garage doors shall be wood that matches the posts and beams of the structure."

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



Description of Harm

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

Please see attached for detail:

- 1) Non contributing building is being held to a standard that is inconsistent with the neighborhood.
- 2) Additional cost of \$10,000.00 to be incurred.
- 3) Wood doors require substantial maintenance that is not necessary with a metal door.

Explain the Basis for Appeal

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

In addition to comments above, the HDRB is holding us to a higher standard. For example, the other garage doors on surrounding properties are either metal or other materials, e.g. melamine.

Signature and Verification

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

Appellant Signature: Jf & M. Brent Cline

Date: 9/13/2012

Agent Signature: N/A

Date: N/A

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

I/We Jennifer & M. Brent Cline, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Petitioner/s:

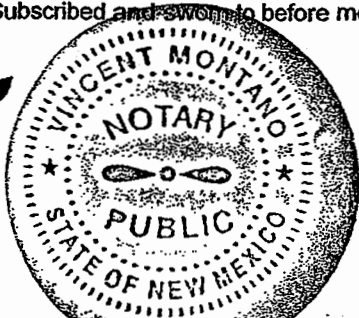
Jf M. Cline
Signature

M. Brent Cline
Signature

Jennifer M. Cline
Print Name

M. Brent Cline
Print Name

Subscribed and sworn to before me this 13 day of September, 2012.



NOTARY PUBLIC

My commission expires:

June 8, 2015

M. Brent & Jennifer M. Cline
325 Bishops Lodge Road
Santa Fe, NM 87501
(505) 820-3306

City of Santa Fe
Land Use Department Director
200 Lincoln Avenue
Santa Fe, NM 87504

September 12, 2012

Project number: 12-120069
Case number: H-12-069
Project type: HDRB

On August 28, 2012, the Historic District Review Board (HDRB) held a hearing on our application to convert the first floor of our secondary dwelling, 341 Magdalena Road, from a residence to a garage. The HDRB decision approved this request but requires that the "garage doors shall be wood that matches the posts and beams of the structures." This decision was recorded as a final action on September 11, 2012. We are appealing this decision in favor of decorative metal garage doors with detailing that mimics wood.

As can be verified through hearing records, the HDRB determination to require wood garage doors was made purely based on cosmetics. There is no requirement that they be wood.

- 341 Magdalena is not a contributing building as it was built in 2000. Accordingly, it is not required to be held to the same standards as contributing buildings.
- The three car garage on the adjacent properties, 339, 341 and 343 Bishops Lodge Road was built several decades before 341 Magdalena.
 - It has decorative metal doors that were installed in 2006 with the approval of the HDRB.
 - Despite the Bishops Lodge Road address, these garages face on to Magdalena and are immediately adjacent to 341 Magdalena, thus are part of the same streetscape.
 - According to the City of Santa Fe GIS system, this building has not been resurveyed and therefore is neither a contributing building nor is it not a contributing building.
 - During the hearing regarding our proposal, at least one member of the HDRB expressed that she thought these doors were wood and that they were very attractive. She and other members of the HDRB liked these doors and were clearly surprised to learn that they are not wood.
- The two doors that we wish to install on 341 Magdalena are intended to be very similar to the doors that are installed on the adjacent garage.
 - As can be seen on the attached brochure, we intend to install "Bead Board Panel" doors with square "Thames" windows across the top panel. (Unfortunately we did not have this brochure with us during the August 28th hearing.)
 - The cost for installing these metal doors is \$3,606.97.
 - The cost to replicate these doors in wood is \$14,086.01.
 - This is a cost difference of more than \$10,000.

- Wood garage doors are notoriously difficult to maintain. In our climate, they should be refinished every year. In order to remain pristine, based on our experience, wood needs to be replaced approximately every six to eight years. This is a significant maintenance requirement that is not needed for the metal doors that we are proposing to use.

We further request that these doors be painted burgundy to match the existing doors and windows on the building.

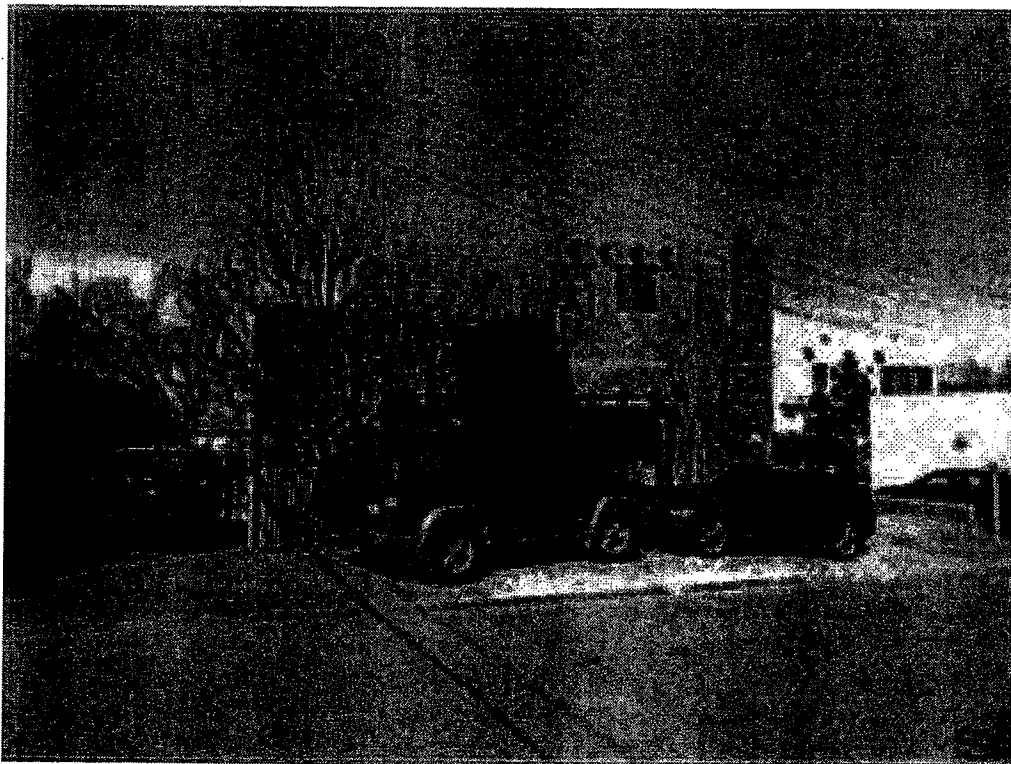
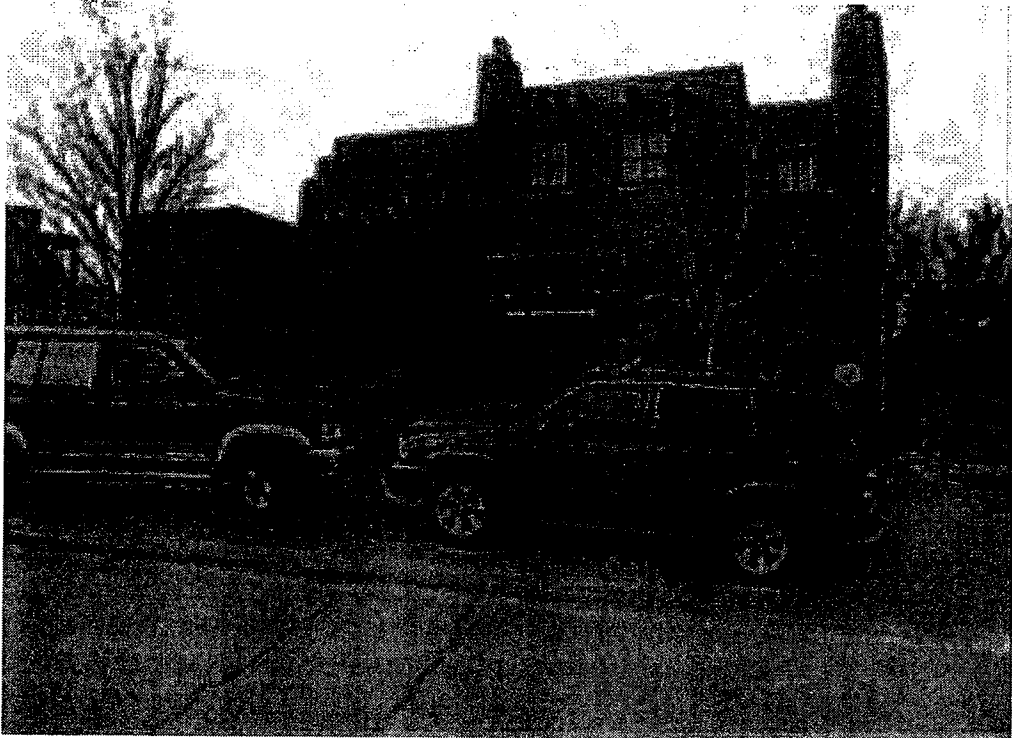
Thank you for considering our appeal to install metal, burgundy garage doors rather than the stained wood doors as required by the HDRB. We respect that this is an historic district and are seeking construction which is consistent with our property and the neighborhood. Thank you for your consideration.

Sincerely,

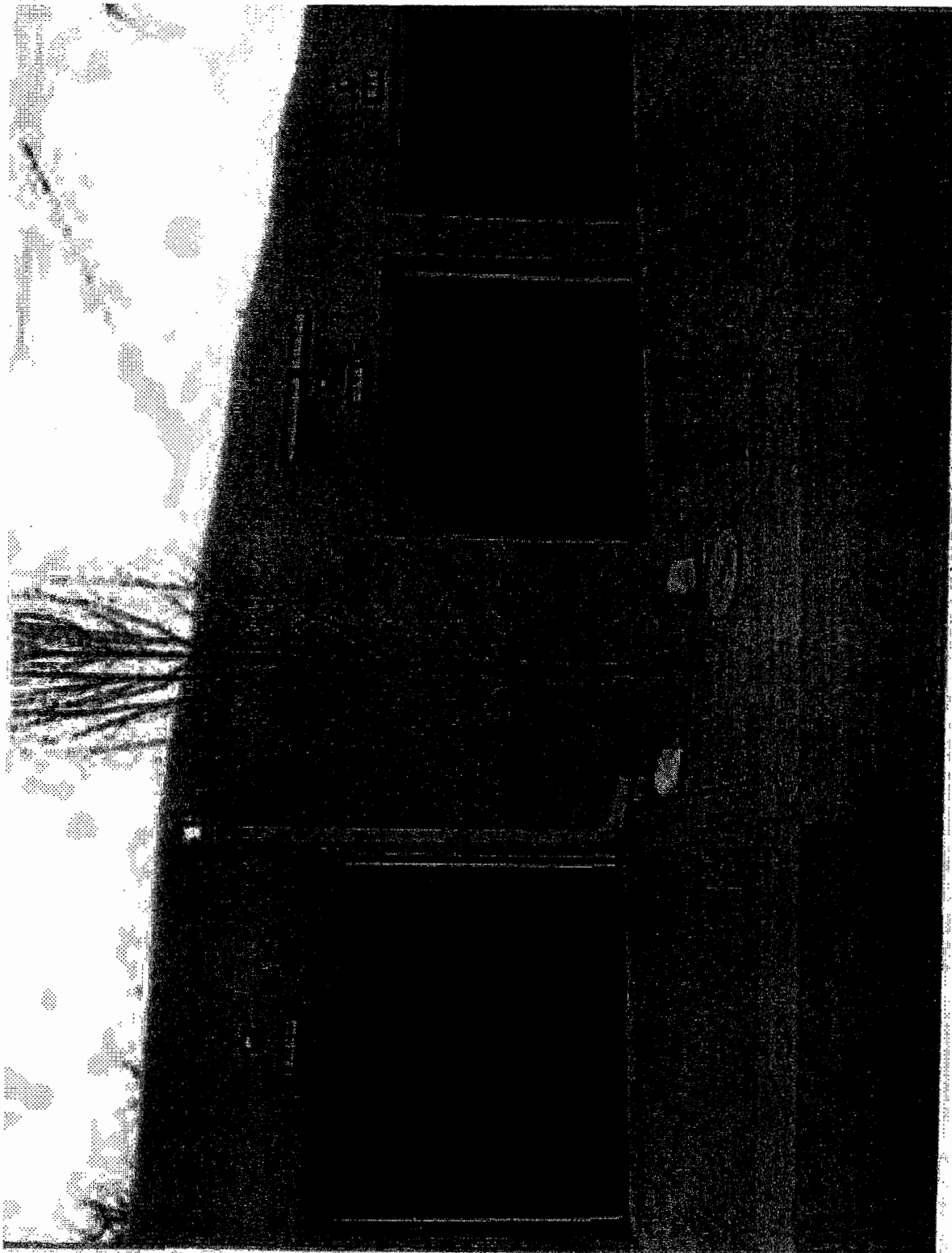


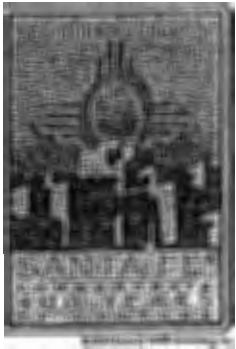
Jennifer & Brent Cline

341 Magdalena Street View



Garages located at 339, 341 and 343 Bishops Lodge Road





City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

David Coss, Mayor

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Rosemary Romero, Dist. 2

Miguel M. Chavez, Dist. 3

Carmichael A. Dominguez, Dist. 3

Matthew E. Ortiz, Dist. 4

Ronald S. Trujillo, Dist. 4

Project description: Proposes to remodel a non-contributing residence by converting bedrooms into garages.

Project number: 12-120069

Case number: H-12-069

Project type: HDRB

PROJECT LOCATION (S):

341
342 Magdalena Road

PROJECT NAMES:

OW – Jennifer & Brent Cline
Santa Fe, NM 87501

325 Bishops Lodge Road
505-690-4707

AP – Same as Above

BOARD ACTION

This is to certify that the Historic Districts Review Board (HDRB) at their hearing on August 28, 2012, acted on the above referenced case. The decision of the Board was to approve your request with the conditions that the corbels on the porch and pergola shall be load bearing and that the garage doors shall be wood that matches the posts and beams of the structures. For further information please call 955-6605.

Sincerely,

David Rasch

Planner Supervisor, Historic Preservation Division

NOTE: Applicant can use this action letter to apply for construction permit, but the permit shall not be released until the end of the appeal period which starts on the date of filing of the Findings and Conclusions in the City Clerks office (SFCC 14-3.17(D)). Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. Please attach copies of this letter to all sets when submitting for construction permit.



Potomac Garage Solutions

1400 Agua Fria

Santa Fe, NM 87505

Phone 505.982.4008

Cell 505.603.0430

Fax 505.982.9825

www.PotomacGarageSolutions.com



Proposal

Date	Salesperson
6/19/12	Dirk

Customer
Brent Cline
325 Bishops Lodge rd
Santa Fe, NM.
505-690-7347
brentcline@mac.com

Jennifer
Address
505-665-7347

Check #	Payment Method	Project
---------	----------------	---------

Description	Qty	Rate	Amount
10x6-8 Amarr Oak Summit 3000 Thames top glass and Low clearance track	2	\$ 1,242.00	\$ 2,484.00
Liftmaster 8550 1/2 hp belt drive bbu	2	\$ 425.00	\$ 850.00
Subtotal			\$ 3,334.00
Sales Tax 8.1875%			\$ 272.97
Total			\$ 3,606.97

We hereby propose to complete in accordance with above specification for the sum of :

X
Signature

TERMS AND CONDITIONS

Payment to be made as follows:

Prices subject to change if not accepted in 30 days.

BY OTHERS: Jams, spring pads, all wiring to motors and control stations, unless otherwise stated above, are not included. Purchaser agrees that doors shall remain in Seller's possession until paid in full. In the event Purchaser defaults under the terms and provisions of this Agreement the Purchaser shall be responsible for the costs of Collection, including reasonable attorney's fees. There shall be a 1-1/2% service charge per month for all payments due and owing after 30 days.

(Agreements are contingent upon strikes, accidents, or delays beyond our control)***PRICING DOES NOT INCLUDE APPLICABLE TAXES ***ALL ELECTRICAL WORK, CONDUIT, DISCONNECTS, WIRE, J-BOXES ARE NOT INCLUDED. POTOMAC GARAGE SOLUTIONS ASSUMES NO RESPONSIBILITY FOR THE ELECTRICAL WORK/WIRING

Dirk L. Williamson

505-603-0430

dirkwilliamson@hotmail.com

Potomac Garage Solutions

1400 Agua Fria

Santa Fe, NM 87505

Phone 505.982.4008

Cell 505.603.0430

Fax 505.982.9825

www.PotomacGarageSolutions.com



Proposal

Date	Salesperson
8/30/12	Dirk

Customer
Brent Cline
325 Bishops Lodge rd
Santa Fe, NM.
505-690-3743
brentcline@mac.com

Jennifer
Address
505-695-4814

Check #	Payment Method	Project
---------	----------------	---------

Description	Qty	Rate	Amount
10x6-8 Amarr Custom Carriage house door top glass and Low clearance track	2	\$ 6,085.00	\$ 12,170.00
Liftmaster 8550 1/2 hp belt drive bbu	2	\$ 425.00	\$ 850.00
Subtotal			\$ 13,020.00
Sales Tax 8.1875%			\$ 1,066.01
Total			\$ 14,086.01

We hereby propose to complete in accordance with above specification for the sum of :

X
Signature

TERMS AND CONDITIONS

Payment to be made as follows:

Prices subject to change if not accepted in 30 days.

BY OTHERS: Jambs, spring pads, all wiring to motors and control stations, unless otherwise stated above, are not included. Purchaser agrees that doors shall remain in Seller's possession until paid in full. In the event Purchaser defaults under the terms and provisions of this Agreement the Purchaser shall be responsible for the costs of Collection, including reasonable attorney's fees. There shall be a 1-1/2% service charge per month for all payments due and owing after 30 days.

(Agreements are contingent upon strikes, accidents, or delays beyond our control)***PRICING DOES NOT INCLUDE APPLICABLE TAXES ***ALL ELECTRICAL WORK, CONDUIT, DISCONNECTS, WIRE, J-BOXES ARE NOT INCLUDED. POTOMAC GARAGE SOLUTIONS ASSUMES NO RESPONSIBILITY FOR THE ELECTRICAL WORK/WIRING.

Dirk L. Williamson

505-603-0430

dirkwilliamson@hotmail.com

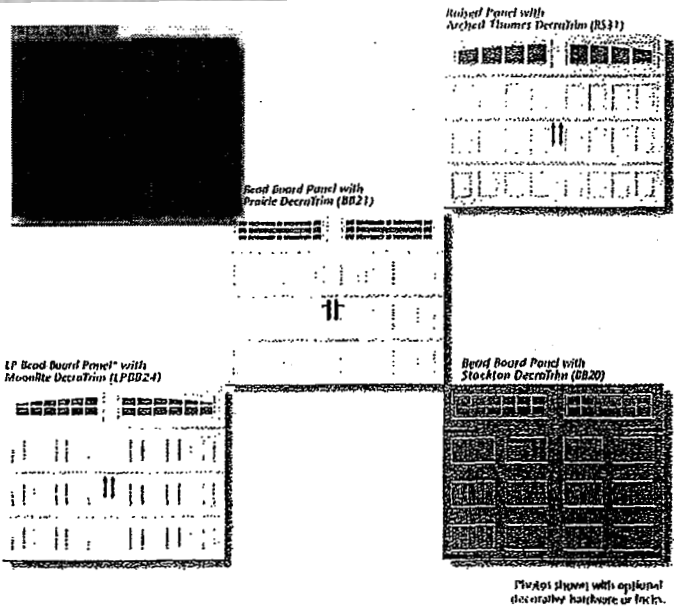
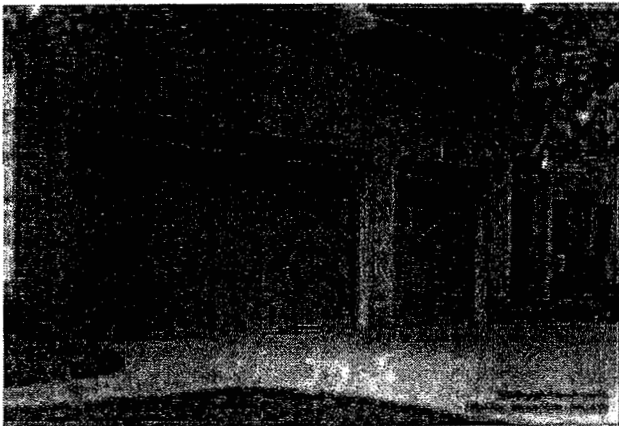
OAK SUMMIT® COLLECTION



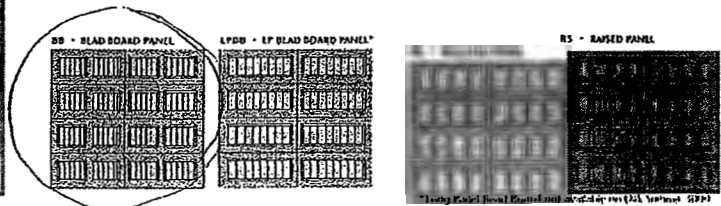
Self-expression shouldn't cost a fortune.

With Amarr's Oak Summit Collection, it won't. These durable steel doors, offer an attractive carriage house look.

Choose from a variety of door colors, decorative hardware, and window accents. Customize your home with Amarr's most affordable carriage house door.



PANEL DESIGNS



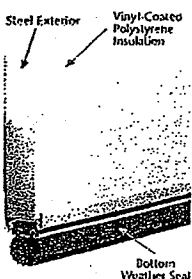
Construction



Single-Layer: Steel

Get value and durability with an Oak Summit 1000 single-layer steel door. These heavy-duty steel doors are durable, reliable, and low maintenance.

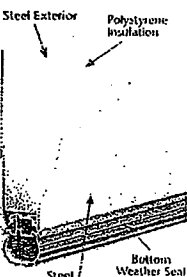
- Heavy-Duty Exterior Steel
- Durable, Reliable, Low Maintenance



Double-Layer: Steel + Insulation

An Oak Summit 2000 double-layer door provides durable, low maintenance features, plus a layer of vinyl-coated insulation for increased thermal properties and quieter operation.

- Heavy-Duty Exterior Steel
- Durable, Reliable, Low Maintenance
- Environmentally Safe Polystyrene Thermal Insulation with Vinyl Backing
- Energy Efficient
- Quiet Operation



Triple-Layer: Steel + Insulation + Steel

For the toughest, energy-efficient steel door, an Oak Summit 3000 triple-layer door includes the ultimate in thermal properties, plus a layer of steel for a finished interior look and added durability.

- Heavy-Duty Exterior and Interior Steel
- Durable, Reliable, Low Maintenance
- Environmentally Safe Polystyrene Thermal Insulation
- Superior Energy Efficiency
- Extra Quiet Operation



Options

DECRATRIM WINDOW INSERTS

CLEAR (C)

OBSCURE (O)

STOCKTON (20)

PRAIRIE (21)

CATHEDRAL (22)

CASCADE (23)

MOONLITE (24)

WATERFORD (25)

WAGON WHEEL (26)

SUNRAY (27)

THAMES (30)

ARCHED THAMES (31)

FULL SUNRAY (28)

DECRAGLASS™ WINDOWS

PRAIRIE V-Shaped Bevel (50)

CHATEL Brass Caming (52)

PIVIERA Frosted w/ V-Shaped Bevel (53)

HEARLAND (60)

WICHITA (61)

HARVEST (62)

ALLEGRO (63)

METRO (64)

TEMPO (65)

ROSETTE (66)

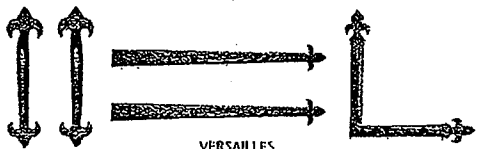
ARABESQUE (67)

TRELLIS (68)

DECORATIVE HARDWARE & LOCK

ALUMINUM

Aluminum hinges with claws not recommended for arched openings.



VERSAILLES



CANTERBURY

STAMPED STEEL



BLUE RIDGE



ALPINE LOCK

Specifications

	OAK SUMMIT 1000	OAK SUMMIT 2000	OAK SUMMIT 3000
PANEL DESIGNS	4 Designs	4 Designs	3 Designs
INSULATION ¹		Polystyrene	Polystyrene
R-VALUE ²		6.84	6.58
STEEL THICKNESS	25 ga	25 ga	27/27 ga
Gauge (mm)	0.53mm	0.53mm	0.42/0.42mm
DOOR THICKNESS	2" (5.1cm)	2" (5.1cm)	1 3/8" (3.4cm)
WINDOW GLASS OPTIONS			
3/32" (0.24cm) Single Strength	•	•	•
Obscure	•	•	•
Insulated	•	•	•
WIND LOAD AVAILABLE ³	•	•	•
PAINT FINISH ⁴ WARRANTY	15 Years	25 Years	Lifetime
WORKMANSHIP/HARDWARE ⁴ WARRANTY	1 Year	2 Years	3 Years

¹ All insulation has passed fire safety testing.

² Calculated door section. Based on an average wall Q-Value, TDS-162.

³ It is your responsibility to make sure your garage door meets local building codes.

⁴ For complete warranty details, visit amarr.com or contact your local Amarr dealer.

COLORS

Amarr Steel doors arrive pre-painted for consistent colors. Exterior colors, paint must be used. Visit amarr.com for instructions on painting. Actual paint colors may vary from samples shown.



Oak Summit 1000/2000: True White, Almond, Sandstone, Terracotta and Dark Brown
Oak Summit 3000: True White, Almond, Sandstone, Terracotta, Brown, Hunter Green, Gray, and Dark or Medium Woodgrain
*Pike Upcharge Applies.



165 Carriage Court

Winston-Salem, NC 27105

800.503.DOOR

www.amarr.com

CARAGE DOORS

Your Local Amarr Dealer:

©2011 Amarr Garage Doors

Amarr reserves the right to change specifications and designs without notice and without incurring obligations.

Printed in USA From #604011/800A/11A

Amarr's company's products may be the subject of one or more U.S. and/or foreign issued and/or pending design and/or utility patents.

Amarr and Oak Summit are registered trademarks of Amarr Company, North Carolina, U.S.A.



Similar in design

- No door hardware
- bead board detail in door panel

City of Santa Fe
Cashiers Office
Santa Fe, NM 87504
(505)955-4333

09/13/2012 2:06:06 PM
Your cashier was LEONA
B002201112257 T40

Development Review
JENNIFER CLINE
11001.431470

\$100.00

Total

\$100.00

MasterCard

\$100.00

XXXXXXXXXXXXXXXXXXXX1690

Customer Signature

Change

\$0.00

Thank you!

City of Santa Fe, New Mexico

memo

DATE: August 28, 2012
TO: Historic Districts Review Board Members
FROM: David Rasch, Supervising Planner in Historic Preservation *DR*

CASE # H-12-069

ADDRESS: 341 Magdalena Street
Historic Status: Non-contributing
Historic District: Downtown & Eastside

REFERENCE ATTACHMENTS (Sequentially):

CITY SUBMITTALS

- ☒ Case Synopsis
☐ District Standards & Yard wall
& fence standards.
☐ Historic Inventory Form
☒ Zoning Review Sheet
☐ Other:

APPLICANT SUBMITTALS

- ☒ Proposal Letter
☐ Vicinity Map
☒ Site Plan/Floor Plan
☒ Elevations
☒ Photographs
☐ Other:

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(E) Downtown & Eastside Historic District.

EXHIBIT

B

BACKGROUND & SUMMARY:

341 Magdalena Street is a multi-family residence that was constructed in the Spanish-Pueblo Revival style in 2000. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to remodel the property with the following four items.

1. The existing pedestrian entry door, two windows, and two chimneys on the east elevation will be removed and two vehicle doors will be installed. The roll-up doors will feature paired divided-lite windows in the top third of each door.

2. A wooden pergola structure with carved corbels will be constructed above the garage doors. It is difficult to determine if the roof is solid or not and if the roof is pitched or flat due to irregularity in the elevation and floorplan drawings. The Board should clarify these issues.

3. A door on the south elevation will be changed to a 4-lite window to match other windows.

4. A pergola will be constructed on the south elevation. Existing canals will be rerouted through gutters.



Preliminary Zoning Review Worksheet

City of Santa Fe Land Use Department

To Be Completed By Applicant:

Date Submitted: <u>6/11/12</u>	Site Address: <u>341 Magdalena St.</u>
Property Owner of Record: <u>Jennifer ? Belmont Ave</u>	Proposed Construction Description:
Applicant/Agent Name: _____	
Contact Person Phone Number: <u>(505) 820-3306</u>	TOTAL ROOF AREA: <u>Existing structure</u>

NOTE: Preliminary zoning reviews are provided as a courtesy and are intended to address general zoning compliance issues. Applicants are advised to do an independent search of applicable zoning ordinances and to research documents related to property history which may affect permitting. Additionally, applicants are advised to contact appropriate City Staff with questions related to Terrain management, building, fire, water budget, Sangre de Cristo, wastewater, and other development codes which may affect permitting.

BASED ON INFORMATION PRESENTED ON APPLICATION DATE, THIS REVIEW DOES NOT GRANT ZONING APPROVAL AT THE TIME OF BUILDING PERMIT. FINAL ZONING APPROVAL WILL BE GRANTED ONCE ALL COMPLIANCE WITH ZONING HAS BEEN MET.

J M Ch 819 112
☒ OWNER ☐ APPLICANT ☐ AGENT DATE

Zoning District: R21
 Overlay: ☒ Historic Downtown, Eastside
☐ Arts and Crafts
☐ Escarpment*
☐ Flood Zone*
☐ Cerrillos Road Corridor
☐ Other: _____

Zoning Submittal Requirements:
☒ Legal Lot of Record ☐ Development Plan ☒ Building Plans
☒ Existing Site Plan ☐ Proposed Site Plan ☒ Elevations

Supplemental Zoning Submittals:
☒ Zero Lot Line Affidavit Required @ B.P.

Access and Visibility: ☐ Arterial or Collector* 3 W/A
☐ Visibility Triangle Required

Use of Structure: ☒ Residential
☐ Commercial Type of Use: _____

Terrain: ☐ 30% slopes _____

Lot Coverage: _____ %
☐ Open Space Required: _____

Setbacks:
 Proposed Front: 8 Minimum: 7
 2nd Front? _____
 Proposed Rear: _____ Minimum: _____
 Proposed Sides: L _____ R _____ Minimum: _____

Height: Proposed Existing no change
 Maximum Height: _____ or
☐ Regulated by Historic Districts Ordinance
☐ Regulated by Escarpment District

Parking Spaces:
 Proposed 2 Accessible** _____
 Minimum: 2

Bicycle Parking**:
 Proposed: 1 Minimum: _____

* Requires an additional review conducted by Technical Review or Traffic Engineering Division to ensure compliance. ** Commercial Requirement

To Be Completed By City Staff:

Additional Agency Review if Applicable:

☐ Escarpment Approval by _____ Date: 1/1/
☐ Flood Plain Approval by _____ Date: 1/1/
☐ Traffic Engineering Approval by _____ Date: 1/1/

Notes: _____

Zoning Approval:

☒ Preliminary Approval ☐ with conditions ☐ Rejected

Comments/Conditions: NO variance Required Garage conversion allowed
Per 14-7-1(D)(3) side yard setback Subject to 0' Lot Line App. Div.

REVIEWER: [Signature] DATE: 8/8/12

Rev. 4-12

Note: If approved, please stamp and initial each page of plan set.

Brent & Jennifer Cline
325 Bishops Lodge Road
Santa Fe, NM 87501
(505) 820-3306

Historic Design Review Board

July 29, 2012

Our residence is located at 325 Bishops Lodge Road. We respectfully request that we be allowed to modify our property as follows:

Modify the first floor of the secondary dwelling, 341 Magdalena, into a two car garage. (Despite the alternate address, 341 Magdalena is located on the same lot as 325 Bishops Lodge Road) This will leave the existing mother-in-law apartment on the second floor.

Because of the proximity of 341 Magdalena to our property line on the east side and therefore the road, this project will require a variance from the Board of Adjustment. Paperwork has been submitted for this request and the review is scheduled for August 21st. We understand that the variance determination must be made before the Historic Design Review Board can make a determination on the project. Therefore we are requesting that this project be reviewed at the August 28th Board Hearing.

341 Magdalena Garage and Pergola Proposed Work:

This project is to convert both of the existing two downstairs units in 341 Magdalena into a two car garage. 341 Magdalena is not a contributing building as it was built in 2000. In addition to providing parking for both of our vehicles, this will also help relieve parking congestion on Magdalena by decreasing the number of existing dwelling units on the property.

- The garage doors will have windows and maintain the current look of the property as much as possible.
- To improve cross ventilation in the future workout room in the southern apartment, we would like replace single exterior door on the south side of the building with a window. The existing double French door and window will remain in place.
- In addition, we are proposing to replace the western door on the north side of the building in the future workshop with a window that matches the other windows (identical change as proposed in the item above). This will allow for cross ventilation within this room.
- In order to better maintain the architectural style of the neighborhood, the existing front porch will be replaced by an extended porch constructed with matching vertical beams and a roof of overlapping latillas (this will match the existing coyote-style fencing that is prevalent on our property. This porch will extend from the existing stairwell on the south side to within two feet of the end of the north side of the building. It will be the same depth as the current porch which is being replaced.
- We also will be placing paving stones to create a driveway between the garage and street (the paving stones will match the look of the existing driveway of the three car garage on the adjacent properties).

- This construction will require re-stuccoing of the building. We intend to match the color and texture of the existing stucco. As part of a project to replace the roof on this building, we already have administrative approval from the Historic Design Review Board to re-stucco this building.

Additionally, we need to add a pergola on the south side of the building to provide a support system to channel roof runoff water away from the foundation of the building. Water is currently eroding the area along the foundation, potentially creating both safety and structural problems, and causing long-term damage. This pergola will allow gutters to be installed to carry runoff into the existing planting bed that runs along the south side of the property.

Construction of the pergola is to be post and beam using pressure treated wood as the material. It will be stained brown, so as to be consistent with the other woodwork on the house. The posts will be set in concrete for structural soundness. The top of the structure will be open so as to allow as much natural light as possible to get to the first floor windows on the south side of the house. Because of the siting of the building, the pergola will be within two feet of the property line on the south side of building. We are in the process of gaining approval from the neighbors for this encroachment.

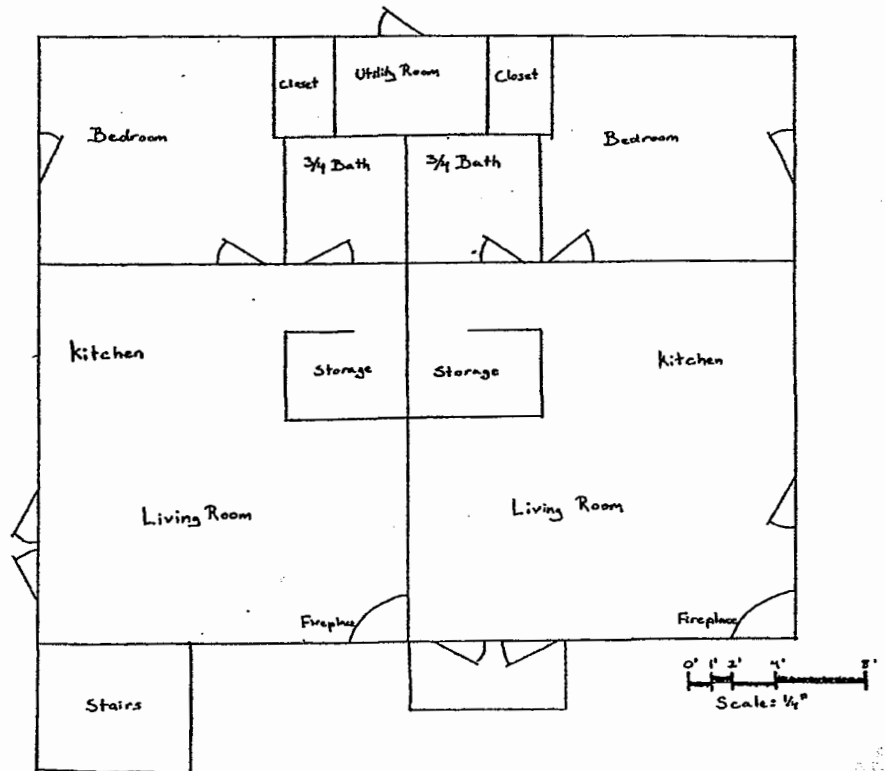
We respect that this is an historic district and are seeking construction which is consistent with our houses and the neighborhood. Thank you for your consideration.

Sincerely,

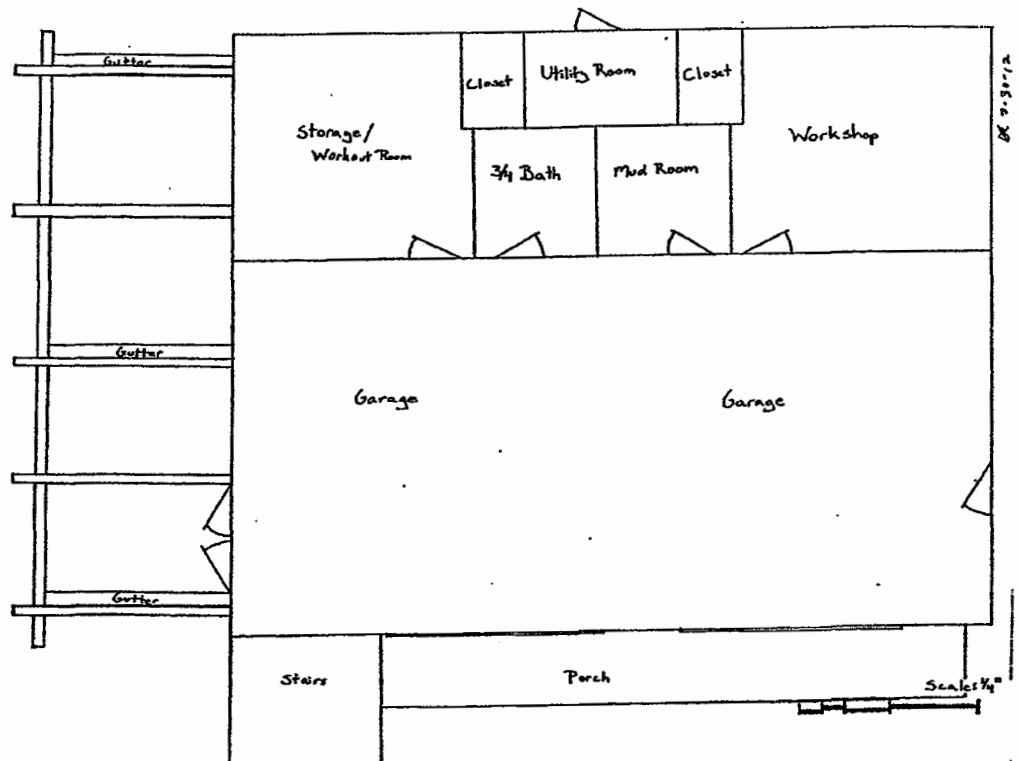
A handwritten signature in black ink, appearing to read "J & B Cline", written in a cursive style.

Jennifer & Brent Cline

Cline Garage Proposal - 341 Magdalena Road: First Floor Plans



Existing First Floor Plan

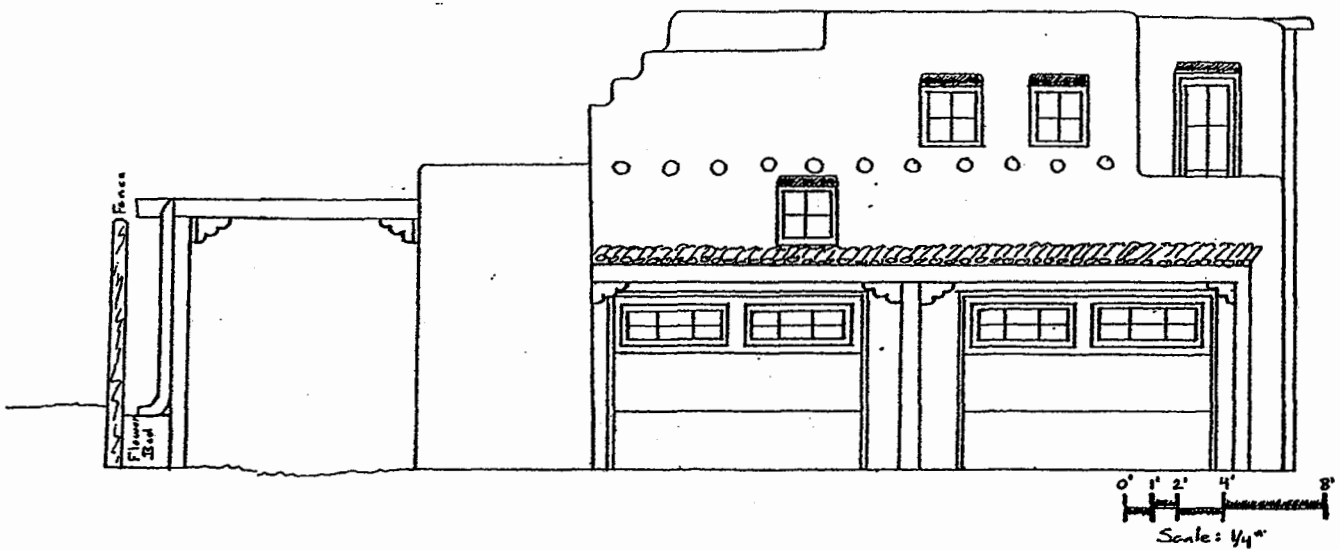


Proposed First Floor Plan

Cline Garage Proposal - 341 Magdalena Road: East Elevation Plans

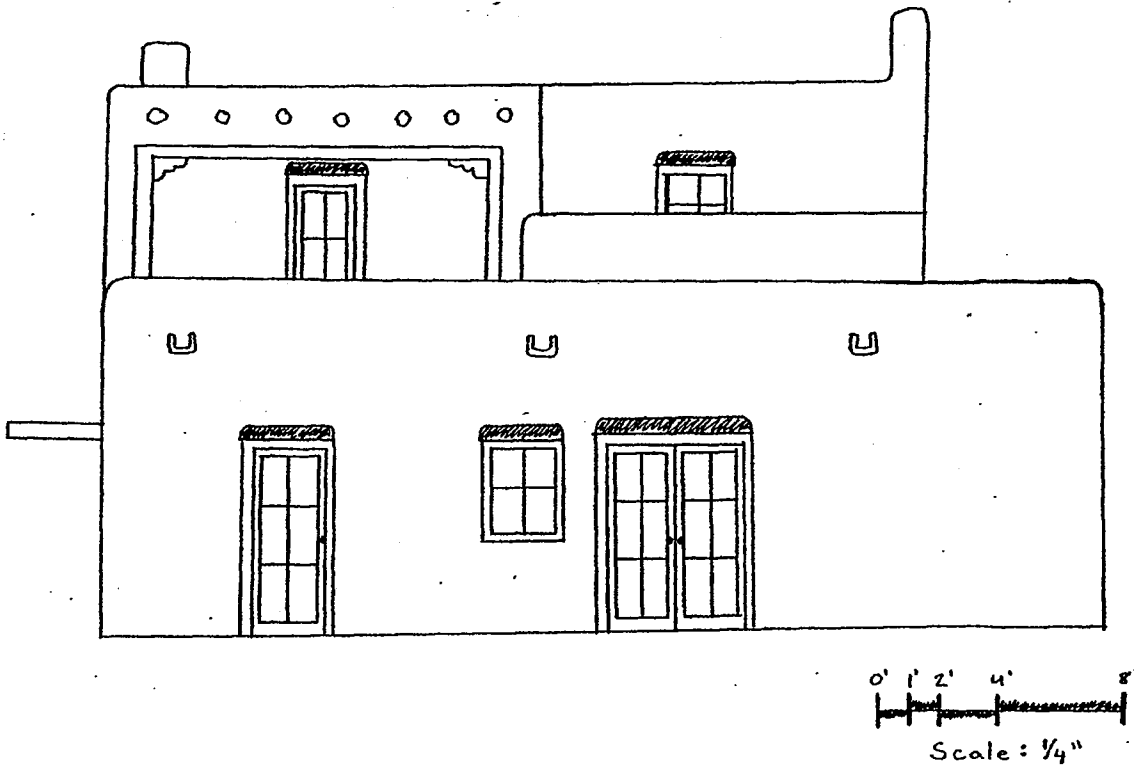


Existing East Elevation Plan



Proposed East Elevation Plan

Cline Garage Proposal - 341 Magdalena Road: South Elevation Plans

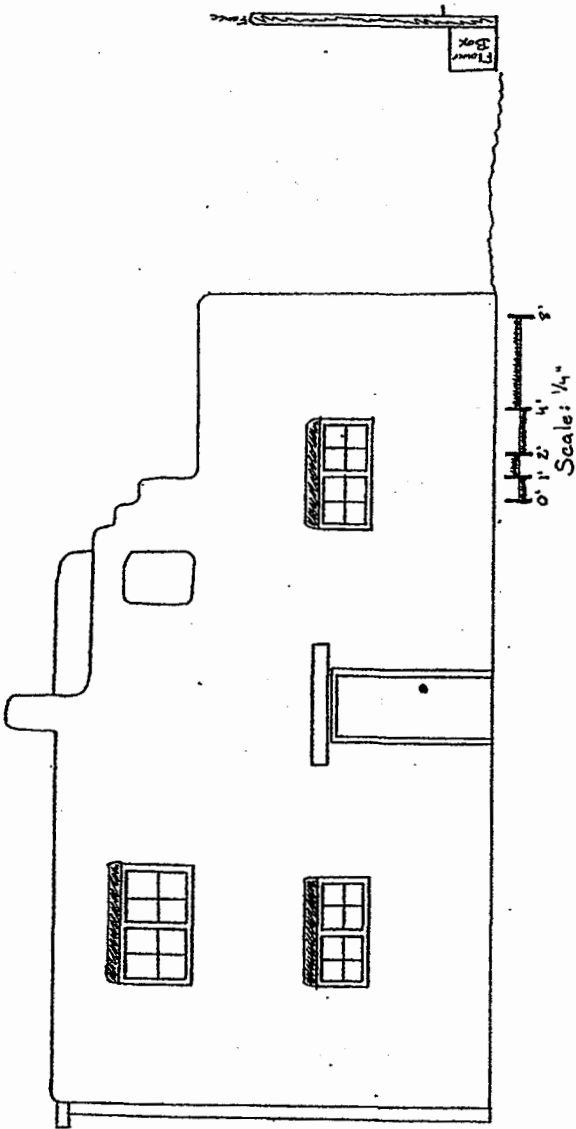


Existing South Elevation Plan

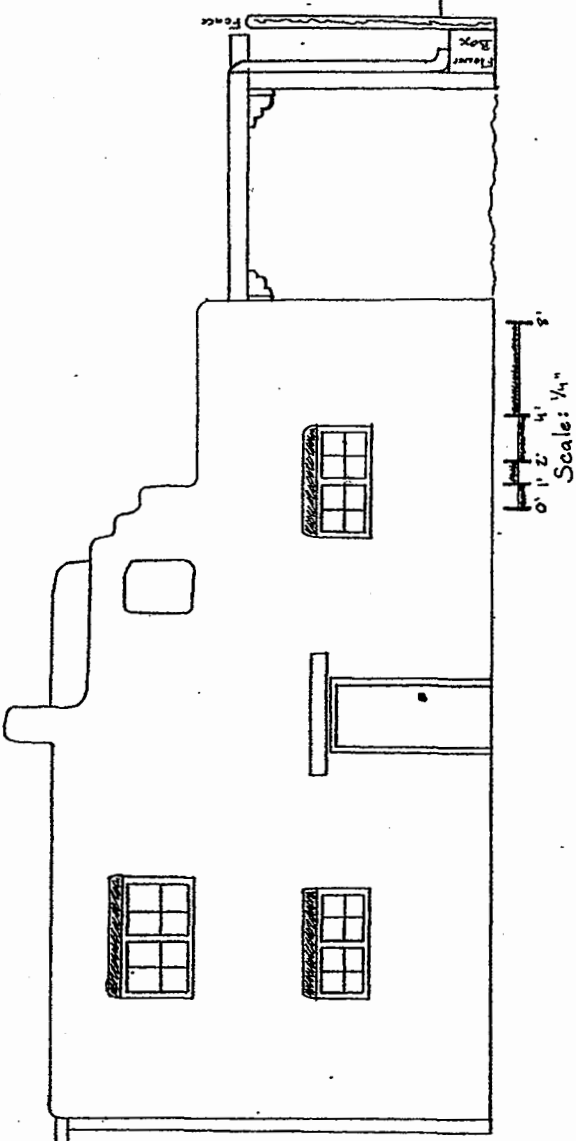


Proposed South Elevation Plan

Cline Garage Proposal - 341 Magdalena Road: West Elevation Plans



Existing West Elevation Plan

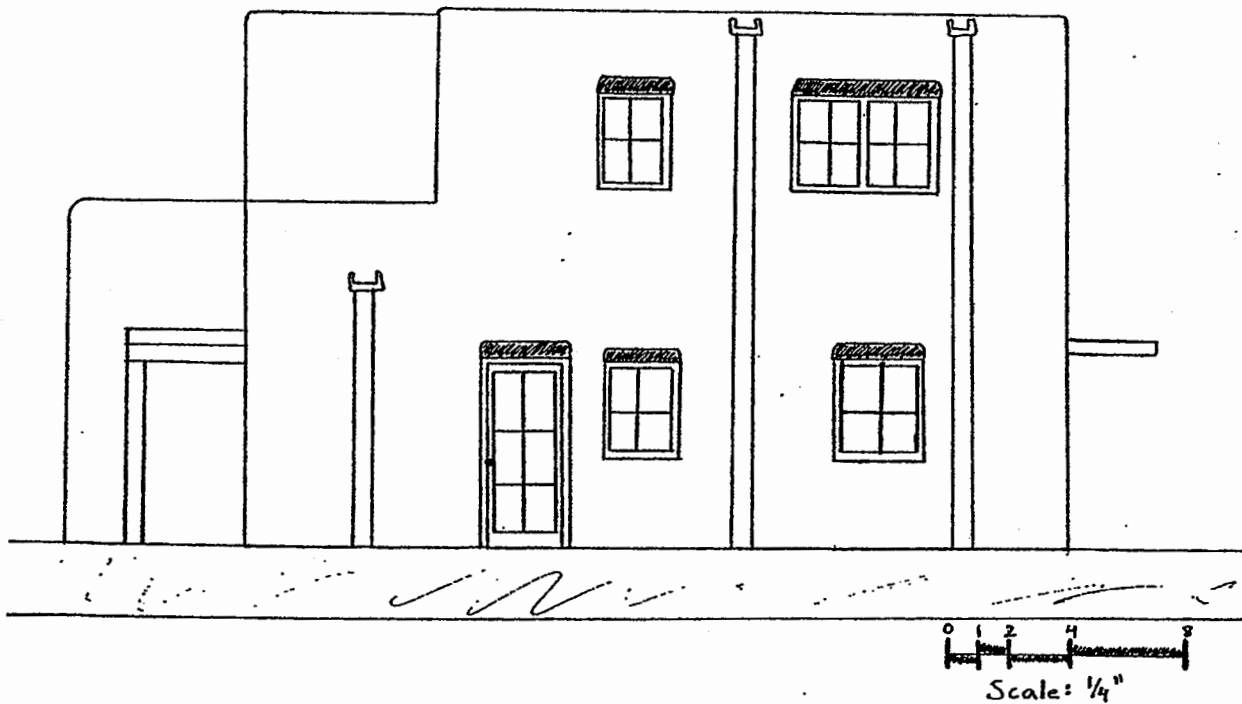


Proposed West Elevation Plan

Cline Garage Proposal - 341 Magdalena Road: North Elevation Plans

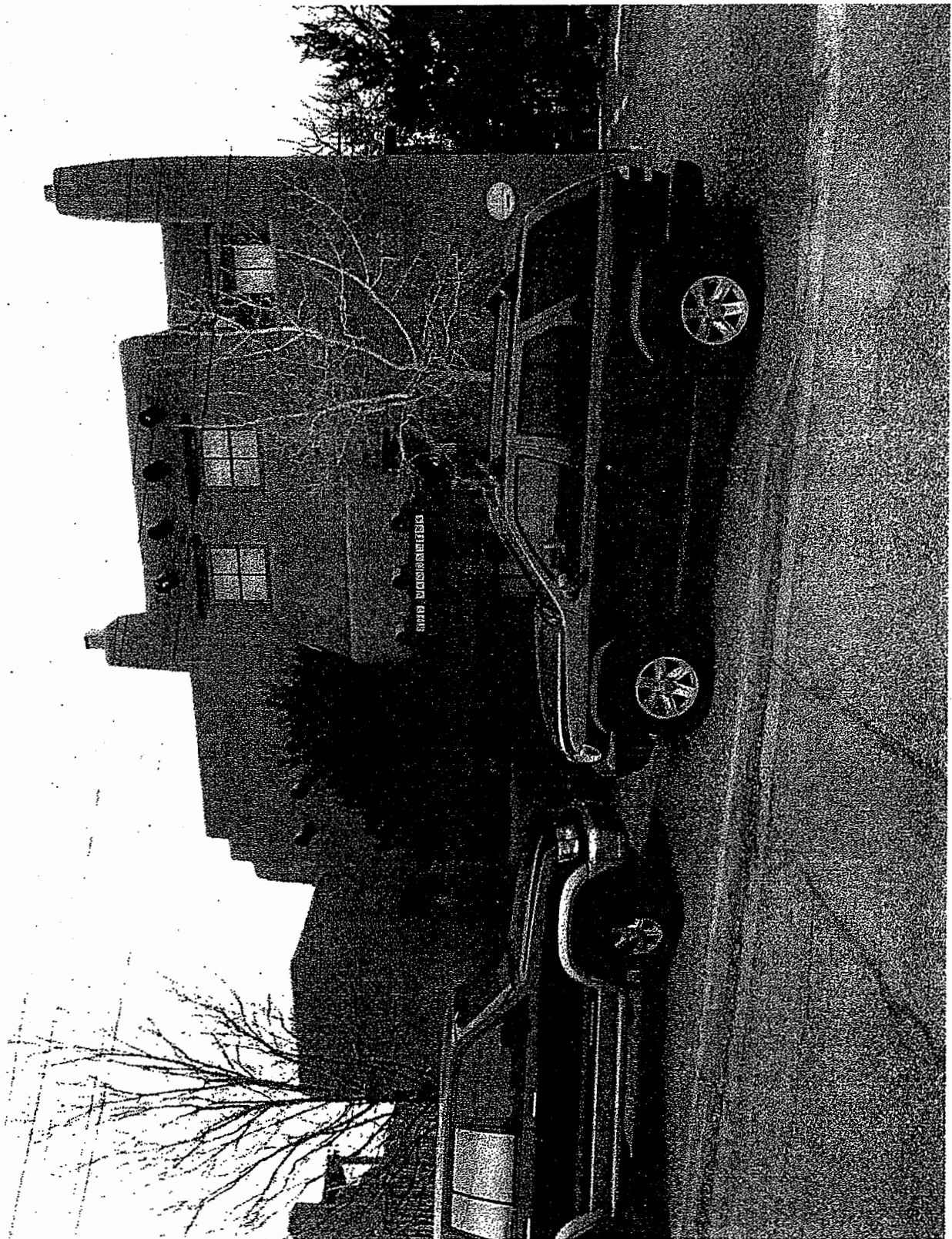


Existing North Elevation Plan

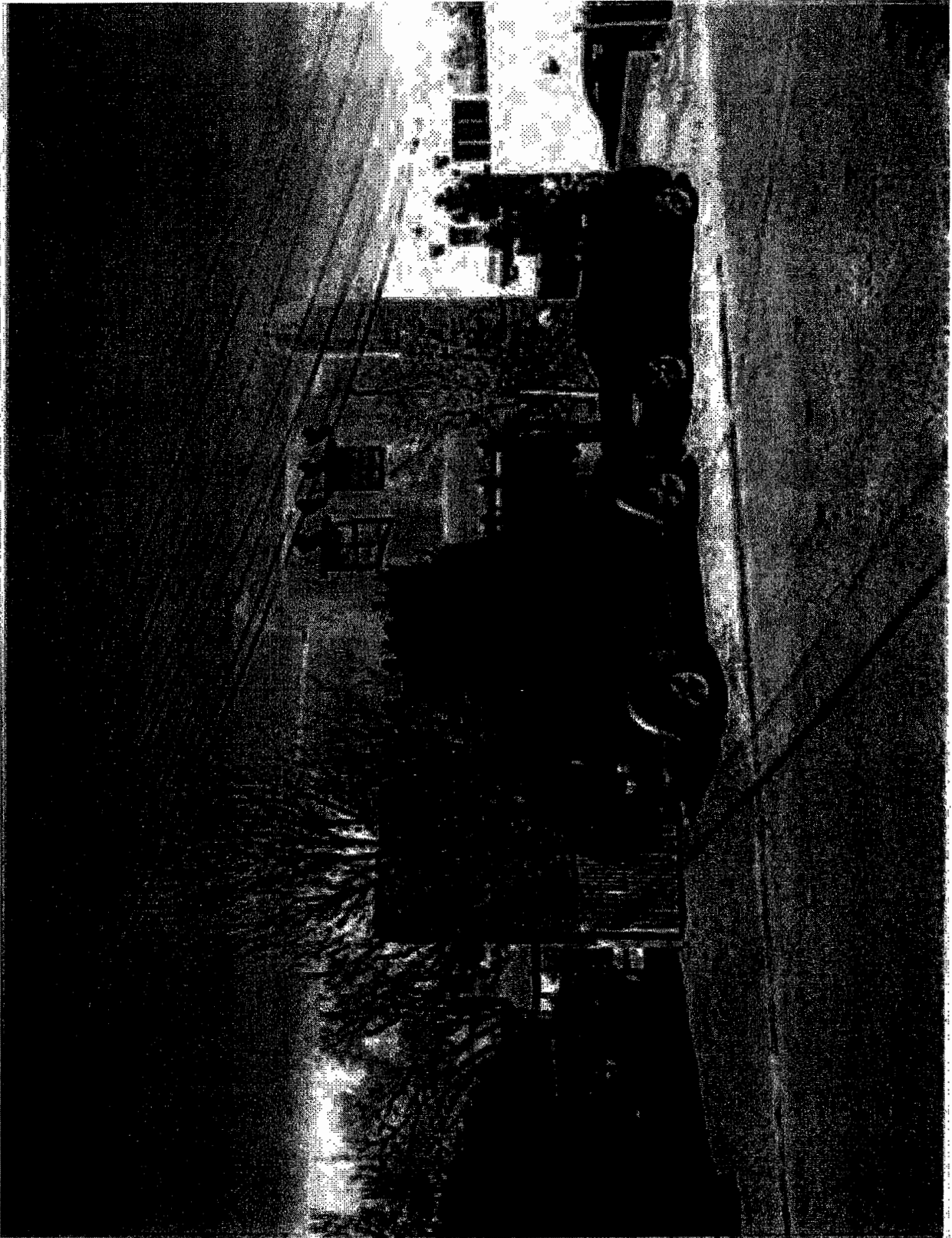


Proposed North Elevation Plan

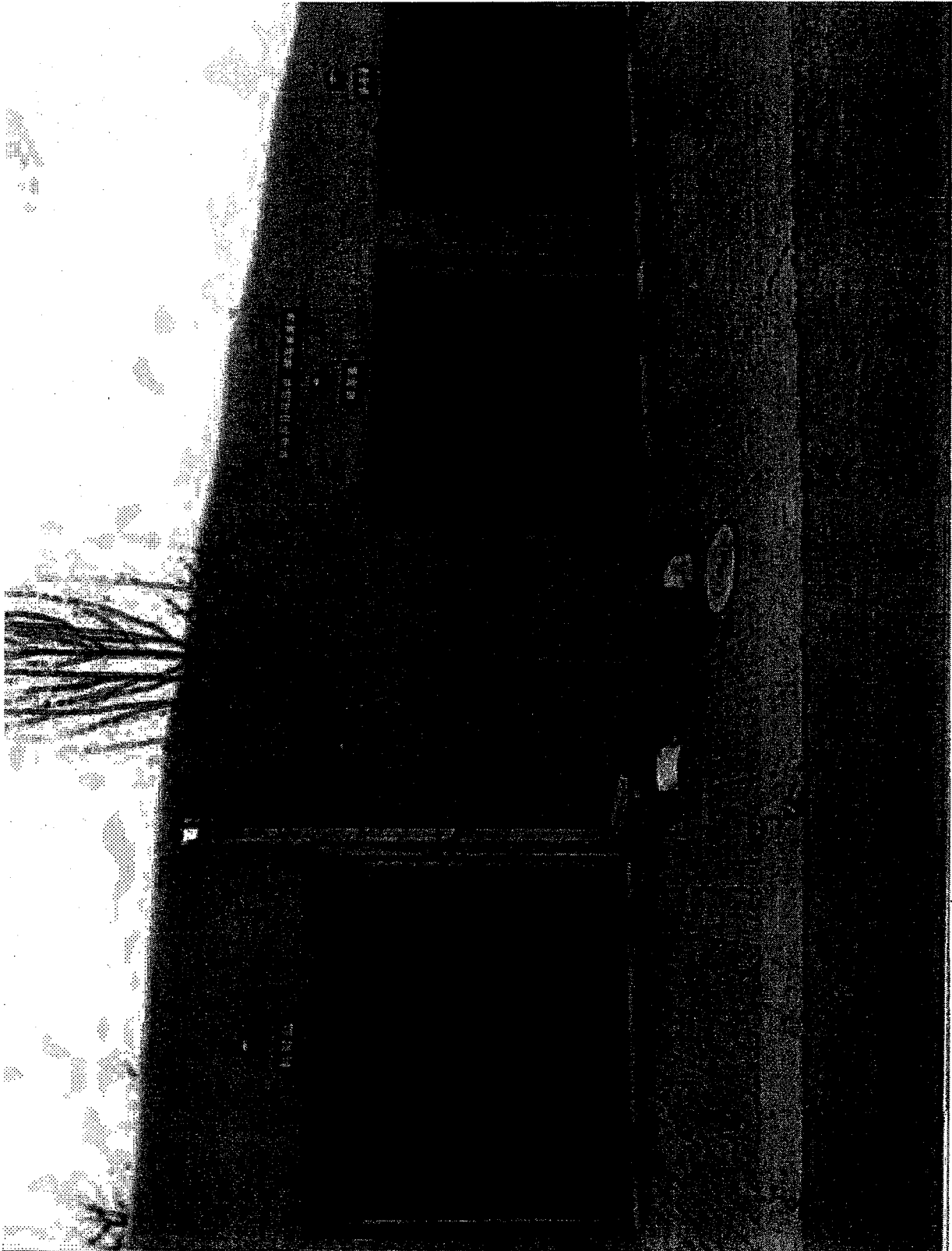
341 Magdalena Garage and Pergola Proposed Work: Existing Streetview 1



341 Magdalena Garage and Pergola Proposed Work: Existing Streetview 2



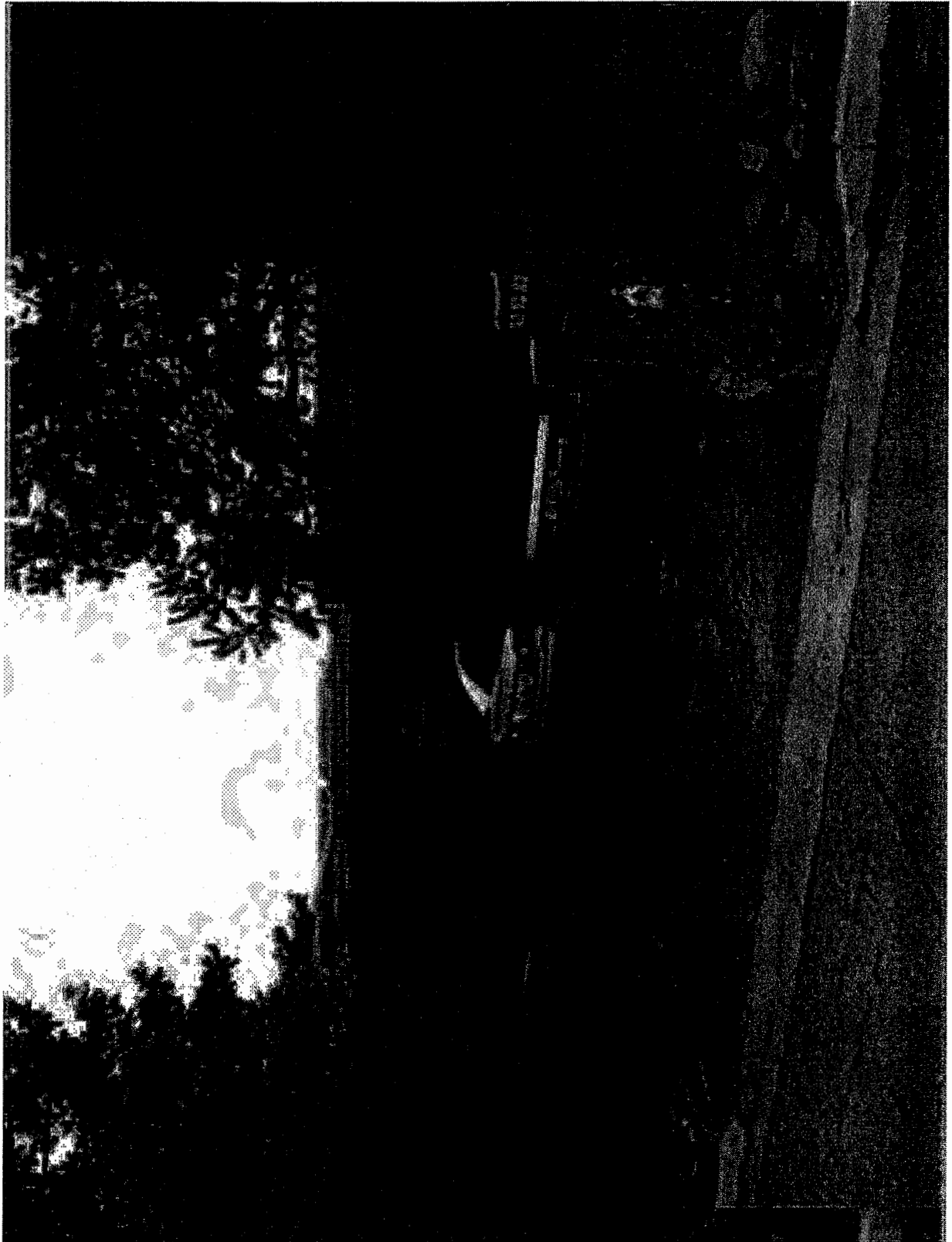
341 Magdalena Garage and Pergola Proposed Work: Other Garages and Carports in the Neighborhood 1



341 Magdalena Garage and Pergola Proposed Work: Other Garages and Carports in the Neighborhood 2



341 Magdalena Garage and Pergola Proposed Work: Other Garages and Carports in the Neighborhood 3



341 Magdalena Garage and Pergola Proposed Work: Other Garages and Carports in the Neighborhood 4





Agenda

CITY CLERK'S OFFICE

DATE 8-9-12 TIME 10:20amSERVED BY Carmella [Signature]RECEIVED BY [Signature]

HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, August 28, 2012 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2nd FLOOR CITY HALL

HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, August 28, 2012 at 5:30 P.M.

SANTA FE COMMUNITY CONVENTION CENTER

LAMY ROOM

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: August 14, 2012
- E. COMMUNICATIONS
- F. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-12-015	428 San Antonio	Case #H-12-065	954 Camino Santander
Case #H-12-063	314 Delgado Street	Case #H-12-067	150 Washington Ave. & 125 Lincoln Ave.
Case #H-12-055	507 1/2 Camino Sin Nombre	Case #H-12-068	825 El Caminito
Case #H-12-060	233 Canyon Road	Case #H-12-031	544 Canyon Road
Case #H-12-062	526 Hillside Avenue	Case #H-12-066	100 E. San Francisco Street
Case #H-12-064	1242 Upper Canyon Road		

G. BUSINESS FROM THE FLOOR

H. ACTION ITEMS

1. Case #H-12-069. 341 Magdalena Road. Downtown & Eastside Historic District. Jennifer & Brent Cline, agents/owners, proposes to remodel a non-contributing residence by converting bedrooms into garages. (David Rasch).
2. Case #H-11-051. 250 E. Alameda. Downtown & Eastside Historic District. Duty & Germanas Architects, agent for El Castillo Retirement Residences owners, proposes to amend a previous approval to construct a 5,370 sq. ft. addition on a non-contributing property. (David Rasch).
3. Case #H-12-033. 243 Closson #15 & #16. Westside-Guadalupe Historic District. Jonah Stanford, Mojarra Stanford Architects, agent for Barbara Brown, owner, proposes to amend a previous approval to remodel a non-contributing residence by changing the roof from a hipped to flat design. (John Murphey).

I. MATTERS FROM THE BOARD

J. ADJOURNMENT

Cases on this agenda may be postponed to a later date by the Historic Districts Review Board at the noticed meeting. Please contact the Historic Preservation Division at 955-6605 for more information regarding cases on this agenda.

Persons with disabilities in need of accommodation or an interpreter for the hearing impaired should contact the City Clerk's office at 955-6520 at least five (5) working days prior to the hearing date. Persons who wish to attend the Historic Districts Review Board Field Trip Historic Preservation Division by 9:00 am on the date of the Field Trip.

EXHIBIT

tabbles

C

window.

East Elevation

Create an arched opening.

Portals

To harmonize with the change of roof design, the portals proposed for the north, south and west elevations will be simple shed-roof structures with the same metal roofing material that was approved for the house at the May 8 hearing.

Patios

Construct concrete patios on west and south elevations.

Solar Install non-publicly visible solar panels at the rear of house. Based on site line analysis so not from street.

STAFF RECOMMENDATION:

Staff recommends approval of this application, as it complies with Section 14-5.2 (D)(9), General Design Standards, Height, Pitch, Scale and Massing, and (I), Westside-Guadalupe Historic District.

Dr. Kantner asked what the metal roofing material from May 8 was.

Mr. Murphey said it was Mueller AP panel and three colors were suggested by the Board.

Present and sworn was Mr. Jonah Stanford, 928 Chipa who said the solar panels would not be above the parapet.

There were no speakers from the public regarding this case.

Ms. Rios moved to approve Case #H-12-033 per staff recommendations and indicating that no rooftop appurtenances including the solar panels would be visible. Ms. Mather seconded the motion and it passed by unanimous voice vote.

Ms. Walker moved to take Case #H-12-069 from the table. Mr. Katz seconded the motion and it passed by unanimous voice vote.

1. **Case #H-12-069.** 341 Magdalena Road. Downtown & Eastside Historic District. Jennifer and Brent Cline, agents/owners, propose to remodel a non-contributing residence by converting bedrooms into garages. (David Rasch)

Mr. Rasch presented the staff report for this case as follows:

BACKGROUND & SUMMARY:

341 Magdalena Street is a multi-family residence that was constructed in the Spanish-Pueblo Revival style in 2000. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The applicant proposes to remodel the property with the following four items.

1. The existing pedestrian entry door, two windows, and two chimneys on the east elevation will be removed and two vehicle doors will be installed. The roll-up doors will feature paired divided-lite windows in the top third of each door.
2. A wooden pergola structure with carved corbels will be constructed above the garage doors. It is difficult to determine if the roof is solid or not and if the roof is pitched or flat due to irregularity in the elevation and floor plan drawings. The Board should clarify these issues.
3. A door on the south elevation will be changed to a 4-lite window to match other windows.
4. A pergola will be constructed on the south elevation. Existing canales will be rerouted through gutters.

STAFF RECOMMENDATION:

Staff recommends approval of this application which complies with Section 14-5.2(E) Downtown & Eastside Historic District.

Ms. Mather asked if staff had the materials for the garage doors. Mr. Rasch said no.

Present and sworn was Ms. Jennifer Cline, 325 Bishop's Lodge Road, who said the roof portal extended above the garage doors is intended to be a slight pitch with a latilla that would match the coyote fences around that area. Garage doors are metal but with panels that look of more interest and with windows on the top row. There is a three-car garage down the street with same style.

Ms. Rios asked if the garage doors would be easily identifiable as metal or wood.

Ms. Cline said they would have wood grain with three or four panels across.

Ms. Mather asked about the color.

Ms. Cline said it was Burgundy (sort of brown).

Mr. Acton had an issue with the material of the garage door. Given the amount of exposed wood right next to them, it will be glaringly evident they are of non-organic material. He asked if the applicant would be willing to use wood material on the exterior of the garage doors.

Ms. Cline said they chose metal for long term maintenance. They were willing to look at wood and the price differential.

Mr. Acton was keenly aware of how hard it is to find a metal door that looks like wood. He strongly encouraged her to look at wood. Everyone has doors within ten feet of the street and with the effort to soften that with the latillas, beams, corbels and posts and if the door was complementary of that wood, the effect would be something he could support.

He also questioned the utilization of the corbels and posts. They are used to accept the bearing load of the beams above but these looked like Victorian filigree the way they were drawn. He wasn't sure that was the applicant's intent.

Ms. Cline said they intended for them to be structural members supporting the beams. They should be under the beams.

There were no speakers from the public regarding this case.

Ms. Cline showed the pictures of other garage doors in the application and said she was not sure any of them were wood garage doors.

Dr. Kantner said one option would be to remove the wood elements there at the garage doors. None of the pictures had a portal in front of them.

Mr. Acton agreed. It was important, given the quality of the structure and the proximity to the street and understanding the maintenance issue. Wood doors were very sturdy and might require restaining every year but they would hold up and would keep the value of them.

Chair Woods thought the picture on page 14 was a wood door.

Ms. Cline said those were metal doors and were the type they wanted to install.

Ms. Cline said those were doors that she had put in and they were approved by the H Board when she built it. They owned that adjacent property. She showed the original photo of the door.

Chair Woods said they didn't look like metal doors.

Mr. Acton said this was a major change of the façade on a street with boxy uninteresting buildings and this is the most interesting.

Mr. Acton moved to approve Case #H-12-069 with conditions that the corbels are load bearing on both porch and pergola structures and that the garage doors be of a wood variety stained to match the posts and beams of the porch, citing harmony of streetscape in Section 14-5.2. Ms. Rios

seconded the motion.

The motion passed by a majority voice vote of 3-2 with Dr. Kantner and Mr. Katz opposed.

I. MATTERS FROM THE BOARD

Chair Woods suggested to the Board on Mr. Duty's case that it be reconsidered for discussion because there was nothing in the motion as a finding of fact for what was proposed.

Mr. Boaz asked if the Board would reconsider without the applicant present.

Chair Woods said yes.

Mr. Boaz said Ms. Kelley was not present to respond to that.

Chair Woods said the Board could reconsider it if it wanted.

Mr. Boaz said he understood but thought the applicant could also appeal that as well.

Ms. Walker moved to reconsider Case #H-11-051. Mr. Katz seconded the motion and it passed by majority voice vote with all voting in favor except Mr. Acton who opposed.

Mr. Katz said on the basis for the motion without him here, he believed the Board was entitled to go into executive session to deliberate it if the Board wanted to.

Mr. Rasch thought it was appropriate to do this process at the hearing.

Chair Woods had a concern that the Board was making motions without putting on any findings of fact so if that was to stay the Board would need much more in the motion. She disagreed with the condition personally.

Ms. Mather said she would like to have this discussion since she was the maker of the motion and then conditions were tacked on to her motion. "I think, to be fair to the applicant, we didn't have a discussion about the ... Well I asked specifically if he was talking about the southwest corner and you said yes and that's not what you were talking about."

Mr. Acton said, "Yes it was."

Mr. Katz said, "of the current building."

Ms. Mather said, "Oh, not the southwest corner of the proposed building."

Chair Woods said, "So there was confusion in you accepting the condition."

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

ITEM # 12-0822

Case #H-12-069

Address – 341 Magdalena Street

Owner/Applicant's Name – Jennifer and Brent Cline

Agent's Name – Jennifer and Brent Cline

THIS MATTER came before the Historic Districts Review Board (Board) for hearing on August 28, 2012 upon the application (Application) of Jennifer and Brent Cline, as agents/owners.

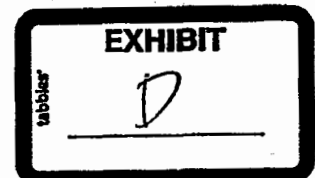
341 Magdalena Street is a multi-family residence that was constructed in the Spanish-Pueblo Revival style in 2000. The building is listed as non-contributing to the Downtown & Eastside Historic District.

The Applicant requested a remodeling project (Project) including the removal of an existing pedestrian entry door, two windows, and two chimneys on the east elevation, installation of two vehicle garage doors, construction of a pergola structure in front of the doors, changing a door on the south elevation to a window, and constructing a pergola on the south elevation.

After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. The Board heard testimony from staff, the Applicant, and other people interested in the Application.
2. Zoning staff has determined that the Application meets underlying zoning standards; and
3. Board staff recommended that the Board approve the Application as complying with Section 14-5.2(E).
4. The Property is located in the Downtown & Eastside Historic District and is subject to the requirements of the following sections of the Santa Fe Land Development Code:
Section 14-5.2(E), Downtown & Eastside Historic District.
5. Under Sections 14-5.2(A)(1)(b) and (c), 14-2.7(A)(1), and 14-2.7(A)(3), the Board has the authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
7. The Board finds that the proposed drawings show carved corbels that are inserted beside the posts and beams rather than load bearing between the posts and beams in a manner that is not traditional.
8. The Board finds that the proposed imitation wood-textured metal garage doors will not be harmonious to the structure with the proposed wooden pergola surrounding the doors.



CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

The Board concludes that the Project is in compliance with Section 14-5.2(E) Downtown & Eastside Historic District with the conditions that the corbels shall be load bearing and that the garage doors shall be wood, not metal, in harmony with other wooden elements on the building.

IT IS SO ORDERED ON THIS 11th DAY OF SEPTEMBER 2012 THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios

Sharon Woods Cecilia Rios
V-Chair

9-11-12

Date:

FILED

Yolanda Y. Vigil
Yolanda Y. Vigil
City Clerk

9.17.12
Date:

APPROVED AS TO FORM

Kelley A. Brennan
Kelley Brennan
Assistant City Attorney

9/11/12
Date:

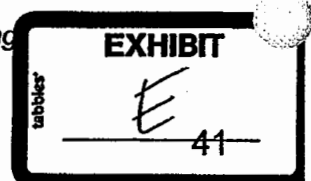
(E) Downtown and Eastside Design Standards

The *governing body* recognizes that a style of architecture has evolved within the *city* from the year 1600 to the present characterized by construction with *adobe*, hereafter called "old Santa Fe style", and that another style has evolved, hereafter called "recent Santa Fe style", which is a *development* from, and an elaboration of the old Santa Fe style, with different materials and frequently with added decorations.

(1) Old Santa Fe Style

Old Santa Fe style, characterized by construction with *adobe*, is defined as including the so-called "pueblo" or "pueblo-Spanish" or "Spanish-Indian" and "territorial" styles and is more specifically described as follows:

- (a) With rare exception, *buildings* are of one *story*, few have three stories, and the characteristic effect is that the *buildings* are long and low. Roofs are flat with a slight *slope* and surrounded on at least three sides by a firewall of the same color and material as the *walls* or of brick. Roofs are never carried out beyond the line of the *walls* except to cover an enclosed *portal* or *porch* formed by setting back a portion of the *wall* or to form an exterior *portal*, the outer edge of the roof being supported by wooden columns. Two-story construction is more common in the territorial than in other sub-styles, and is preferably accompanied by a balcony at the level of the floor of the second *story*. *Façades* are flat, varied by inset *portales*, exterior *portales*, projecting vigas or roof beams, canales or water-spouts, flanking buttresses and wooden lintels, architraves and cornices, which, as well as doors, are frequently carved and the carving may be picked out with bright colors. Arches are almost never used except for nonfunctional arches, often slightly ogive, over gateways in freestanding *walls*;
- (b) All exterior *walls* of a *building* are painted alike. The colors range from a light earth color to a dark earth color. The exception to this rule is the protected space under *portales*, or in church-derived designs, inset panels in a *wall* under the roof, in which case the roof overhangs the panel. These spaces may be painted white or a contrasting color, or have mural decorations;
- (c) Solid *wall* space is always greater in any *façade* than window and door space combined. Single panes of glass larger than thirty (30) inches in any dimension are not permissible except as otherwise provided in this section;
- (d) The rule as to flat roofs shall not be construed to prevent the construction of skylights or installation of air conditioning devices, or any other necessary roof *structures*, but such *structures* other than chimneys, flues, vents and aerials, shall be so placed as to be concealed by the firewall from the view of anyone standing in the *street* on which the *building* fronts;
- (e) True old Santa Fe style *buildings* are made of *adobe* with mud plaster finish. Construction with masonry blocks, bricks, or other materials with which the *adobe* effect can be simulated is permissible; provided, that the exterior *walls* are not less than eight (8) inches thick and that geometrically straight *façade* lines are avoided. Mud plaster or hard plaster simulating *adobe*, laid on smoothly, is required; and
- (f) It is characteristic of old Santa Fe style commercial *building*



portal so that it covers the entire sidewalk, the columns being set at the curb line.

(2) Recent Santa Fe Style

Recent Santa Fe style intends to achieve harmony with historic *buildings* by *retention* of a similarity of materials, color, proportion, and general detail. The dominating effect is to be that of *adobe* construction, prescribed as follows:

- (a) No *building* shall be over two stories in height in any *façade* unless the *façade* shall include projecting or recessed *portales*, *setbacks* or other design elements;
- (b) The combined door and window area in any *publicly visible* *façade* shall not exceed forty percent of the total area of the *façade* except for doors or windows located under a *portal*. No door or window in a *publicly visible* *façade* shall be located nearer than three (3) feet from the corner of the *façade*;
- (c) No cantilevers shall be permitted except over projecting vigas, beams, or wood corbels, or as part of the roof *treatment* described below;
- (d) No less than eighty percent of the surface area of any *publicly visible* *façade* shall be *adobe* finish, or stucco simulating *adobe* finish. The balance of the *publicly visible* *façade*, except as above, may be of natural stone, wood, brick, tile, terra cotta, or other material, subject to approval as hereinafter provided for *building permits*;
- (e) The *publicly visible* *façade* of any *building* and of any adjoining *walls* shall, except as otherwise provided, be of one color, which color shall simulate a light earth or dark earth color, matte or dull finish and of relatively smooth texture. *Façade* surfaces under *portales* may be of contrasting or complimentary colors. Windows, doors and *portals* on *publicly visible* portions of the *building* and *walls* shall be of one of the old Santa Fe styles; except that *buildings* with *portals* may have larger plate glass areas for windows under *portals* only. Deep window recesses are characteristic; and
- (f) Flat roofs shall have not more than thirty (30) inches overhang.

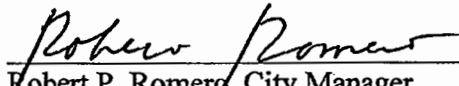

City of Santa Fe, New Mexico


memo

DATE: October 10, 2012 Governing Body Meeting

TO: Governing Body

VIA:


Robert P. Romero, City Manager
Matthew S. O'Reilly, P.E., Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division 

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division 

LA LUZ HEALTH COMPLEX GENERAL PLAN AMENDMENT AND REZONING TO MU.

Case #2012-39. La Luz Health Complex General Plan Amendment. James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Case #2012-40. La Luz Health Complex Rezoning to MU. James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Development Plan for medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Attached as Exhibits A1 through E1, are the August 2, 2012 Planning Commission Findings and conclusions of Law, proposed Resolution & Bill, August 2, 2012 Planning Commission meeting minutes and packet material for the Governing body's review.

RECOMMENDATION:

The applicant has demonstrated compliance with Chapter 14 for a General Plan amendment and rezoning. The Land Use Department recommends **APPROVAL** of case # 2012-39 and 2012-40 subject to conditions listed in Conditions Exhibit A.

Exhibit "10"

I. APPLICATION SUMMARY

At the June 7, 2012 Planning Commission meeting, secondary access through Aggie Road brought about concern of ownership and potential upgrade to Aggie Road for use by the Development. The Commission postponed the cases requesting information be brought forward to clarify ownership issues discussed during the meeting.

The applicant, as a result, hired a consultant to research ownership of Aggie Road. However, the research results were inconclusive. On July 17, 2012 the applicant met with about 12 of the land owners at the Nancy Rodriguez Center to get a consensus for use and acceptable upgrades to Aggie Road for the project. The predominant response from the attending landowners was to keep Aggie Road as is and that the City not allow through traffic on Aggie Road from the project.

Per 14-9.2 (D)(8) Access and Traffic Calming SFCC 1987, "*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.*" With the research findings inconclusive, the applicant has not provided proof that "...*natural or built features prevent continuation of the street.*" Additionally, two points of egress/egress are required by the Fire Marshal.

II. CONCLUSION

The proposal satisfies the criteria in Chapter 14 for General Plan amendment and Rezoning. Staff recommended to the Planning Commission and the Commission agreed and has recommended to the Governing Body, that the applicant be allowed to continue through the process for Phase I, but that Phases II and III be brought back for review and approval before the Planning Commission with the condition that research on Aggie Road be exhausted at the time of Phase II Development Plan application. Additionally, staff recommends that secondary access through Aggie Road be used for emergency use only until such time as the ownership issues can be resolved or application submittal of Phases II and III.

III. EXHIBITS:

Exhibit A1: August 2, 2012 Planning Commission Findings and conclusions of Law

Exhibit B1: Resolution

Exhibit C1: Bill

Exhibit D1: August 2, 2012 Planning Commission Minutes

Exhibit E1: August 2, 2012 Planning Commission Packet

October 10, 2012
Governing Body
Case # 2012-39 & 2012-40
**La Luz Health Complex Rezoning to MU &
La Luz Health Complex General Plan**

EXHIBIT A1

August 2, 2012 Planning Commission Findings and Conclusions of Law

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

Case #2012-39

La Luz Health Complex General Plan Amendment

Case #2012-40

La Luz Health Complex Rezoning to MU/Preliminary Development Plan

Owner's Name – Sandra Pacheco

Applicant's Name – James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 2, 2012 upon the application (Application) of James W. Siebert and Associates, Inc. as agent for Sandra Pacheco (Applicant).

The subject site is located on the south side of Rufina Street extending to Aggie Road (Property) and is comprised of 6.36± acres zoned MHP (Mobile Home Park).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Low Density Residential (3-7 dwelling units/acre) to Transitional Mixed Use and (2) to rezone the Property from MHP to MU (Mixed Use). The Application includes a preliminary development plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices (Project).

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. Pursuant to Code §14-3.8(B)(2), a development plan is required in conjunction with rezoning in certain districts as provided in Code §14-4.

5. Code §14-4.3(L)(2)(b) requires consideration and approval by the Commission and Governing Body of preliminary or final development plans for rezoning to MU as provided in Code §14-3.8.
6. Code §14-3.8(B)(3) requires that the development plans described in Code §14-3.8(B)(2) be reviewed by the Commission.
7. Code §14-3.8(C)(2)(f) requires that action by the Commission on a development plan be taken at a public hearing with notice provided in accordance with Code §14-3.1(H).
8. 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), (iv) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
9. A pre-application conference was held on January 26, 2012.
10. Code §14-3.8(B)(1) requires an ENN, notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
11. 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)].
12. An ENN meeting was held on the Application on March 27, 2012 at the Nancy Rodriguez Center.
13. Notice of the ENN meeting was properly given.
14. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
15. 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, subject to the conditions set out in the Staff Report (Conditions).

The General Plan Amendment

16. 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.
17. 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.
18. 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 Property is within the Southwest Santa Fe Community Area Master Plan (SWAMP) "Cerrillos Road Corridor", which identifies traditional land patterns of long narrow strips with residential patterns varying in type, pattern and density and promotes transitional land use types to integrate transitional buffering areas between the corridor and existing or future residential areas. Adjoining zoning includes C-2 (General Commercial), with

retail and restaurant uses and R-3 (Residential – 3 dwelling units/acre). The area north of Rufina Street is in the County and includes vacant land and land used for residential and agricultural purposes. The proposed amendment is thus more consistent with the SWAMP than the current Low Density Residential Land Use designation in that it will provide a transition between commercial and residential areas. Water, sanitary sewer, stormwater, electrical, and natural gas utilities located along Rufina Street are accessible for connection. Access to the Property from Rufina Street is sufficient to serve the Project with a cul-de-sac in the event that Aggie Road cannot be utilized to access the Property.

(b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The proposed amendment is consistent with provisions of the Plan that promote a mix of uses and housing types in all areas of the City and the identification of infill sites that should develop at densities greater than existing zoning allows.

(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 amendment will not allow a use or change that is inconsistent with the prevailing uses of the area, which include a range of traditional rural forms and urbanization and is currently underserved by compatible institutional uses. The amendment is consistent with the SWAMP, which promotes transitional land uses to buffer existing and proposed residential areas from commercial and high-density development in the Cerrillos Road Corridor. The proposed amendment addresses an area of 6.36± acres. Based upon the foregoing, the amendment would not benefit the Property owner at the expense of the surrounding landowners and the general public.

(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 of justification [§14-3.2(E)(1)(d)].*

This is not applicable.

(e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

(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)(e)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the SWAMP and the policies of the Plan as set forth in paragraph 18(a)-(c) above.

The Rezoning

19. Under Code §14-3.5(A)(1)(d) any individual may propose a rezoning (amendment to the zoning map).

20. 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.
21. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
22. 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 [SFCC §14-3.5(C)(1)(a)].*

A different use category is more advantageous to the community, as articulated in the SWAMP, which promotes transitional zone types to integrate transitional buffering areas between the corridor and existing or future residential areas. Adjoining zoning south of Rufina Street includes C-2 (General Commercial), with retail and restaurant uses, and R-3 (Residential – 3 dwelling units/acre) and the area north of Rufina Street, which is in the County, includes vacant land and land used for residential and agricultural purposes. The proposed amendment is thus consistent with the SWAMP in that it will provide a transition between commercial and residential areas.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

In accordance with the facts found by the Commission in paragraphs 18 and 22(a) above, all the rezoning requirements of Chapter 14 have been met.
 - (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*

In accordance with the facts found by the Commission in paragraphs 18 and 22(a) above, the proposed rezoning is consistent with the Plan.
 - (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 [SFCC §14-3.5(C)(1)(d)].*

The Property consists of 6.36± acres and its development for mixed use is consistent with the cited City policies.
 - (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)(e)].*

Water, sanitary sewer, stormwater, electrical, and natural gas utilities located along Rufina Street are accessible for connection. Access to the Property from Rufina Street is sufficient to serve the Project with a cul-de-sac in the event that Aggie Road cannot be utilized to access the Property.

The Preliminary Development Plan

23. The Commission has the authority under Code §14-2.3(C)(1) to review and decide applications for development plan approval.

24. Code §14-3.8(C)(1)(j) requires preliminary development plans to show sufficient detail to demonstrate the feasibility of meeting all applicable development standards (the Submittal Requirements).
25. The Applicant has complied with the Submittal Requirements.
26. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
 - (a) That it is empowered to approve the development plan for the Project. [§14-3.8(D)(1)];
 - (b) That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)]; and
 - (c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [§14-3.8(D)(1)].
27. Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraphs 18 and 22 above, approving the preliminary development plan will not adversely affect the public interest.
28. Based upon the analysis contained in the Staff Report, the evidence presented at the public hearing and the facts set forth in paragraphs 18 and 22 above, the Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
29. Code §14-3.8(D)(2) provides that the Commission may specify conditions of approval that are necessary to accomplish the proper development of area and to implement the policies of the Plan.
30. The preliminary development plan shows the feasibility of the Project meeting all applicable development standards.

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, rezoning and preliminary development plan 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

5. The Applicant has the right under the Code to propose the rezoning of the Property.

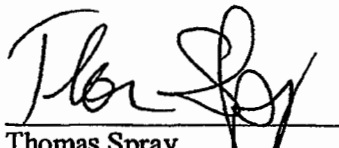
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

The Preliminary Development Plan

7. The Commission has the authority to review and decide the application for preliminary development plan approval.
8. The Applicant has complied with the Required Submittals.
9. The preliminary development plan shows the feasibility of the Project meeting all applicable development standards.
10. Approving the preliminary development plan does not adversely affect the public interest.
11. The proposed use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project.

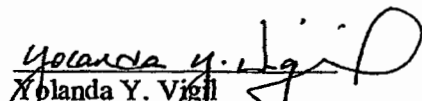
WHEREFORE, IT IS ORDERED ON THE 13TH OF SEPTEMBER 2012 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment, subject to the Conditions.
2. 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, subject to the Conditions.
3. That the preliminary development plan is approved, subject to the Conditions.


Thomas Spray
Chair

9/13/12
Date:

FILED:



Yolanda Y. Vigil
City Clerk

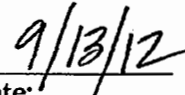
9.17.12
Date:

Case #2012-39 – La Luz Health Complex General Plan Amendment
Case #2012-40 – La Luz Health Complex Rezoning to MU/Preliminary Development Plan

Page 7 of 7

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney


Date:

October 10, 2012

Governing Body

Case # 2012-39 & 2012-40

**La Luz Health Complex Rezoning to MU &
La Luz Health Complex General Plan**

EXHIBIT B1

Resolution

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2012-__

A RESOLUTION

**AMENDING THE GENERAL PLAN FUTURE LAND USE DESIGNATION FROM
"RESIDENTIAL - LOW DENSITY RESIDENTIAL" (3-7 DWELLING UNITS PER ACRE)
TO "TRANSITIONAL MIXED USE" FOR PROPERTY COMPRISING AN AREA OF
APPROXIMATELY 6.36 ACRES MORE OR LESS. THE PROPERTY IS LOCATED SOUTH
OF RUFINA STREET EXTENDING TO AGGIE ROAD. ("LA LUZ HEALTH COMPLEX
GENERAL PLAN AMENDMENT," CASE NO. 2012-39)**

**WHEREAS, the agent for the owners of the subject property more particularly described on
Exhibit A has submitted an application to amend the General Plan Future Land Use Map designation
of the property from "Residential - Low Density" (3-7 dwelling units per acre) to "Transitional Mixed
Use" as shown on Exhibit B.**

**WHEREAS, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended,
extended or supplemented; and**

**WHEREAS, the general plan amendment criteria set forth in Section 14-2.1 SFCC 1987
have been met; and**

1 WHEREAS, reclassification of the subject property would be consistent with the General
2 Plan Themes and Policies for Land Use (General Plan, Chapter 3) and Growth Management (General
3 Plan, Chapter 4); and

4 WHEREAS, the city desires to provide for more coordinated, adjusted and harmonious
5 development in the area South of Rufina Street and West of Richards Avenue that would not have
6 adverse impacts upon the surrounding neighborhood.

7 NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY
8 OF SANTA FE that the General Plan Future Land Use Map designation for the property described is
9 amended to change the designation from "Residential - Low Density" (3-7 dwelling units per acre) to
10 "Transitional Mixed Use" as shown on Exhibit B attached hereto.

11 PASSED, APPROVED and ADOPTED this ____ day of _____, 2012.

12
13
14 _____
15 DAVID COSS, MAYOR

16 ATTEST:

17
18
19 _____
20 YOLANDA Y. VIGIL, CITY CLERK

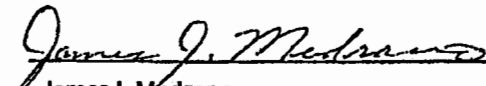
21 APPROVED AS TO FORM:

22 
23 _____
24 GENO I. ZAMORA, CITY ATTORNEY
25

LEGAL DESCRIPTION-NARVAIZ

A tract of land designated as Parcel C-1, being a portion of Small Holding Claim No. 431 within Section 5, Township 16 North, Range 9 East, New Mexico Principal Meridian, in the Village of Agua Fria, Santa Fe County, New Mexico, being more particularly described as follows:

Beginning at the Northeast corner of the herein described tract of land, marked by a 5/8" rebar with an aluminum cap marked "LS5338", said corner being also a point on the Southerly Right-Of-Way of Rufina Street, from which point, a U.S.G.L.O. brass cap marking the corner common to Sections 5 & 6, Township 16 North, Range 9 East and Section 32, Township 17 North, Range 9 East, New Mexico Principal Meridian, bears the following courses: North 10°30'21" West, 104.67 feet; thence North 10°33'08" West, 771.43 feet; thence West, 1960.47 feet; thence from said point and place of beginning, South 10°32'26" East, 752.04 feet to a ¾" pipe; thence South 10°38'53" East, 1077.09 feet to a ¾" pipe marking the Southeast corner of said tract; thence South 55°50'10" West, 163.23 feet to a U.S.G.L.O. marked stone making the Southwest corner of said tract; thence North 10°49'18" West, 805.20 feet to a 1/2 " rebar with cap marked "LS12656"; thence North 79°04'00" East, 30.00' to a ¾" pipe; thence North 10°50'44" West, 125.00 feet to a ½" rebar with cap marked "LS2656"; thence South 79°04'00" West, 30.00 feet; thence North 10°48'49" West, 916.24 feet; to a 5/8" rebar with aluminum cap marked "LS5338" marking the Northwest corner of said tract; said corner being also a point on the Southerly Right-Of-Way of Rufina Street; thence along said Right-Of-Way of Rufina Street, North 62°22'11" East, 163.74 feet to the point and place of beginning containing 6.3614 acres more or less, all as shown on the plat of survey by LeRoy M. Smith, N.M.P.S. No. 12656 entitled "Plat of survey/Family Transfer for Lucy & Dan Narvaiz..." filed in the office of the County Clerk, Santa Fe County, New Mexico on April 7, 1997 in Plat Book 359, Pages 026-027 as instrument No. 979-556.


James J. Medrano

N.M.P.S.No. 5217

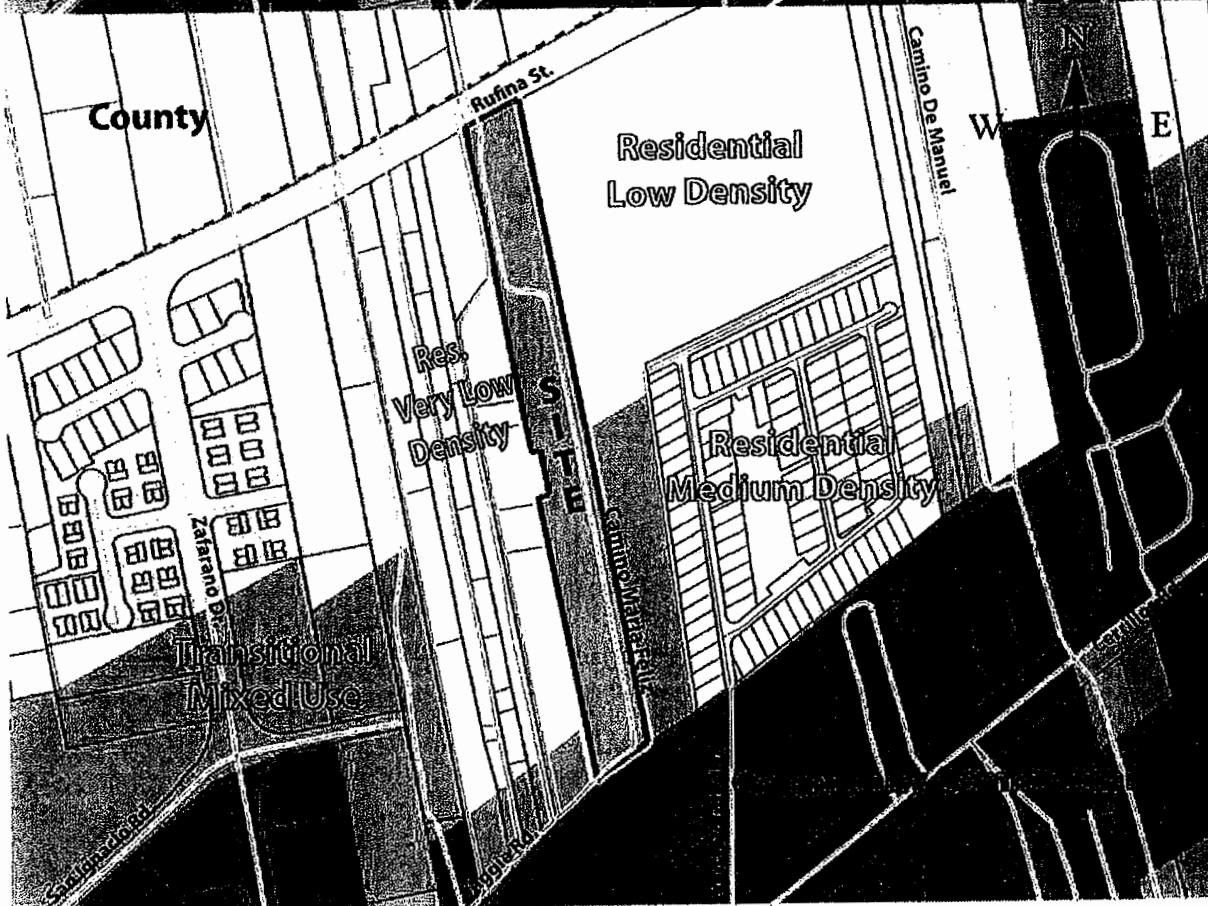
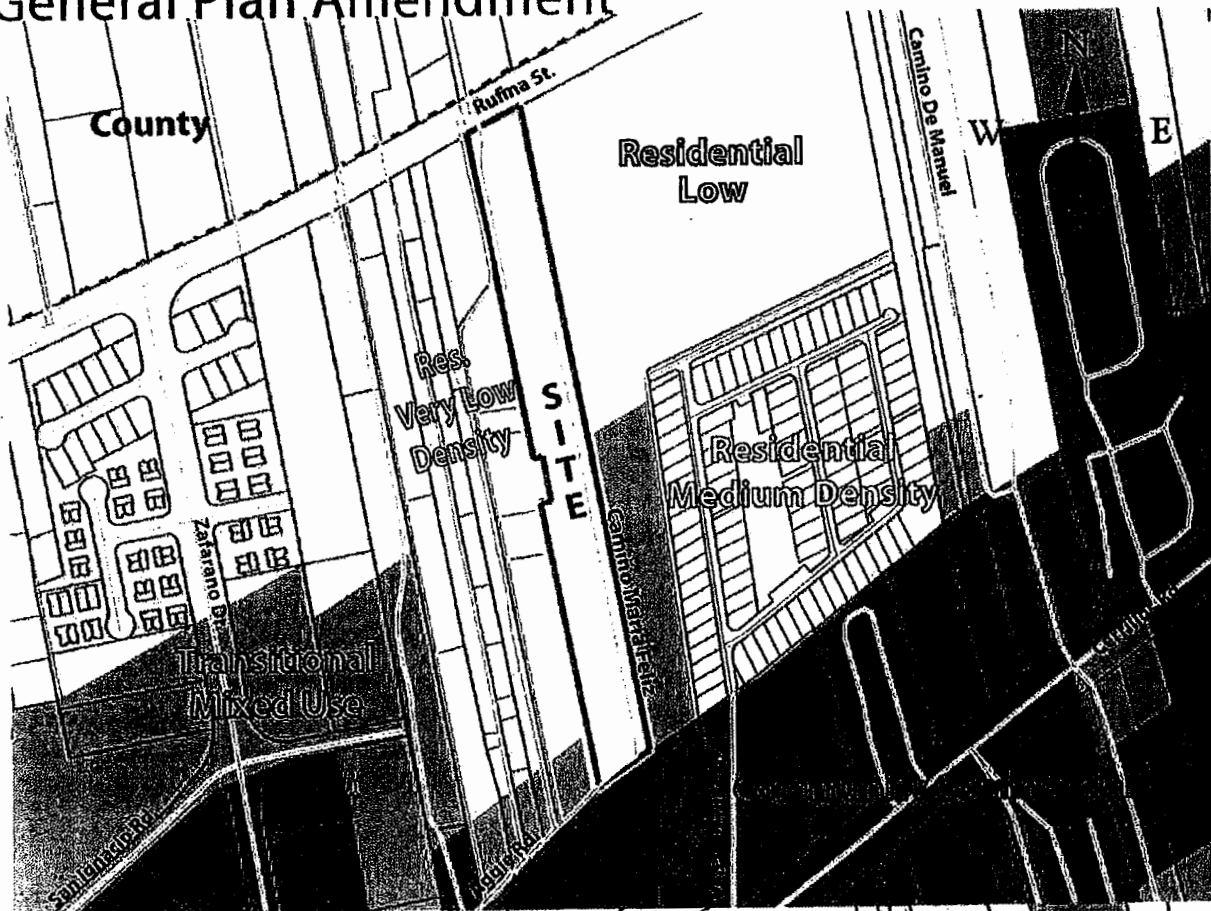


EXHIBIT A

RES. #2012-_____

General Plan Amendment

EXISTING
PROPOSED



Res. _____

EXHIBIT A

October 10, 2012

Governing Body

Case # 2012-39 & 2012-40

**La Luz Health Complex Rezoning to MU &
La Luz Health Complex General Plan**

EXHIBIT C1

Bill

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-33

AN ORDINANCE

AMENDING ORDINANCE NUMBER 2005-23 AND THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING THE CLASSIFICATION OF A CERTAIN AREA LOCATED SOUTH OF RUFINA STREET EXTENDING TO AGGIE ROAD AND WITHIN TOWNSHIP 16 NORTH, RANGE 9 EAST, SECTION 5 NEW MEXICO PRIME MERIDIAN, SANTA FE COUNTY, NEW MEXICO, FROM ITS PRESENT DESIGNATION OF MHP (MOBILE HOME PARK) TO MU (MIXED USE); ADOPTING CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. ("LA LUZ HEALTH COMPLEX REZONING," CASE NO. 2012-40).

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

Section 1. The real property (the "Property"), located within the municipal boundaries of the city of Santa Fe, lying south of Rufina Street and extending to Aggie Road and as more particularly described in the attached Legal Description (Exhibit A), which is restricted to and classified as MHP (Mobile Home Park), is now hereby restricted to and reclassified as MU (Mixed Use).

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance 2005-

23 is amended to conform to the change of the classification set out in section 1 of this ordinance.

Section 3. This rezoning action and any future development plan for the Property is approved with and subject to the conditions set forth in the table attached hereto as EXHIBIT B and incorporated herein summarizing the City of Santa Fe staff technical memoranda and conditions recommended by the Planning Commission on August 2, 2012.

Section 4. This rezoning action is subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 1987 (Two-year Review/Recission). Resolution 2011-26 has extended zoning approvals for a limited duration of time.

Section 5. This Ordinance shall be published one time by title and general summary and shall become effective five days after publication.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2012.

APPROVED AS TO FORM:

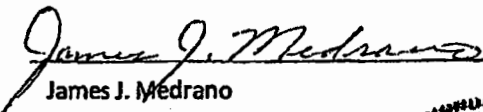


GENO L. ZAMORA, CITY ATTORNEY

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James J. Medrano

N.M.P.S.No. 5217



EXHIBIT A

Bill #2012-33

EXHIBIT - B
Conditions of Approval
La Luz Health Complex

	Condition	Department	Staff
1	<p>The Developer shall revise the Traffic Study to cover the maximum allowable uses for the proposed MU zoning.</p> <p>A. The Developer shall utilize the Trip Generation land use category of "General Office" for 50% of the square footage, which is the maximum allowable use of Commercial within the Mixed Use (MU) Zoning.</p> <p>B. In addition, the Developer shall utilize "Apartment" trip generation category rather than "Nursing Home" to predict the trips generated by the proposed residential portion of the development</p>		
2	<p>The Developer shall revise the reverse curve in the middle of the development so that the design meets the minimum radius curve for a 25 mph road per the AASHTO's "A Policy on Geometric Design of Highways and Streets" for an urban roadway with no super-elevation.</p>		
3	<p>The Developer shall demonstrate, through use of sight triangles in the area of this curve, that there will be sufficient sight distance for the through traffic and for the driveway that intersects in the middle of the curve. It seems that parking and some of the residential units (i.e. 6, 7, and 8) might impede sight distance.</p>		
4	<p>The Developer shall construct the following access improvements to Rufina Street in accordance with AASHTO green book standards and the New Mexico State Access Manual:</p> <p>A. Phase I:</p> <ul style="list-style-type: none"> i. Developer shall widen the asphalt to add a westbound Left Turn lane with sufficient shoulder width to allow U-Turns; ii. The Left Turn lane shall be created with the use of pavement markings, however, iii. Sufficient asphalt shall be provided to allow for the future installation of curb and gutter and medians as applicable. <p>B. Phase II:</p> <ul style="list-style-type: none"> i. The Developer shall construct an eastbound Right Turn Deceleration lane that includes curb and gutter; ii. The Developer shall construct an eastbound Left turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable; 	Traffic Engineering Division	Sandra Kassens April 5, 2012

EXHIBIT B

EXHIBIT - B
Conditions of Approval
La Luz Health Complex

4 Cont.	iii. The Develop shall construct a westbound Left Turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable.	Traffic Engineering Division	Sandra Kassens April 5, 2012
5	There is an existing 15 foot wide effluent easement that goes through this site. The easement is incorrectly identified on sheet P-2 as a 15 foot abandoned sewer easement.	Wastewater Division	Stan Holland April 26, 2012
6	La Luz Health complex in general needs to rethink the dumpster locations. Ingress & egress problems. Plans must have break out of the City of Santa Fe enclosure spec's ordinance 21-10.1.	Solid Waste/Environmental services division	Marco Randall March 15, 2012
7	Phases II and III Development Plan shall be brought back for review and approval before the Planning Commission with the condition that research on Aggie Road be exhausted prior to Phase II Development Plan.	Current Planning	Dan Esquibel 08/02/12 (PC Staff Memo)
8	Secondary access shall continue through Aggie Road for Emergency Use until such time as the ownership issues can be resolved or application submittal of Phases II and III.		
9	Included as part of Final Development Plan Review, the applicant will need to provide additional information to address to Chapter 14 SFCC compliance to open space standards for Phases I and II and more detail for overall open space plan.		
10	Included as part of Final Development Plan Review the applicant shall provide additional information is by Chapter 14-8.4 "Landscaping"		
11	Included as part of Final Development Plan Review the applicant shall provide additional information as required by 14-8.9 "Outdoor Lighting"		

EXHIBIT - B
Conditions of Approval
La Luz Health Complex

12	Included as part of Final Development Plan Review the applicant shall provide in the parking plan for phases I and II loading zones and bicycle parking pursuant to 14-8.6(D) and (E).	Current Planning	Dan Esquibel 08/02/12 (PC Staff Memo)
13	<ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Shall meet fire department access for MU. 3. Shall meet water supply requirements prior to construction. 4. Shall have 20 feet road width for fire department access. 5. Shall meet IFC 2009 turn-around for fire apparatus. 	Fire Marshal	Reynaldo Gonzales April 20, 2012

October 10, 2012
Governing Body
Case # 2012-39 & 2012-40
**La Luz Health Complex Rezoning to MU &
La Luz Health Complex General Plan**

EXHIBIT D1

August 2, 2012 Planning Commission Minutes

Corrections:

Page 8 – 6th ¶, 1st sentence: ~~expectation~~ – expectation

Page 11J - 1st sentence: ~~I will have one on Friday~~. There was no meeting today for the Summary Committee; there will be a meeting on August 2, 2012.

Page 10 – 9th ¶ under Chair Spray: On the conditions of approval, it states that “per the Office of the Public Regulation Commission,” how are they involved?

Page 10 – 11th ¶, 1st sentence: Cap the letter “i” in the word this: This is the second case in which we have discussed this *issue*.

Commissioner Pava moved to approve the minutes of July 19, 2012 as amended, second by Commissioner Harris, motion carried by unanimous voice vote.

- **FINDINGS/CONCLUSIONS:**

Case #2012-58 1158 Harrison Road Rezoning from R-2 to R-5

Commissioner Lindell moved to approve Findings of Fact and Conclusions, Case #2012-58, second by Commissioner Ortiz, motion carried by unanimous voice vote.

Case #2012-59 1159 Harrison Road Lot Split

Commissioner Harris moved to approve Findings of Fact and Conclusions, Case #2012-59, second by Commissioner Bemis, motion carried by unanimous voice vote.

Case #2012-60 Arroyo San Antonio Final Subdivision Plat

Commissioner Pava moved to approve Findings of Fact and Conclusions, Case #2012-60, second by Commissioner Villarreal, motion carried by unanimous voice vote.

E. OLD BUSINESS

1. **Case #2012-39 La Luz Health Complex General Plan Amendment.** James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres of land from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager) (POSTPONED FROM JUNE 7, 2012 AND JULY 5, 2012)

We heard this case June 7, 2012 and July 5, 2012. The applicant has hired a consultant to research Aggie Road and provided information to the city. Per 14-9.2(D)(8) Access and Traffic Calming SFCC 1987, “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." With the research findings inconclusive the applicant has not provided proof that "...*natural or built features prevent continuation of the street.*" Additionally, two points of egress/ingress are required by the Fire Marshall.

The application does comply with the General Plan Amendment and the zoning criteria and we believe that Phase I would not be significantly impacted by the issues relevant to Aggie Road. The Land Use Department recommends approval for Phase I of Case #2012-39 and 2012-40 subject to conditions listed in Conditions, Exhibit A in packet and for them to come back to the Planning Commission to assure they can meet the standards of Chapter 14 or not. Mr. Esquibel recognized John Romero who is in the audience and can answer any questions related to the Traffic Division.

James Siebert, 914 Mercer Street, Santa Fe, NM (Sworn In)

Addressed Aggie Road: We did hire Mr. Carrie Norris who is a title researcher that most attorney and title company's use for difficult title research. Mr. Siebert provided an exhibit to describe the location of Aggie Road and explanation. Mr. Siebert explained the location of La Luz Rd. in contrast with Aggie Rd. where there are several individual tracts that actually cross Aggie Road. What Mr. Norris found is that there are a combination of easements and actual, although hard to say, vacation of the property, indirectly. In this case, a twenty-five foot easement was granted between the Fiorina property and the land owner sitting here. (Described on the drawing). These are long narrow tracts that were then further subdivided so you had one or two land owners entering in to an agreement for an easement which did not include other land owners that also had access rights. So there is an issue there, should those people participate in the easement or not. With this 25' easement, then what happens with many of these tracts at a certain point, in the 40's or 50's when they did the surveys what they did they brought a property line 40' off and left this as a no man's land. At that time the property was brought back 40' and to track that down will take a great deal of effort. My guess is to go back that far is that some of the owner's are no longer alive; we would have to find the heirs and go through that process.

The issue that we would like the Planning Commission to consider is that, we did have a meeting with the land owners that are in this particular area, there were 12 or 14 who attended. There was a real consensus that they did not want that road to be a public road. We can perhaps resolve the title issue which will be a very complex and lengthy process, but it is not going to change the people's attitude about the roadway.

I would like to focus on Phase I since we will be coming back to you again for the other phases of the project. John Romero had asked for improvements to Rufina Street which would consist of a left hand turn lane and we would actually build a median at this time. There would be sufficient area if people wanted to do a U-turn since it is very limited access. There would be additional improvements required to do for Rufina as part of the supplement phases of the project. The other issues that we have resolved is the consideration which at one point we asked there not be a sidewalk on one side of the

road. We do have enough sufficient area to accommodate sidewalk on both sides of the road.

The first phase is for a Veteran's Administration Clinic. Chris Pacheco is here if you have any questions with the status of that particular proposal for the VA. We have parking that well exceeds the parking standard for the city. It is a standard that the VA has a certain criteria to submit a proposal, you have to have a minimum of 65 parking places; so that is why we have an extraordinary number of parking spaces associated with this project.

This concludes my comments, I will answer any questions you might have.

Public Hearing

No comments. Public Hearing Closed.

Comments and Questions from the Commissioners:

Commissioner Bemis: In the last 4 years who has been plowing or grading this road?

Mr. Siebert. Actually there are two particular individuals, one is Mr. Scarfiotti who has a business adjacent to the property and he has dump trucks and graders who do the plowing and Mr. Martinez. They also ask others who live in that area to participate in helping.

Commissioner Bemis: How do they feel about the road condition?

Mr. Siebert: The feedback from the neighborhood meetings was unanimous that they did not want a public road.

Commissioner Harris: Q: I am curious about the facility itself. A VA Clinic, the activities that will be there as well as the hours of operation, is that something that you can answer?

Mr. Siebert: I would feel more comfortable if Chris Pacheco would answer that.

Chris Pacheco, 5905 El Prado NW, Albuquerque, NM – Sworn In

Hours will be the standard 9:00 am to 5:00 pm. There would be staff most likely around 8:00 am until 6:00 pm. It is part of what the VA calls a community based outpatient clinic program. What they are trying to do is provide services in the region outside of Albuquerque.

Commissioner Harris: Staff, of the two cases that we are being asked to consider an amendment to the General Plan and rezoning. There is a development plan included and if we approve, the language included on the rezoning case; is we approve Phase I are we approving a final or preliminary development plan?

Mr. Esquibel: This would be a preliminary approval, the Commission can approve or deny or piece any part of the approval together where they feel comfortable.

Commissioner Villarreal: If the residents don't want to use Aggie Road, did they have any objections to using Rufina St.?

Mr. Siebert: No, they did not have any objection.

Chair Spray referred to the report in the packet from Mr. Siebert: Exhibit B-1, Page 9. Reference: Phase I consist of s 7,225 square foot Veterans Clinic along with the request for the reduction of a right-of-way reservation for Aggie Road from 66 feet to 42 feet. Is that still part of what we are being asked to review?

Mr. Esquibel: Since that was going to be part of Phase III of the proposal, that will be pushed off. Originally when this was annexed in, it was a mobile home park. On the annexation map there was a 66' easement that was dedicated to the city, whether we took it or not, I am not quite sure. In the applicants' proposal, since he was connecting to Aggie Road and the easement adjoining the property was 25' he was willing to make that more uniform so they would match up so you would not have a 66' easement and a 25' roadway. Mr. Siebert proposes to close at that end and that would probably use all of that easement in the reconfiguration of a cul-da-sac.

Mr. Esquibel: In Phase I they were doing an emergency access turn around which is past the center and they were not going to extend the roadway until Phase III.

Chair Spray: I understand that, I want to be sure that is what is described in B-6, Mr. Siebert can you answer that?

Mr. Siebert: The roadway actually gets wider (shown on drawing). The principle difference is that we have added a sidewalk on this side.

Chair Spray: The turn-around is the same?

Mr. Siebert: The turn-around is the same.

Chair Spray: In our rezoning criteria, referenced in page 12, "*one or more of the following conditions exist: (number iii selected). (iii) A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.*" Is this also the staff position?

Mr. Esquibel: Mr. Chair, I did agree with many of Mr. Sieberts interpretation, but we provided our own analysis.

Chair Spray: Would you agree it is an accurate interpretation?

Mr. Esquibel: Yes it is.

Chair Spray asked Mr. Romero to come forward. Do we have any places in the city where we have something of a similar nature before a development could go forward?

Mr. Romero: I am not aware of any situation like Aggie Road, although when Phase III does come about if we could determine that the property owner does have access rights to Aggie Road, we would plan to do so. If he doesn't then it will work having a cul-da-sac. It would be preferred from the connectivity and the Master Plan to do it complete, but the cul-da-sac will work.

Chair Spray: Mr. Pacheco, do you have a backup plan?

Mr. Pacheco: If we would be unsuccessful, the property would still lend itself to medical offices.

Ms. Baer: I would clarify for your vote under consideration that the rezoning requires either a preliminary or a final development plan. You don't have to vote on them separately but if you do vote to approve the rezoning you would be approving what we are calling the preliminary development plan.

Chair Spray: Thank you.

Commissioner Harris moved to recommend approval of Case #2012-39 with conditions, second by Commissioner Lindell, motion carried by unanimous voice vote.

2. Case #2012-40. La Luz Health Complex Rezoning to MU. James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Preliminary Development Plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager) (POSTPONED FROM JUNE 7, 2012 and JULY 5, 2012)

Commissioner Villarreal moves to recommend for approval Case #2012-40 with staff conditions, second by Commissioner Bemis, motion carried by unanimous voice vote.

F. NEW BUSINESS

1. Case #2012-70. Classic Rock Preliminary Subdivision Plat. Morey Walker, agent for Eker Land LLC, requests Preliminary Subdivision Plat approved for 5 lots and 4.38± acres. The property is zoned I-2 (General Industrial) and is located at 2865 Rufina Street. (Donna Wynant, Case Manager)

(Exhibit: Power Point Presentation attached)

The site is located in an industrial area. Primarily in this area you are going to find automotive businesses which are I-1 and I-2. Note that numbering is not correct in the 5 lot industrial subdivision plat, corrected plat provided as (Exhibit B). Lots front public streets; (Clark Road, Rufina St. and Siler Ln.)

October 10, 2012
Governing Body
Case # 2012-39 & 2012-40
**La Luz Health Complex Rezoning to MU &
La Luz Health Complex General Plan**

EXHIBIT E1

August 2, 2012 Planning Commission Packet

City of Santa Fe, New Mexico

memo

DATE: July 20, 2012 for the August 2, 2012 Planning Commission Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department
Tamara Baer, Planner Manager, Current Planning Division

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

LA LUZ HEALTH COMPLEX GENERAL PLAN AMENDMENT AND REZONING TO MU.

Case #2012-39. La Luz Health Complex General Plan Amendment. James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Case #2012-40. La Luz Health Complex Rezoning to MU. James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Development Plan for medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

These two items were postponed at the June 7, 2012 and July 5, 2012 Planning Commission meetings with direction to the applicant to address ownership of and access to Aggie Road.

RECOMMENDATION:

The applicant has demonstrated compliance with Chapter 14 for a General Plan amendment and rezoning. The Land Use Department recommends **APPROVAL** of case # 2012-39 and 2012-40 subject to conditions listed in Conditions Exhibit A

I. APPLICATION SUMMARY

Attached as Exhibits 1 and 2, are the June 7, 2012 meeting minutes and packet material for the Planning Commission's review and consideration. At the June 7, 2012 meeting, secondary access through Aggie Road brought about concern of ownership and potential upgrade to Aggie Road for use by the Development. The Commission postponed the cases requesting information be brought forward to clarify ownership issues discussed during the meeting.

The applicant, as a result of the postponement, hired a consultant to research ownership of Aggie Road. Unfortunately, the research results were inconclusive. On July 17, 2012 the applicant met with about 12 of the land owners at the Nancy Rodriguez Center to get a consensus for use and acceptable upgrades to Aggie Road for the project. The predominant response from the attending landowners was to keep Aggie Road as is and that the City not allow through traffic on Aggie Road from the project.

Per 14-9.2 (D)(8) Access and Traffic Calming SFCC 1987, "*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.*" With the research findings inconclusive the applicant has not provided proof that "...*natural or built features prevent continuation of the street.*" Additionally, two points of egress/egress are required by the Fire Marshal.

II. CONCLUSION

The proposal satisfies the criteria in Chapter 14 for General Plan amendment and Rezoning. Staff recommends that the applicant be allowed to continue through the process for Phase I but Phases II and III be brought back for review and approval before the Planning Commission with the condition that research on Aggie Road be exhausted at the time of Phase II Development Plan application. Additionally, staff recommends that secondary access through Aggie Road be used for emergency use only until such time as the ownership issues can be resolved or application submittal of Phases II and III.

III. EXHIBITS:

Exhibit 1: Conditions

Exhibit 2: June 7, 2012 Planning Commission Minutes

Exhibit 3: June 7, 2012 Planning Commission Packet

EXHIBIT 1
Conditions of Approval
Case 2012-40
La Luz Health Complex

	Condition	Department	Staff
1	<p>The Developer shall revise the Traffic Study to cover the maximum allowable uses for the proposed MU zoning.</p> <p>A. The Developer shall utilize the Trip Generation land use category of "General Office" for 50% of the square footage, which is the maximum allowable use of Commercial within the Mixed Use (MU) Zoning.</p> <p>B. In addition, the Developer shall utilize "Apartment" trip generation category rather than "Nursing Home" to predict the trips generated by the proposed residential portion of the development</p>		
2	<p>The Developer shall revise the reverse curve in the middle of the development so that the design meets the minimum radius curve for a 25 mph road per the AASHTO's "A Policy on Geometric Design of Highways and Streets" for an urban roadway with no super-elevation.</p>		
3	<p>The Developer shall demonstrate, through use of sight triangles in the area of this curve, that there will be sufficient sight distance for the through traffic and for the driveway that intersects in the middle of the curve. It seems that parking and some of the residential units (i.e. 6, 7, and 8) might impede sight distance.</p>		
4	<p>The Developer shall construct the following access improvements to Rufina Street in accordance with AASHTO green book standards and the New Mexico State Access Manual:</p> <p>A. Phase I:</p> <ol style="list-style-type: none"> Developer shall widen the asphalt to add a westbound Left Turn lane with sufficient shoulder width to allow U-Turns; The Left Turn lane shall be created with the use of pavement markings, however, Sufficient asphalt shall be provided to allow for the future installation of curb and gutter and medians as applicable. <p>B. Phase II:</p> <ol style="list-style-type: none"> The Developer shall construct an eastbound Right Turn Deceleration lane that includes curb and gutter; The Developer shall construct an eastbound Left turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable; 	Traffic Engineering Division	Sandra Kassens April 5, 2012

EXHIBIT 1

EXHIBIT 1
Conditions of Approval
Case 2012-40
La Luz Health Complex

4 Cont.	iii. The Develop shall construct a westbound Left Turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable.	Traffic Engineering Division	Sandra Kassens April 5, 2012
5	There is an existing 15 foot wide effluent easement that goes through this site. The easement is incorrectly identified on sheet P-2 as a 15 foot abandoned sewer easement.	Wastewater Division	Stan Holland April 26, 2012
6	La Luz Health complex in general needs to rethink the dumpster locations. Ingress & egress problems. Plans must have break out of the City of Santa Fe enclosure spec's ordinance 21-10.1.	Solid Waste/Environmental services division	Marco Randall March 15, 2012
7	Phases II and III Development Plan shall be brought back for review and approval before the Planning Commission with the condition that research on Aggie Road be exhausted prior to Phase II Development Plan.	Current Planning	Dan Esquibel 08/02/12 (PC Staff Memo)
8	Secondary access shall continue through Aggie Road for Emergency Use until such time as the ownership issues can be resolved or application submittal of Phases II and III.		
9	Included as part of Final Development Plan Review, the applicant will need to provide additional information to address to Chapter 14 SFCC compliance to open space standards for Phases I and II and more detail for overall open space plan.		
10	Included as part of Final Development Plan Review the applicant shall provide additional information is by Chapter 14-8.4 "Landscaping"		
11	Included as part of Final Development Plan Review the applicant shall provide additional information as required by 14-8.9 "Outdoor Lighting"		

EXHIBIT I
Conditions of Approval
Case 2012-40
La Luz Health Complex

12	Included as part of Final Development Plan Review the applicant shall provide in the parking plan for phases I and II loading zones and bicycle parking pursuant to 14-8.6(D) and (E).	Current Planning	Dan Esquibel 08/02/12 (PC Staff Memo)
13	<ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Shall meet fire department access for MU. 3. Shall meet water supply requirements prior to construction. 4. Shall have 20 feet road width for fire department access. 5. Shall meet IFC 2009 turn-around for fire apparatus. 	Fire Marshal	Reynaldo Gonzales April 20, 2012

August 2, 2012
Planning Commission
Case # 2012-39 & 2012-40
**La Luz Health Complex Rezoning to MU &
La Luz Health Complex General Plan**

EXHIBIT 2

June 7, 2012 Planning Commission Minutes

~~Commissioner Villarreal – yes
Commissioner Bemis – no
Commissioner Lindell – no
Commissioner Ortiz – no
Commissioner Bordegaray – yes~~

~~Motion passed 4:3.~~

7. **Case #2012-39. La Luz Health Complex General Plan Amendment.** James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres of land from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Mr. Esquibel: There are two cases – the general plan amendment and future land use amendment to change the designation to transitional mixed use. The applicant has demonstrated compliance and the Land Use Department recommends approval subject to conditions on Exhibit A. The future land use map identifies this as mixed use and the applicant wants to rezone it as mixed use. There is a detailed site plan. We are recommending one new condition “The applicant shall submit as part of their final development plan, an enforceable plan per Article 14-9.2(c) (6) (e) for the phased completion of the new street to City standards or apply for a variance to width of R-O-W.

Jim Siebert, 915 Mercer Street, Santa Fe, New Mexico

I am representing Mr. and Mrs. Pacheco. In 2005 this property was annexed and rezoned to a mobile home park. The current zoning request is a medium density designation. Currently it has a lower density designation. There is some inconsistency. The existing conditions on the property – from Rufina to Aggie Road are zoned C2. There are vacant properties owned by the Archdiocese. The utilities are on Rufina Street. There is a sewer line, electric, gas, etc. We would be tying in – the water line would be looped in in a phased manner.

The applicant is proposing a medical clinic adjacent to Rufina Street. They have entered into a competition for a Veteran's Administration Clinic. They are 1 of 7 people participating in that proposal. We would develop in phases – phase 1 is clinic – an assisted living facility would be in the middle (single story) three medical offices (3,200 – 3,500 sq. ft). We have proposed eliminating the sidewalk on one side of the road on the vacant land we would eliminate the sidewalk.

Mr. Siebert reviews the photos of the surrounding areas.

Chris Pacheco: 5905 El Prado NW, Albuquerque, 87107

We are in competition for the VA clinic. There were 6 other properties selected. I am a real estate developer. I am a service disabled veteran. I do projects for the VA. One of the reasons that we selected this site is that it meets all the requirements. It is within a mile of services, a mile of public transportation, and has adequate parking (61 spaces).

This site allows us to provide all that. It is also a good fit for that side of Santa Fe. Phase 2 will consist of assisted living and there will be a medical facility in Phase 3. In order for us to get the VA on that property we need it rezoned.

Sandra Pacheco: This property has been in my family for 300 years. In 2005 we wanted to develop this property. We were approved zoning MHP in 2007 and the economy fell apart and we decided not to move forward at that time. I have heard how important the development of this area is to you. We have thought hard about what we wanted to do with this land and taking into account what my grandmother wanted. She was focused on the community and I am hoping that we are granting her wish by offering this project. This is an entire health complex. It serves our veterans and we are addressing the senior community and the medical complex, which will support the assisted living and the veteran's clinic moving forward. We are trying to work with the community on this. We are working with the Agua Fria Association and have talked to folks about what we are going to do. We will bring high paying jobs – professional jobs. I hope that you will take the next step to developing this area.

Mr. Siebert: The applicant agrees with all the conditions in the report. The condition that came up tonight, we have not had the ability evaluate. If you give us the opportunity to look at that issue we will have a definite answer for you.

Commissioner Spray: This is a public hearing, is there anyone in the audience wishing to come forward?

Tomas Montano 1983 Calle Cristo, Santa Fe, New Mexico 87507

My family has been in the Agua Fria Traditional Village. I represent the Gallegos family. Aggie Road is a private road. It is owned by a group of people that have intersections into Aggie Road and we use as a thorough for our private use. I believe this is much more than the road can handle. I do not know if any of you have had the experience of having someone hurt by people coming up and down your road. A couple of years ago I had a cousin shot. With Sunflower Market we have people coming down all the time as a shorter path. This is a good cause but I am trying to protect my family who owns property there. I do not know if anyone has considered the traffic impact at either site. Right now Aggie Road is pleasant. It is residential. Our family has lived there for 300 years. I hope you will evaluate this wisely.

William Mee – 2073 Camino Samuel Montoya, Santa Fe, New Mexico

I like the project because it does help our veterans. They presented at the Agua Fria ENN meeting but did not take any action. A lot of the people seemed to like it. I was unaware of the private road status and that could be a problem for our association. We have to principles our association uses. An owner should be able to do anything they want (within reasonable limits). We support the Pacheco's to do that. We have another principle - the musketeer principle - that if anyone is impacted in our village we will stand together with them and that is the Montano situation. We are in a quandary to take one side or the other. We know that traffic is a problem. Maybe we can move traffic from Vegas Verdes to Avenida los Americas.

Public portion closed

Commissioner Harris: I agree with Mr. Siebert on the additional condition. It does seem to me it would be easily dealt with in the final development. Is there a reason why you think it is important to bring it up now?

Mr. Esquibel: There is a section that discusses whether you can utilize your adjoining property owners. The odds of that property developing may be quite some time. Looking at what we wanted for this development and what the code requires unless the developer can provide an agreement from the church that they will build that portion of the road then it is best that they build that road or seek a variance. You can see that is a long part of the development and it would be needed to meet the requirement. There are two choices.

Commissioner Harris: Is it not possible or appropriate to deal with it in the final development plan?

Mr. Esquibel: It has been known that once a preliminary plan has been solidified applicants come in thinking that is the solidified plan so catching it at this stage for a future development would be easier than trying to go backwards.

Commissioner Harris: Is your plan set in stone?

Mr. Siebert: No. There is a variety of interpretation of the code 14-9-2(b) a land use board or in the case of city street projects may consider and approve.

The reason I am bringing this up is the land use configurations in that area are long narrow parcels. You need a street type that better fits the land use in that area. I am saying we are not going to comply. It came up so late in the process we do not know the financial impact.

Mr. Esquibel: When dealing with that innovative design you come in with a design for that road that is equal to or better than what is required. What we are proposing is to meet the standards rather than compromise for future development.

Ms. Baer: This is the first time we are hearing that this is an innovative street section. We have a situation where we are just asking that this doesn't inadvertently get approved tonight. It can be in the future but we want to acknowledge that a variance is necessary or the innovative street section is requested officially. Two sections of the street are being proposed not to be built. The code requires a 42' section and sidewalks on both sides. We do not know when the other sides will be built. You can defer that development to some other time but we would like that explicitly understood.

Commissioner Harris: I think I understand that issue and how I feel about it. It was worth discussing. The overall development - I wish you well on the VA clinic. The

assisted living portion of it – we don't really – there is no fee simple. Is this a situation where people would own their unit or a cooperative?

Mr. Pacheco: They are rentals and the clients pay a monthly rental. It is not a nursing home, it is assisted. It is an alternative to a nursing home so they can maintain dignity. There are medical services and other services provided within the scope.

Commissioner Harris: Would you run this?

Mr. Pacheco: We would develop it but I cannot tell you if we would be partners.

Commissioner Harris: It requires people who understand those circumstances and work them every day. I do not want to be part of something that would fail.

Mr. Pacheco: We have a lot of experience developing. We do not run assisted living homes. We may be partners.

Commissioner Harris: What is your reaction to traffic on Aggie Road.

Mr. Pacheco: It is not our intention to burden the community in any way. We want to put a development in place that benefits the community. We are open to solutions. We have not had a chance to address the issue. There are multiple solutions. We have access but could negotiate improvements or access with owners behind us. We have not had a chance to address those issues.

Commissioner Harris: Are you saying that there is an easement that runs with Aggie Road. What I heard is it is a private road.

Ms. Pacheco: We have been using the road for 40 – 50 years and there is a document that shows we have easement.

Commissioner Harris: Mr. Siebert have you seen that document?

Mr. Siebert: I have not.

Ms. Baer: We had our land manager for the City research the issue of Aggie Road. It is not a private road; it belongs to the Federal Government.

Mr. Esquibel: It is the undeveloped portion that our land management person found that he believes is still in control of the BLM. There is a portion of Aggie Road still being controlled by the BLM. We are not sure where that is yet. I have not been able to find anything with regard to ownership.

Commissioner Harris: This is a small scale but the notion of going east through Vegas Verdes seems difficult. As you heard earlier the Fire Department will require two means of access. The status of Aggie Road is difficult.

Chair Spray: I believe there are issues that have to be resolved before we proceed.

Commissioner Villarreal: I think this development is innovative and there would be two access points. I am curious about the maintenance of this road. Who will that fall upon? Is there a condition we can place that we move forward and find a viable option for that road? There are two lanes that merge immediately. I am trying to figure out a way to have the road issue resolved.

Commissioner Harris: We are being asked to consider two cases, the general plan amendment. I would assume that in this competition for site selection this is a very important step you need to give to the VA. Perhaps we can reconsider the rezoning without the preliminary development plan.

Commissioner Ortiz: I personally was involved with Aggie Road and I refused to do maintenance on the road because I do not know who it belongs to. I see Aggie Road as a great way to make this happen but I think we need to find out who it belongs to and it need to be an option for getting the traffic out of there and it is in poor shape. There are a lot of people who think they may own it and I do not know if there is maintenance there. We need to have some condition on this regarding Aggie Road. I am at a loss that we still have not been able to resolve this. I have been retired 5 ½ years and it is still an issue. If there is an agreement between existing property owners they should resolve it.

Chair Spray: What is the ramification of trying to resolve this at last.

Ms. Baer: It would be our recommendation that we put the burden on the applicant.

Chair Spray: We have some options. We could postpone until that is determined. We can divide the vote on rezoning and not vote on development plan.

Ms. Brennan: Yes, you can.

Commissioner Pava: So let's say this were to be rezoned this evening is mixed use specific to a connected development plan or does this allow any number of uses subsequently if the veterans' proposal goes away.

Ms. Baer: The requirement to rezone to mixed use includes a preliminary development plan. Once it is rezoned they could come forward with a different development plan.

Commissioner Villarreal: When is the deadline on the competition?

Mr. Pacheco: The deadline is moved to the first quarter of FY13.

Commissioner Villarreal: I would move to postpone to clarify the Aggie Road issue.

Ms. Baer: You can postpone to a date certain but you should ask the applicant.

Commissioner Villarreal: What time frame is reasonable to look into the road issue?

Mr. Siebert: If we could postpone to the July meeting.

Commissioner Villarreal moves to postpone until next regularly scheduled meeting, seconded by Commissioner Bemis. Motion passes (Commissioner Pave votes no).

8. **Case #2012-40. La Luz Health Complex Rezoning to MU.** James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Development Plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Commissioner Villarreal moves to postpone Case #2012-40, La Luz Health Complex Rezoning to MU to the July 5, 2012 meeting, seconded by Commissioner Lindell. Motion passed by unanimous voice vote.

9. **Case #2012-25. 203 E. Santa Fe Avenue Rezoning to RAC.** Sommer, Karnes, & Associates, agent for New Mexico Oil and Gas Association, requests rezoning of approximately 0.4± acres from R-21 (Residential, 21 dwelling units per acre) to RAC (Residential Arts and Crafts, 21 dwelling units per acre). The property is located at 203 E. Santa Fe Avenue (northeast corner of East Santa Fe Avenue and Webber Street). (Heather Lamboy, Case Manager)

Ms. Lamboy: This is a dual case consisting of .4+ acres and is zoned R21. This zoning category changed from RM1 to R21. You are hearing this as a result of a code enforcement action. You have the supporting documentation and letters from the City to NM Oil & Gas. The house was being used in a residential capacity. The business has grown and it is before you as a result of it not being a home occupation any more. It is located on East Santa Fe Avenue (shows zoning map). The closest residential arts and crafts zoning is at Old Santa Fe Trail. The future land use category is residential moderate density which permits for home occupation and arts and crafts (aerial view). The home occupation has different criteria for parking. The ADA will require larger parking requirements.

The rezoning criteria is: a mistake in original rezoning (there is no mistake); change in surrounding area (it has changed somewhat but the heart of the neighborhood has not been changed); different category better for community; compliance with Chapter 14 (yet to be seen); and consistent with general plan policies (the application is consistent with some, but not all). The special use criteria is: does not adversely affect the public interest (traffic could adversely affect); the use and associated buildings are compatible with and adaptable to abutting properties (land use is that it is not compatible). Does not have access to city arterial. Staff recommends denial of the proposed rezoning and special use.

Applicant provides handout (Carmen memo)

August 2, 2012
Planning Commission
Case # 2012-39 & 2012-40
**La Luz Health Complex Rezoning to MU &
La Luz Health Complex General Plan**

EXHIBIT 3

June 7, 2012 Planning Commission Packet Material

City of Santa Fe, New Mexico

memo

DATE: May 29, 2012 for the June 7, 2012 Planning Commission Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planner Manager, Current Planning Division *TB*

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division *DE*

LA LUZ HEALTH COMPLEX GENERAL PLAN AMENDMENT AND REZONING TO MU WITH PRILIMINARY DEVELOPMENT PLAN.

Case #2012-39. La Luz Health Complex General Plan Amendment. James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

Case #2012-40. La Luz Health Complex Rezoning to MU. James W. Siebert, agent for Sandra Pacheco, requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Preliminary Development Plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road. (Dan Esquibel, Case Manager)

RECOMMENDATION:

The applicant has demonstrated compliance with Chapter 14 for a General Plan amendment and rezoning. The Land Use Department recommends **APPROVAL** of Cases # 2012-39 and 2012-40 subject to conditions listed in Exhibit A.

I. APPLICATION SUMMARY

The property is a 6.36± acre parcel located approximately one half mile south of the Rufina St./Henry Lynch Road intersection and extending to Aggie Road. Two (2) cases make up this proposal: General Plan Amendment and Rezoning with a preliminary development plan.

EXHIBIT 3

The request for General Plan amendment is to change the Land Use designation from Low Density Residential to Transitional Mixed Use. The rezoning request is to change the existing MHP zoning to Mixed Use for the purposes of developing a Veterans Medical Clinic with Medical Offices and Assisted Living.

II. GENERAL PLAN AMENDMENT POLICIES & APPROVAL CRITERIA

Case #2012-39. La Luz Health Complex General Plan Amendment.

The Future Land Use Map identifies the Future Land Use designation for this area as Low Density Residential. A global view of the area indicates a range of traditional, rural forms and urbanization. The neighborhood is currently devoid of compatible institutional uses to serve the neighborhoods. Transitional Mixed Use offers neighborhood public spaces and intensity of uses appropriate to neighborhood pattern which is currently under served. Transitional Mixed Use would provide a beneficial transition between the heavy commercial to the south and the low to very density residential to the north, meeting the intent recommended by the General Plan and South West Area Master Plan (SWAMP).

Chapter 14 Criteria - Section 14-3.2 of the Land Development Code establishes various procedural requirements and approval criteria for general plan amendments. The applicant responses along with staff's analysis are addressed below.

E. Section 14-3.2 (E) (1) Approval Criteria (applicable criteria)

The Planning Commission shall review and make a finding on the following criteria:

1. Criteria for All Amendments 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 City has designated this area as a primary growth area for the City. The completion of Rufina Street along with the installation of the storm sewer, sanitary sewer, water, electric and natural gas for the southwest area has accelerated the viability of this area for immediate development. This portion of the Southwest Sector is now served by a variety of retail services at the San Isidro Commercial Center, including the recently opened Sunflower Market grocery store and Lowe's. All utilities are available to this site and access is available both from Rufina Street and Aggie Road. The appropriateness for development is demonstrated by the fact that this part of the "Presumptive City Limits" was the first to be annexed by the City."

Staff response:

With road circulation between Rufina and Aggie Road and water and sewer service, the proposal will have some impact on the city's available resources in order to accommodate the development. However, it does not conflict with the comprehensive growth policies of the city.

- (b) Consistency with other parts of the General Plan;

Applicant response:

The General Plan Future Land Use Map shows this limited area of the Southwest Sector as Low Density Residential, 3-7 dwellings per acre. The current underlying General Plan recommendation is incorrect since the existing Mobile Home Park zoning allows for 8 dwellings per acre which Land Use staff has interpreted to require a Medium Density residential designation with a density of 7-12 dwellings per acre. This would be consistent with the Vegas Verdes Mobile Home Park that has a Medium Density designation. The Health Complex is a lower intensity use from the standpoint of impact on the adjoining neighborhoods. The medical uses are open for business on an 8:00 AM-6:00 PM basis and are not occupied for a majority of the weekends. The assisted living complex will have limited activity associated with it during the week and weekends.

Staff response:

The property was annexed in 2005 for the purpose of developing a mobile home park. The adjoining properties to the east and west were annexed as part of the Phase 1 City Initiated Annexation. The property falls within the SWAMP "Cerrillos Road Corridor". The Cerrillos Road Corridor identifies traditional land patterns of long narrow strips with residential patterns varying in type, pattern and density. The corridor promotes transitional zone types adjacent to the existing corridor areas to work as single unified components.

The proposal promotes an allowable transition of acceptable uses compatible and needed for the area (residential).

The General Plan policies that support this proposal are:

- 3-G-2 There shall be a mix of uses and housing types in all areas of the city
- 4-4-G- Identify specific infill sites that should develop at densities greater than
- 8 existing zoning allows"

(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:

Not addressed

- (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

Applicant response:

Application includes a Annexation Plat depicting a 6.36 acre parcel.

- (iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant response:

Not addressed.

Staff response to "i, ii & iii":

The prevailing use for the property is MHP (Mobile Home Park, eight (8) dwelling units to the acre) consisting of one (1) lot. The adjoining uses include R-3 (Residential three (3) dwelling units to the acre), and C-2 (General Commercial), C-2 uses include retail and restaurant uses, the area north of Rufina is located within the County jurisdiction and are either vacant, residential or used for some agricultural propose.

- (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;
- (e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Staff response:

Items (d) & (e) above are not applicable.

- (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:

"The veterans' clinic will serve 2,600 veterans in this region of the County and Northern New Mexico, many of which live in close proximity to the proposed facility. There is currently very limited access to health services in this area of Santa Fe. If "harmonious development" includes health services this development would certainly qualify. The medical offices and assisted living provide the opportunity to create jobs in this part of the urban area."

Staff response:

The site is large parcel totaling approximately 6.36 ± acres. The applicant's focus for the property is to redevelop the site to for health related services. This will provide a well needed service for the area. Infrastructure and off site impacts, related to the development, will be by the applicant.

- (f) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant response:

Not addressed

Staff response:

The proposal has been submitted to all appropriate city departments for review and comments to the reviewing bodies. This provides full compliance with all city policies, ordinances and regulations (reference Exhibits A1 through A7 Development Review Team "DRT" responses).

III. REZONING POLICIES & APPROVAL CRITERIA

Case #2012-40. La Luz Health Complex Rezoning to R-5.

The Land Use Department supports this rezoning request proposal because it is consistent with the General Plan/Southwest Area Master Plan ("SWAMP").

The default categories for the Future Land Use Map were influenced by the SWAMP which identifies various layers of land use intensities. However the property was initially annexed in 2007 for the purpose of development a Mobile Home Park. Properties to the West and East were annexed as part of the process of the Phase-1 City initiated annexation hearings (with the exception of the commercial to the south), many areas were assigned categories and zoning designations conducive to existing land use patterns for the areas.

A. Chapter 14 – Santa Fe City Code

Article 14-3.5(C) of Chapter 14 SFCC, establishes approval criteria that the "reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:"

- (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:

Not addressed

Staff response:

No error in the original zoning was established.

- (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

Applicant response:

Not addressed

Staff response:

The zoning designation granted by the city after annexation was MHP. No significant changes to the area have occurred beyond the property's annexation or properties annexed as part of the phase 1 annexation.

- (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 Mixed Use District recently had been adopted when the zoning application was prepared for the Mobile Home Park rezoning. Until the last few years there was no experience in the application of this district. In the last few years there have been several applications for the MU District, allowing land owners to understand the effectiveness of this zoning district. The Mixed Use District is designed to accommodate the variety of uses that are proposed in this development. The significant area of the Southwest Sector in the vicinity of Cerrillos Road has been designated Transitional Mixed Use in the General Plan update. Although the Narvaiz land has been designated as Low Density Residential, the adjoining property to the east has the characteristic mix of Transitional Mixed Use and Residential. The property to the west on the approximate southern part of the tract is used for a contractor's yard, although it too is designated very low density residential. The nature of this area is mixed use. The Mixed Use zoning request is consistent with the character of this part of the southwest sector. The plan and rezoning is considered "more advantageous to the community" than the existing zoning by providing medical services that are not currently available in this part of the Santa Fe."

Staff response:

As indicated by the applicant, MU was not established at the time the property obtained MHP zoning. The change in zoning from MHP to MU provides needed compatible services to an area already provided with a number of mobile home park developments. The rezoning provides intended and appropriate infill development (subject to accommodating infrastructure) to the area. The proposed use offers health services to the area devoid of such.

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

Applicant response:

"The application does not include a request for any variances to the Land Development Code. The application and submittals has been prepared in conformance with the requirements of the Code."

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

Applicant response:

"A request has been submitted with the rezoning application to amend the City General Plan. The application has addressed the criteria for an amendment to the General Plan. With the approval of the General Plan amendment the requested Mixed Use zoning is consistent with the Future Land Use Map."

Staff response to "b" and "c":

The proposal has been submitted to all appropriate city departments for review and comments to the reviewing bodies. This provides full compliance with all city policies, ordinances and regulations (reference Exhibits A1 through A6 Development Review Team "DRT" responses)."

- (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; and

Applicant response:

"This area of Santa Fe has always been underserved with medical uses. This rezoning request is an opportunity to address the lack of medical facilities in this area. The City General Plan does not detail the policies associated with health services except to state that: "The City will see an increased need for in-home health care, homemaker, elderly day programs, nursing and case management services". With regard to senior services the City General Plan provides a description of what is currently offered by the City Division of Senior Services but does not specify policies for the future care of our seniors (City of Santa Fe General Plan, September 1997 Pages 10-18)."

Staff response:

The analysis identifies that the amount of 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". The existing zoning for the property is MHP (Mobile Home Park (8) dwelling units to the acre). The adjoining uses include R-3 and C-2 (General Commercial). Property to the north of the site is within county jurisdiction, either residential, vacant or used for some agricultural purpose. Land use patterns include long narrow strips of land with over all use patterns in the area comprising mainly residential to the north, west and east and General commercial to the south along the Cerrillos High Corridor. Existing mobile home parks closest to the site and within a 1/2 mile radius consist of the Trailer Ranch, Atocha MHP, Vegas Verdes MHP and a mobile home park located at 3665 Cerrillos Road.

- (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:

All utilities are available to the property including water, sewer and dry utilities. There is excess capacity in these utilities which are capable of providing adequate utility service to the project at full build-out. Rufina Street has been constructed as a two lane roadway and sufficient right-of-way has been acquired to allow for the expansion of this street to a four lane roadway. A storm sewer has been installed in Rufina Street sized to accommodate the historic discharge from the South west sector.

Staff response:

Comments and conditions have been submitted for review by the Planning Commission addressing infrastructure issues (reference Exhibit A1 through 6).

IV. ENN

An ENN was conducted on March 27, 2012 at Nancy Rodriguez Community Center. The main concerns raised by the attendees were:

1. Access from Vegas Verde
2. Construction of medians on Rufina
3. Drainage on the property

Additional concerns were raised regarding any access through Vegas Vergas Mobile Home Park. The applicants responded stating that a traffic study will be provided to the City and no access is proposed through the mobile home park. Additional concerns were raised regarding drainage off the parcel. The applicant responded by stating that terrain management plan will provided to the city addressing drainage off the property.

V. CONCLUSION

The proposal satisfies the criteria in Chapter 14 for General Plan amendment and Rezoning. *"It is the purpose of the MU mixed-use district to provide for the creative infill and development of underused and vacant land and buildings in Santa Fe. This zoning category allows office, commercial and residential uses in the same building or on the same property."*

VI. PRELIMINARY DEVELOPMENT PLAN REVIEW:

SUMMARY

The development proposal is divided into three (3) phases. Phase One ("Ph. I") incorporates the construction of a Veterans Clinic (V.A. Clinic). Phase Two ("Ph. II") the construction of forty-one (41) assisted living residential unites and Phase Three ("Ph. III") the construction of medical/dental offices all further explained below.

- **Phase I** will comprise the construction of an eighteen foot (18') high, seven thousand, two hundred twenty-five, (7,225) square foot structure to house the V.A. Clinic. The Clinic will be supported by sixty-seven (67) parking spaces, ten (10) of which will be ADA compliant. Camino Maria Feliz will be upgrade (portion within Ph. I) to sub-collector standards with no on street parking, with a temporary fire turn around. Additionally, included in Ph. I are three (3) drainage ponds, a thirty-two hundred (3200) square foot open space area which will serve as a passive park and a right turn deceleration lane off Rufina Street.
- **Phase II** will comprise the construction of forty-one (41) assisted living residential units. The residential units will be supported by fifty-two (52) parking spaces, five (5) of which will be ADA compliant, and an upgraded to that portion of Camino Maria Feliz (within Ph. II) to sub-collector standards (no on street parking), with a temporary fire turn around. Additionally, included in Ph. II are three (3) drainage ponds, both private and common open space, the removal of the existing mobile homes within the Ph. II area, and the construction of the left turn deceleration lane off Rufina Street.
- **Phase III** will comprise three (3) lots each 2.133 acres in size to develop the medical/dental structures and services. The total construction proposed for Ph. III will comprise ten thousand, eight hundred, seventy-five (10,875) square feet as follows: three

thousand, three hundred, seventy-five (3,375) square feet for Lot One (1) and three thousand, seven hundred, fifty (3,750) square feet each for Lots Two and Three (2 & 3). Parking on each lot will include eighteen (18) parking spaces with one (1) ADA compliant parking space. Ph. III will include four (4) drainage ponds and the upgrade to the remaining portion Camino Maria Feliz to sub-collector standards (no on street parking) which connects to Aggie Road. Additionally, this phase requires the removal of the remaining mobile homes on the property. The open space proposed for Ph. III is broken down per lot.

REVIEW

Existing Conditions

The Parcel is long and narrow measuring approximately one thousand, eight hundred (1800) feet in length and one hundred, sixty-three (163) feet in width comprising 6.36± acres. Existing development on site consists of five (5) mobile homes slated for removal if this project is approved. Two (2) utility easements exist on the property, a five foot (5') wide utility easement running the length of the east property line and a ten foot (10') wide three hundred twenty-four foot plus or minus (324'±) utility easement extending from Aggie Road along the west property. A twenty foot (20') wide dirt road (Camino Maria Feliz) exists and bends through the property, which connects Aggie Road to Rufina Street. Sixty-six feet (66') running along the south property line was unconditionally dedicated to the City for use as a public street at the time of annexation with acceptance of the offer at the discretion of the Governing Body. Additionally, a fifteen foot (15') sewer easement extends east/west across the property approximately three hundred forty feet (340') north of the southern property line.

Access

The property can be accessed from both Rufina Street and Aggie Road connected by Camino Maria Feliz. The applicant's traffic analysis indicates that improvements to Rufina street call for both right and left turn deceleration lanes and development of Camino Maria Feliz to sub-collector standards without street parking (increased width of forty-two feet (42') for service of 30 to 100 dwellings). Camino Maria Feliz bends through the property and will abut the east property line, which will become public and may provide access to the adjoining property.

Ph. I of the development proposes to construct the right turn deceleration lane and Ph. II will incorporate construction of the left turn deceleration lane. Aggie Road is a privately maintained private dirt road varying in width from approximately thirty feet (30') to twenty feet (20') in width and connecting to both Cerrillos Road and Zafarano Drive. The connection to Cerrillos Road is between two commercial businesses, the Sleep Gallery and Fusion Fire Buffet Grill (old China Star location). The connection to Zafarano Drive is through the Sunflower parking lot. Aggie Road terminates at the proposed site and is not constructed to City Standards. Proposed improvements to Aggie Road were not indicated in the application.

The applicant is also requesting a reduction to the width of right-of-way that was dedicated to the City at the time of annexation in 2007. The requested reduction is from sixty-six feet (66') to forty-two feet (42') in order match up with development and connection of Camino Maria Feliz to Aggie Road. The applicant's reasoning is that Aggie road is unlikely to develop into a major thoroughfare since "Aggie Road is at or near its eastern terminus." Comments and condition from the City Traffic Division can be found in Exhibit A5.

Terrain

The average slope across the property is around three percent (3%) with approximately one-third (1/3) draining toward Rufina and the balance or two-thirds (2/3) draining toward Aggie Road. Ten (10) drainage ponds are proposed throughout the development to accommodate onsite retention/detention of impervious surfaces.

Open Space

Ph I: The applicants' open space plan for Ph. I identifies a total of thirty thousand, two hundred, seven-forty (30,274) square feet or forty-nine percent (49%) open space to lot area. However, only a thirty-two hundred (3200) square foot area proposed for common open space and Passive Park was graphically depicted in the plans. The applicants Landscape and Lighting plan identifies three (3) park benches included within the common area to address usable space for passive recreation.

14-7.5(D)(5) requires *"The percentage of required open space shall be calculated on the basis of total lot area, and shall be no less than twenty-five percent..."* Additionally, *"A common, landscaped open area with seating shall be provided with a minimum size of five hundred (500) square feet per acre of development. The area shall be open to the sky and be suitably lighted and be designed to encourage social interaction"*. Thirty-two hundred (3200) square foot is proposed with passive recreation for Ph. I.

Ph. II: The applicants open space plan for Ph. II identifies both common and private open space areas. 14-7.3(B)(i)(d)(iii) requires that *"Each dwelling unit shall be provided with a minimum of two hundred fifty (250) square feet of qualifying private or common open space."* The proposed private open space totals six thousand, five hundred, fifty (6,550) square feet that will adjoin twenty-five (25) of the units. Proposed Common open space will total four thousand, five hundred, twenty (4,520) square feet and will adjoin and be shared amongst the remaining sixteen (16) units. No additional information was provided on the development of the common open space for active or passive recreation.

Ph. III: The applicants open space plan is based on open space to lot area. Lot One (1) will contain twelve thousand, nine hundred, forty-one (12, 941) square feet of open space or fifty-six percent (56%) open space to lot area. Lots Two and Three (2 & 3) each will include six thousand, five hundred, fifty-two (6,552) square feet of open space or forty percent (40%) open space to lot area.

The applicant will need to provide additional information to address to Chapter 14 SFCC compliance to open space standards for Phase II and more detail for the overall open space plan.

Landscaping

The Landscaping plan showed planting of trees and shrubs proposed around all drainage ponds, around the propose V.A Clinic and within the passive park in Ph. I. Additionally, landscaping is propose along Camino Maria Feliz internal to the property. However no landscaping was shown within the parking areas. Additional information is required to comply with chapter 14-8.4 *"Landscaping"*

Lighting

The lighting plan identified fifteen (15) light poles in Ph. I, all within the parking area proposed for the V.A. Clinic and two (2) light poles in Ph. II along Camino Maria Feliz at the entrance of two parking areas. Proposed light pole heights are twenty-four feet (24') with Low pressure sodium horizontal base bulbs contained within a square area light with flat lens at four hundred, thirty-two (432) watts. No further light fixtures were depicted on the plans. Additional information is required to comply with 14-8.9 "Outdoor Lighting"

Parking

Ph. I :

Table 14-8.6-1 "*Parking and Loading Requirements*" requires one (1) parking space for every three hundred, fifty (350) square feet of net leasable area, plus one (1) parking space for every four (4) beds. Phase one consists of a seven thousand, two hundred twenty-five, (7,225) square foot structure to house the V.A. Clinic, which calculates out to twenty-one (21) parking spaces required for leasable area. No information was provided as to the number of beds proposed for the clinic.

However, the balance of 46 parking spaces left over calculates to 185 beds at a ratio of one (1) parking space for every four (4) beds. Parking for Ph. I consist of sixty-seven (67) parking spaces, ten (10) of which will be ADA compliant.

Ph. II:

Table 14-8.6-1 "*Parking and Loading Requirements*" requires "*1 space per dwelling unit; plus one space per 2 beds in congregate housing plus one space per 2 beds in a nursing care unit or extended care facility*". Ph. II consists of 41 units which requires 41 parking spaces at one (1) parking per unit. This leaves a balance of eleven (11) parking spaces to address the required standards. Unfortunately, no further information was provided to address parking for Ph. II.

Ph. III:

Table 14-8.6-1 "*Parking and Loading Requirements*" requires one (1) parking space for every three hundred, fifty (350) square feet of net leasable area. Lot One (1) is proposing a three thousand, three hundred, seventy-five (3,375) square foot structure which calculates to ten (10) parking spaces. Lots two (2) and three (3) are each proposing a structures consisting of three thousand, seven hundred, fifty (3,750) square feet requiring a total parking demand of eleven (11) parking Spaces. Each lot is proposing eighteen (18) parking spaces.

The preliminary parking plan for phases I and II failed to address loading zones and bicycle parking. Additional information is required to comply with 14-8.6(D) and (E).

Water

A water budget has been included as part of the Preliminary Development Plan. The applicants estimated water budget for the project is 6.22 acre feet per year. The proposal indicates that either a water right transfer or conservation credits may be used to offset water demand. The proposal has estimated conservation credits at two hundred, fifty- two (252) toilets would be needed to offset water demand (reference Exhibit A6 for City Water comments).

Sewer

A twelve inch (12") City sewer line is located in Rufina Street. The applicant is proposing to extend an eight inch (8") sewer line the length of Camino Maria Feliz to provide sewer service to the development (reference Exhibit A3 for City Sewer Division Comments).

Solid Waste

Solid waste receptacles have been located in the parking areas of the Development. However additional information is needed to provide a more accurate review. Comments received from the Solid Waste / Environmental Services Division can be reviewed in Exhibit A4.

Fire Protection

Two (2) temporary fire turn arounds are proposed for the project, one (1) in Ph. I at the entrance to the Clinic parking area and Camino Maria Feliz and the other in Ph. II third parking area adjacent to Ph. III and also along Camino Maria Feliz. Fire Marshal Comments received can be viewed in Exhibit A1.

VII. CONCLUSION

The Preliminary Development is lacking information pertinent to the final review. However, this does not impact the project at the preliminary level.

VIII. EXHIBITS:

Exhibit A Conditions and DRT comments

- A1: April 20, 2012 Fire Marshal Comments
- A2: May 16, 2012 Technical Review Division Comments
- A3: April 26, 2012 Wastewater Management Comments
- A4: April 24, 2012 Environmental Services Division Comments
- A5: May 18, 2012 Traffic Engineering Comments
- A6: April 26, 2012 Water Division

Exhibit B - Applicant submittal

- B1: General Plan and Rezoning information

Exhibit C- Future Land Use and Zoning map

- C1: Land Use Map
- C2: SWAMP Map
- C3: Zoning Map

Exhibit D-ENN and correspondence

Packet Attachment -Plans and Maps

EXHIBIT A
Conditions of Approval
Case 2012-40
La Luz Health Complex

	Condition	Department	Staff
1	<p>The Developer shall revise the Traffic Study to cover the maximum allowable uses for the proposed MU zoning.</p> <p>A. The Developer shall utilize the Trip Generation land use category of "General Office" for 50% of the square footage, which is the maximum allowable use of Commercial within the Mixed Use (MU) Zoning.</p> <p>B. In addition, the Developer shall utilize "Apartment" trip generation category rather than "Nursing Home" to predict the trips generated by the proposed residential portion of the development</p>		
2	<p>The Developer shall revise the reverse curve in the middle of the development so that the design meets the minimum radius curve for a 25 mph road per the AASHTO's "A Policy on Geometric Design of Highways and Streets" for an urban roadway with no super-elevation.</p>		
3	<p>The Developer shall demonstrate, through use of sight triangles in the area of this curve, that there will be sufficient sight distance for the through traffic and for the driveway that intersects in the middle of the curve. It seems that parking and some of the residential units (i.e. 6, 7, and 8) might impede sight distance.</p>		
4	<p>The Developer shall construct the following access improvements to Rufina Street in accordance with AASHTO green book standards and the New Mexico State Access Manual:</p> <p>A. Phase I:</p> <ol style="list-style-type: none"> i. Developer shall widen the asphalt to add a westbound Left Turn lane with sufficient shoulder width to allow U-Turns; ii. The Left Turn lane shall be created with the use of pavement markings, however, Sufficient asphalt shall be provided to allow for the future installation of curb and gutter and medians as applicable. <p>B. Phase II:</p> <ol style="list-style-type: none"> i. The Developer shall construct an eastbound Right Turn Deceleration lane that includes curb and gutter; ii. The Developer shall construct an eastbound Left turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable; iii. The Developer shall construct a westbound Left Turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable. 	<p>Traffic Engineering Division</p>	<p>Sandra Kassens May 18, 2012</p>

EXHIBIT A
Conditions of Approval
Case 2012-40
La Luz Health Complex

4 cont.	There is an existing 15 foot wide effluent easement that goes through this site. The easement is incorrectly identified on sheet P-2 as a 15 foot abandoned sewer easement. The 15 foot wide effluent easement shall be shown on all plan sets/drawings for this project.	Wastewater Division	Stan Holland April 26, 2012
5	La Luz Health complex in general needs to rethink the dumpster locations. Ingress & egress problems. Plans must have break out of the City of Santa Fe enclosure spec's ordinance 21-10.1.	Solid Waste / Environmental Services Division	Marco Randall March 15, 2012
6	Included as part of Final Development Plan Review, the applicant will need to provide additional information to address to Chapter 14 SFCC compliance to open space standards for Phases I and II and more detail for overall open space plan.	Current Planning	Dan Esquibel 05/25/12 (PC Staff Memo)
7	Included as part of Final Development Plan Review the applicant shall provide additional information is by Chapter 14-8.4 "Landscaping"		
8	Included as part of Final Development Plan Review the applicant shall provide additional information is required by 14-8.9 "Outdoor Lighting"		
9	Included as part of Final Development Plan Review the applicant shall provide in the parking plan for phases I and II loading zones and bicycle parking pursuant to 14-8.6(D) and (E).		
10	The applicant shall submit Subdivision Plat for review and approval by the Planning Commission Prior to applying for review of Phase III.		

EXHIBIT A
Conditions of Approval
Case 2012-40
La Luz Health Complex


	Condition	Department	Staff
11	Shall Comply with International Fire Code (IFC) 2009 Edition.	Fire Marshal	Reynaldo Gonzales April 20, 2012
12	Shall meet fire department access for MU.		
13	Shall meet water supply requirements prior to construction.		
14	Shall have 20 feet road width for fire department access.		
15	Shall meet IFC 2009 turn-around for fire apparatus.		

City of Santa Fe, New Mexico

memo

DATE: April 20, 2012

TO: Case Manager: Heather Lamboy

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case # 2012-39, 2010-40 La Luz Health Complex

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. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Shall meet fire department access for MU.
3. Shall meet water supply requirements prior to construction.
4. Shall meet IFC 2009 turn-around for fire apparatus.
5. Shall have 20 feet road width for fire department access.

EXHIBIT A1

DATE: May 16, 2012
TO: Dan Esquibel, Case Manager
FROM: Risana B "RB" Zaxus, PE
City Engineer for Land Use Department
RE: Case # 2012-39 and # 2012-40
La Luz Health Complex General Plan Amendment &
La Luz Health Complex Rezoning

I have no review comments on this General Plan Amendment and Rezoning. If the project proceeds to the next phase of development, additional review will be required and comments will be provided.

EXHIBIT A2

City of Santa Fe, New Mexico

memo

DATE: April 26, 2012
TO: Dan Esquibel, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
Case #2012-39 & 40 La Luz Health Complex General Plan Amendment and
SUBJECT: Rezoning

The subject properties are accessible to the City sanitary sewer system:

Connection to the City sewer system is mandatory and shall be made prior to any new construction on the lot.

Additional Comments:

1. There is an existing 15 foot wide effluent easement that goes through this site. The easement is incorrectly identified on sheet P-2 as a 15 foot abandoned sewer easement. The 15 foot wide effluent easement shall be shown on all plan sets/drawings for this project.

EXHIBIT A3

ESQUIBEL, DANIEL A.

From: MARCO, RANDALL V.

Sent: Tuesday, April 24, 2012 3:49 PM

To: ESQUIBEL, DANIEL A.

Subject: 2012-39 & 40

Dan,

La Luz Health complex in general needs to rethink of the dumpster locations. Ingress & egress problems. Plans must have break out of the City of Santa Fe enclosure spec's ordinance 21-10.1.

Randall Marco

Community Relations

Ordinance Enforcement

City of Santa Fe

Solid Waste / Environmental Services Division

Office: 505-955-2228

Cel: 505-670-2377

Fax: 505-955-2217

EXHIBIT A 4

05/24/2012

City of Santa Fe
memo



DATE: April 26, 2012
TO: Dan Esquibel, Land Use Planner Senior, Land Use Department
FROM: Antonio Trujillo, [✓]Water Division Engineer
SUBJECT: Case #'s 2012-39, 2012-40 – La Luz Complex

No additional submittals are required for the General Plan Amendment and Rezone on these cases. The applicant needs to be aware that there is a large storm drain located on Rufina Street that may impact extension of the water main from Rufina Street.

EXHIBIT A6



FIGURE 1

JAMES W. SIEBERT AND ASSOCIATES, INC. 915 MERCER STREET • SANTA FE, NEW MEXICO 87505 (505) 983-5500	2784 CAMINO MARIA FELIZ	NORTH 
 FAX (505) 989-7313	VICINITY MAP	SCALE: 1" = 2000'

City of Santa Fe, New Mexico

memo

DATE: May 18, 2012

TO: Dan Esquibel, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Traffic Engineering Division *SK*

SUBJECT: La Luz Health Complex General Plan Amendment (Case #2012-39)
La Luz Health Complex Rezoning to MU. (Case #2012-40)

ISSUE

James W. Siebert, agent for Sandra Pacheco, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 6.36± acres of land from Low Density Residential (3-7 dwelling units per acre) to Transitional Mixed Use. In addition, James W. Siebert also requests rezoning of 6.36± acres of land from MHP (Mobile Home Park) to MU (Mixed Use). The application includes a Development Plan for a medical complex consisting of a medical clinic, assisted housing for the elderly and medical offices. The property is located south of Rufina Street extending to Aggie Road.

RECOMMENDED ACTION:

Review comments are based on submittals received on April 18, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

- 1) In order to provide a broad based oversight of the proposed GPA and Zone change, the Developer shall revise the Traffic Study to cover the maximum allowable uses for the proposed MU zoning.
 - A. The Developer shall utilize the Trip Generation land use category of "General Office" for 50% of the square footage, which is the maximum allowable use of Commercial within the Mixed Use (MU) Zoning.
 - B. In addition, the Developer shall utilize "Apartment" trip generation category rather than "Nursing Home" to predict the trips generated by the proposed residential portion of the development.
- 2) The Developer shall revise the reverse curve in the middle of the development so that the design meets the minimum radius curve for a 25 mph road per the

1 of 2

EXHIBIT AS

SS001.PMS - 7/95

AASHTO's "A Policy on Geometric Design of Highways and Streets" for an urban roadway with no super-elevation.

- 3) The Developer shall demonstrate, through use of sight triangles in the area of this curve, that there will be sufficient sight distance for the through traffic and for the driveway that intersects in the middle of the curve. It seems that parking and some of the residential units (i.e. 6, 7, and 8) might impede sight distance.
- 4) The Developer shall construct the following access improvements to Rufina Street in accordance with AASHTO green book standards and the New Mexico State Access Manual:

A. Phase I:

- i. Developer shall widen the asphalt to add a westbound Left Turn lane with sufficient shoulder width to allow U-Turns;
- ii. The Left Turn lane shall be created with the use of pavement markings, however,
- iii. Sufficient asphalt shall be provided to allow for the future installation of curb and gutter and medians as applicable.

B. Phase II:

- i. The Developer shall construct an eastbound Right Turn Deceleration lane that includes curb and gutter;
- ii. The Developer shall construct an eastbound Left turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable;
- iii. The Developer shall construct a westbound Left Turn lane with sufficient space to allow U-Turns with appropriate curb and gutter and medians if applicable.

The design and construction of the above listed items shall be reviewed and approved by the Public Works Department.

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

Project Location and Description

The subject 6.3 acre parcel is located south of Rufina St. extending to Aggie Road. The driveway access from Rufina Street is named Camino Maria Feliz. The applicants are proposing a medical complex consisting of a medical clinic adjacent to Cerrillos, assisted housing for the elderly and those persons needing help with daily care and medical offices adjacent to the Cerrillos Road general commercial lands. Figure 1 is a site plan indicating the location of the subject property relative to the City street system and other land marks.

Ownership and Legal Lot of Record

The property is owned by Gloria Narvaiz with this land being in the family for several generations. The title to the property is established by the Narvaiz Family Irrevocable Trust which is included as Appendix A. Sandra Pacheco is Gloria's daughter who is responsible for the administration of the application along with her husband, Chris Pacheco. This property was annexed into the City in 2007. The annexation plat serves as the legal lot of record for this tract of land. A reduction of the recorded plat is provided in Appendix B to this report.

Development Request

The application includes a rezoning of the property from MHP, Mobile Home Park to MU, Mixed Use. The uses that are proposed for the property are permitted within the MU district. This avoids the division of land into separate parcels necessitating multiple zoning districts. A request for an amendment to General Plan, Future Land Use Map also accompanies this application. The change to the Future Land Use Map is from Low Density Residential 4-7 dwellings per acre to Transitional Mixed Use. A request is also submitted for the reduction of a right-of-way reservation for Aggie Road from 66 feet to 42 feet. This reservation was granted in 2007 and is reflected on the Annexation Plat. A secondary arterial street right-of-way is slightly greater than 66 feet. It is highly unlikely that major thoroughfare will be constructed on Aggie Road, especially since it is likely that this section of Aggie Road is at or near its eastern terminus. The 42 foot width road reservation for Aggie Road is proposed since this is the same road section that serves the medical complex.

Early Neighborhood Notification

On March 27, 2012 an Early Neighborhood Notification meeting was held at the Nancy Rodriguez Community Center. Approximately 25 people attended the meeting. Several persons from the Vegas Verde Mobile Home Park attended the meeting. They perceived that the property was immediately adjacent to the mobile home park and had concerns about vehicles using Vegas Verdes roadways to access the site.

There is a vacant strip of land that separates La Luz from the Vega Verdes Park and no road connections are planned to allow for this connection. There was a question regarding the management of runoff from the tract as it develops. Various ponds have been provided to accommodate the rain runoff created by the development of the property. The traffic on Rufina Street was mentioned as a problem for all those properties entering and exiting from their driveways. It was mentioned that a medical complex was preferred over the current zoning allowing for the construction of a mobile home park.

Prior Entitlements

This same tract of land was previously annexed and zoned MHP, Mobile Home Park on May 10, 2007. The case number for the annexation is Case # M 2005-2 and for the zoning action Case # ZA 2005-03. Thirty-eight pad sites were proposed on the development plan submitted with the application. The market downturn in 2008 limited access to capital to develop the park. Given the limited health services available in the southwest sector it was determined that a health complex is not only fiscally more viable but was a service needed by the community.

Existing Conditions

Rufina Street split the Narvaiz property into two tracts, one south of Rufina Street and one north of Rufina Street. The land south of Rufina Street has been annexed by the City. The land north of Rufina Street is located within the Village of Agua Fria and is under County jurisdiction.

The property extends from Rufina Street to Aggie Road with a dirt road connection between the two roads. This dirt road connection has been named Camino Maria Feliz. The Rufina Road improvements included a paved driveway up to the property line. There is currently a gate located at the driveway access to Rufina Street. There is also a dirt road access at the south end of the property via Aggie Road. Aggie Road has an outlet to Cerrillos Road and access to Zafarano Drive through the San Isidro Plaza development.

A small indentation in the western property line was the result of an encroachment by a neighbor and grant of land to the adjoining lot to accommodate the encroachment. There is an abandoned effluent outfall line that provided irrigation water to the orchards within the Southwest Sector which crosses the property in an east-west direction.

There are four mobile homes that currently occupy the most southerly end of the property. That use was approved when the property was under extraterritorial jurisdiction. The mobile homes are served by a septic tank and well. These dwelling units will be removed in conjunction with the respective phase of the development program.

A major overhead electric line has been recently installed on the property running parallel to Rufina Street. An easement has been acquired by PNM for the electric line. There is an electric pole 50 feet from the western property line. This pole imposes certain limitations on the placement of the road from the property to Rufina Street.

Terrain and Vegetation

The terrain is relatively flat with an average slope across the property of two percent. Approximately one-third of the property slopes towards Rufina Street with two-thirds of the property having a slope towards Cerrillos Road. The drainage system improvements proposed for the complex are designed to complement the natural drainage on the property.

Grasses and forbs are the principal natural vegetation on the site. Stands of juniper along with Chinese Elms are located on the western property boundary are also found on this tract.

Archaeological and Site Investigation

This property is located within the Suburban Archaeological District. The lot size is 6.3 acres which is below the threshold of 10 acres which triggers the need for an archaeological survey and report. Some of the properties in the Rufina Street area had orchards. According to Mrs. Narvaiz historic orchards characteristic of the area were not located on this property.

Adjoining Land Uses

The land to the south of the subject property is zoned C-2 is fully developed with access provided from Cerrillos Road. The property to the east is owned by the Catholic Church and is vacant. Rufina Street is the geographic boundary for the northern property line. This is also the boundary for the Village of Agua Fria land use jurisdiction. To the west the properties are a mix of residential and non-conforming commercial. The residential lots are located to the north with typical lot sizes of $\frac{1}{2}$ to $\frac{3}{4}$ acre. At the southern end of the western properties there is a contractor's yard that appears to be a non-conforming use within what is now City jurisdiction.

Access

Rufina Street

Rufina Street is a two lane facility with a five foot bike lane and curb and gutter. The width of the right-of-way is 100 feet and the roadway has been constructed to allow for two additional lanes of traffic in the future, although the Regional Transportation Plan does not include a widening of Rufina in their 2011-2013 Transportation Plan. Rufina Street is maintained by the City of Santa Fe.

The traffic study indicates that a right turn deceleration lane will have to be constructed on Rufina Street for eastbound traffic as part of Phase I of the project. The length of the deceleration lane would be 230 feet with a 100 foot taper. The traffic study also indicated that a left turn deceleration lane is warranted with the development of Phase II.

Camino Maria Feliz

This is currently a dirt road that extends from Rufina Street on the north to Aggie Road on the South. The development plan calls for a subcollector road with no on-street parking. The total right-of-way width is 42 feet. This would be a public roadway. Where the road is contiguous with an adjoining property boundary the sidewalk and planter strip have been eliminated. As the adjoining properties develop they will be required to construct the sidewalk and planter strip. These properties in turn will have the right to connect to this road as such time as development occurs.

Aggie Road

Aggie Road currently begins to the south of the Sunflower Parking lot in the San Isidro Plaza complex and terminates at the subject property. Aggie Lane, Calle de Saiz, Paseo Mel Senaida Emilia Court and Rancho de Chavez roads use Aggie Road as the southern access to lots along these roadways. The above roads are private roads privately maintained which do not conform City street standards. Aggie Road is a dirt road maintained by private land owners served by the roadway.

Utilities

Water

There is a 12 inch water line located on the north side of Rufina Street. There is an 8 inch water line located in the commercial complex to the south of La Luz. This line is approximately 328 feet to the west of the property measured along Aggie Road. An 8 inch water line will have to eventually be constructed between the 12 inch line on the north and the 8 inch line on the south in order to provide for a redundancy in the water system. The property does not cross a water pressure zone and a pressure reducing valve is not required.

There is adequate capacity and volume in the line with the loop connection to service the Complex with domestic and fire-flow demand. Completion of the loop line is proposed with the third phase of construction. A water line will be incrementally extended into the property with the first two phases of the project.

Fire hydrants will be provided at locations determined by the Fire Department. A technical evaluation request has been submitted to Sangre de Cristo Water Company (see Appendix C).

Sewer

There is a 12 inch City sewer line located in Rufina Street. This 12 inch line has sufficient capacity to accommodate the effluent demand created by the proposed development. Connection to the sewer line in Rufina will require a cut in the roadway. An 8 inch sewer will be extended through the length of Camino Maria Feliz. Due to the ridge that runs east-west across the property the sewer line will be approximately 10 feet deep as it crosses the ridge. This depth will occur for a short distance within the Complex.

This would be a public line dedicated to the City of Santa Fe. A technical evaluation request for sewer service has been submitted to the City Wastewater Department and can be found in Appendix C.

Electric

There is an overhead, primary transmission line located on the south side of Rufina Street. There is also a feeder three phase line running parallel and within the same easement as the transmission line for the Southwest Sector. This secondary line will serve this project. A switch gear will be required to step the electric service down from three phase to single phase. The existing electric lines in the area have sufficient capacity to serve this development project.

Natural Gas

There is a four inch gas main located on the south side of Rufina Street. It is assumed based on discussions with the Gas Company of New Mexico that a two inch line would be sufficient to satisfy the requirements of the Complex. The Gas Company of New Mexico will prepare an evaluation prior to the commencement of construction for the first phase of the project.

Telephone

Telephone is available on Rufina Street. Century Link does not prepare a capacity review until there is a building permit submitted for the property. Since this tract of land is located within the urban area, Century Link is obligated to provide telephone service to the property.

Storm Sewer

A storm water pipe was installed in the right-of-way for Rufina Street. This pipe was designed to accept runoff from the low lying land north of Cerrillos Road.

This pipe is available to accept the controlled discharge from the development of this site, releasing historic flows into the drainage pipe on Rufina Street. The historic flow rates from the property will be discharged onto Rufina Street and carried in the City storm water system to the Santa Fe River. Ponds on the south side of the property will discharge the historic volumes into the existing drainage for the area.

Water Budget

The estimate of water use is based on the City Water Division "Water Use in Santa Fe" July, 2009.

Senior Complex: 41 living units
Water Use: .12 acre feet per year per unit
39,102 gals/year/unit

Number of units: 41
 $41 \times .12 = 4.92$ acre feet/year

Medical Offices: 18,100 gross square feet (including VA clinic)
Water Use: .72 acre feet per year per 10,000 square feet
243,613 gals/year/10,000 square feet

Building Area per 10,000 square feet: 1.81
 $1.81 \text{ building area} \times .72 \text{ acre feet per year} = 1.30 \text{ acre feet/year}$

Summary of water use

Senior Complex:	4.92 acre feet/year
Medical Office	<u>1.30</u> acre feet/year
Total	6.22 acre feet/year

Since the annual water demand is less than 7.5 acre feet the applicant has the option of transferring water rights or using water conservation credits to satisfy the water offset demands for this project. If water conservation credits are used it is estimated that 252 toilets would be needed to offset the water demand.

Project Description

Three phases of development are being requested as part of this application:

- Phase I consist of a 7,225 square foot veterans clinic along with the request for the reduction of a right-of-way reservation for Aggie Road from 66 feet to 42 feet.
- Phase II is a residential component consisting of 41 assisted care units.
- Phase III consists 10,875 square feet of medical offices.

A summary of the site data for this project is provided below:

Size of parcel:	6.36 acres
Requested Zoning	Mixed Use (MU)
Total building area	50,900
Lot coverage	18%

Medical

VA Clinic:	7,225 square feet
Medical Office:	10,875 Square feet
Building Height:	20 Feet

Residential

Assisted Care:	41 Units
Each Unit Gross Area	800 square feet
Total Square feet of all units	32,800
Building height	18 feet

General Plan Amendment Criteria

Response to City Code Criteria

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of these criteria is addressed below.

(1) Criteria for all amendments to the general plan:

- (a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with 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.*

The City has designated this area as a primary growth area for the City. The completion of Rufina Street along with the installation of the storm sewer, sanitary sewer, water, electric and natural gas for the southwest area has accelerated the viability of this area for immediate development.

This portion of the Southwest Sector is now served by a variety of retail services at the San Isidro Commercial Center, including the recently opened Sunflower Market grocery store and Lowe's.

All utilities are available to this site and access is available both from Rufina Street and Aggie Road. The appropriateness for development is demonstrated by the fact that this part of the "Presumptive City Limits" was the first to be annexed by the City.

(b) Consistency with other parts of the General Plan.

The General Plan Future Land Use Map shows this limited area of the Southwest Sector as Low Density Residential, 3-7 dwellings per acre. The current underlying General Plan recommendation is incorrect since the existing Mobile Home Park zoning allows for 8 dwellings per acre which Land Use staff has interpreted to require a Medium Density residential designation with a density of 7-12 dwellings per acre. This would be consistent with the Vegas Verdes Mobile Home Park that has a Medium Density designation. The Health Complex is a lower intensity use from the standpoint of impact on the adjoining neighborhoods. The medical uses are open for business on an 8:00 AM-6:00 PM basis and are not occupied for a majority of the weekends. The assisted living complex will have limited activity associated with it during the week and weekends.

(c) Compliance with the extraterritorial zoning ordinances and extraterritorial plan.

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.

(d) 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.

The veterans' clinic will serve 2,600 veterans in this region of the County and Northern New Mexico, many of which live in close proximity to the proposed facility. There is currently very limited access to health services in this area of Santa Fe. If "harmonious development" includes health services this development would certainly qualify. The medical offices and assisted living provide the opportunity to create jobs in this part of the urban area.

With regard to efficiency this area is currently served by City water and City sewer and dry utilities are either on or in close proximity to the site. Police and fire already serve this area and is it assumed that solid waste collection will also be available for this development. Additional fire stations or police substations are not required in order to serve the proposed development.

(2) Additional Criteria for Amendments to Land Use Policies

- a) *The growth and economic projections contained within the plan are erroneous or have changed; or:*

The General Plan assumed that a percentage of the City's development would occur through infill. This is considered an infill development since utilities and road ways are available. The growth projections are not erroneous or have changed. This part of the presumptive City limits was considered to have one of the highest priorities for annexation and in fact was one of the first areas to be annexed. The development of this land is consistent with the assumptions and policies set forth in the Santa Fe Urban Area General Plan that urban infrastructure should be extended to this area and growth be accommodated as a result of the extension of infrastructure.

- b) *No reasonable locations have been provided for certain land uses for which there is demonstrated need; or*

This is an opportunity to provide for health care facilities to a part of Santa Fe that is currently underserved. While the General Plan has recommended other locations in Santa Fe for similar facilities, health care uses have not been attracted to this area of the Southwest Sector.

- 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, and building technology; and*

In this case there is an unmet consumer demand for health care services in this part of Santa Fe. The Veterans Administration has a maximum lease value they are willing to pay which puts certain areas of Santa Fe outside the fiscal limitations of the VA. The applicant is able to provide the land at a lower cost than other areas of Santa Fe, passing that lower cost on to the lease rates for the clinic.

- d) *The effect of the proposed change in land use will not have a negative impact on the surrounding property. 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 property by a setback, landscaping or other means.*

The veterans' clinic is setback from the adjoining residential boundary to the west by 88 feet. This exceeds the requirement of 30 feet specified in the MU district. The medical offices at the south end of the site are located adjacent to a contractors yard which lies immediately west of this project. A six foot fence will be constructed along the western boundary of the assisted living between this use and the adjoining residential uses.

Rezoning Criteria

Rezoning Application – Approval Criteria

This section of the report addresses the rezoning criteria set forth in Section 14-3.5(C) of the Land Development Code.

(a) One or more of the following conditions exist: (number iii selected)

(iii) A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.

The Mixed Use District recently had been adopted when the zoning application was prepared for the Mobile Home Park rezoning. Until the last few years there was no experience in the application of this district. In the last few years there have been several applications for the MU District, allowing land owners to understand the effectiveness of this zoning district.

The Mixed Use District is designed to accommodate the variety of uses that are proposed in this development. The significant area of the Southwest Sector in the vicinity of Cerrillos Road has been designated Transitional Mixed Use in the General Plan update. Although the Narvaiz land has been designated as Low Density Residential, the adjoining property to the east has the characteristic mix of Transitional Mixed Use and Residential. The property to the west on the approximate southern part of the tract is used for a contractor's yard, although it too is designated very low density residential.

The nature of this area is mixed use. The Mixed Use zoning request is consistent with the character of this part of the southwest sector. The plan and rezoning is considered "more advantageous to the community" than the existing zoning by providing medical services that are not currently available in this part of the Santa Fe.

(b) All the rezoning requirements of Chapter 14 have been met.

The application does not include a request for any variances to the Land Development Code. The application and submittals has been prepared in conformance with the requirements of the Code.

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

A request has been submitted with the rezoning application to amend the City General Plan. The application has addressed the criteria for an amendment to the General Plan. With the approval of the General Plan amendment the requested Mixed Use zoning is consistent with the Future Land Use Map.

- (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.*

This area of Santa Fe has always been underserved with medical uses. This rezoning request is an opportunity to address the lack of medical facilities in this area. The City General Plan does not detail the policies associated with health services except to state that: "The City will see an increased need for in-home health care, homemaker, elderly day programs, nursing and case management services".¹ With regard to senior services the City General Plan provides a description of what is currently offered by the City Division of Senior Services but does not specify policies for the future care of our seniors.

- (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.*

All utilities are available to the property including water, sewer and dry utilities. There is excess capacity in these utilities which are capable of providing adequate utility service to the project at full build-out. Rufina Street has been constructed as a two lane roadway and sufficient right-of-way has been acquired to allow for the expansion of this street to a four lane roadway. A storm sewer has been installed in Rufina Street sized to accommodate the historic discharge from the southwest sector.

Addendum To Report

After a presentation to the Department of Veteran affairs, a letter to solicit the proposed use of the property was recently received. See Appendix D for correspondence from the Department of Veteran Affairs

¹ City of Santa Fe General Plan, September 1997 Pages 10-18

Future Land Use Map

Site

Legend





























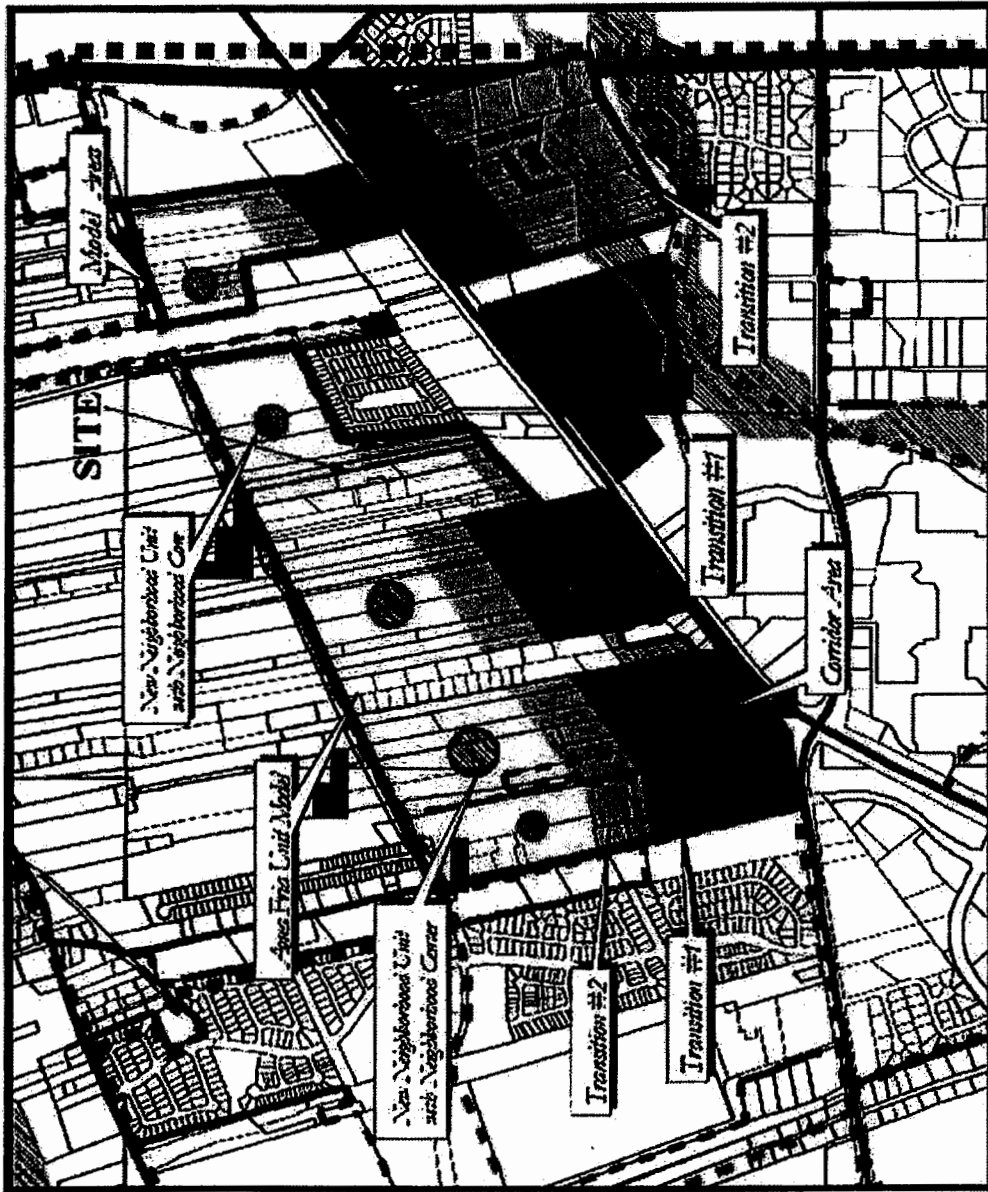
-  PARCELS
-  Roads
-  CITY LIMITS
-  Mountain
-  Corridor
-  Very Low Density
-  Low Density
-  Moderate Density
-  Medium Density
-  High Density
-  Regional Commercial
-  Community Commercial
-  Neighborhood Center
-  Transitional Mixed Use
-  Business Park
-  Office
-  Industrial
-  Public/Institutional
-  Parks
-  Open Space
-  Greater Agua Fria Area
-  Agua Fria Traditional Historic Community
-  ZONING (Text only)
-  RGB_US-NM-SantaFe_2011_03_25.si
-  RGB
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

EXHIBIT C1



Map 2.5.7. Proposed General Plan Future Land Uses within the Neighborhood Pattern Areas

Zoning

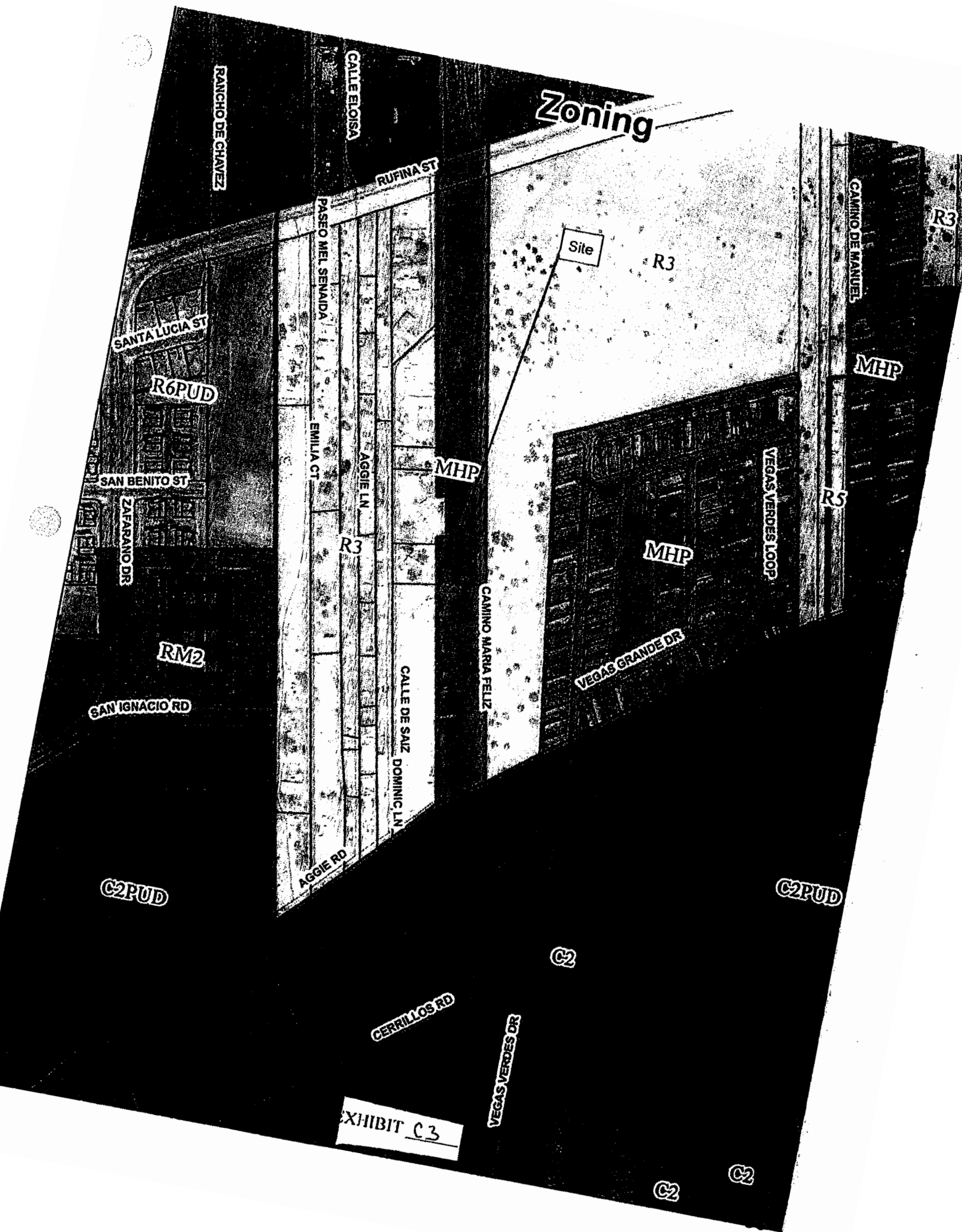


EXHIBIT C3



**City of Santa Fe
Land Use Department
Early Neighborhood Notification
Meeting Notes**

<i>Project Name</i>	Veterans Medical Clinic and Medical Offices and Assisted Living
<i>Project Location</i>	The property is located south of Rufina Street extending to Aggie Road.
<i>Project Description</i>	General Plan Future Land Use Map Amendment and requests rezoning of 6.36± acres.
<i>Applicant / Owner</i>	Sandra and Chris Pacheco
<i>Agent</i>	James W. Siebert
<i>Pre-App Meeting Date</i>	January 26, 2012
<i>ENN Meeting Date</i>	March 27, 2012
<i>ENN Meeting Location</i>	Nancy Rodriguez Center
<i>Application Type</i>	General Plan Future Land Use Map Amendment and requests rezoning.
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	None
<i>Attendance</i>	19

Notes/Comments:

Concerns from the community:

1. Access from Vegas Verde
2. Construction of medians on Rufina
3. Drainage on the property

Concerns were raised about access onto the site and the development of raised medians. Additional concerns were raised regarding any access through Vegas Vergas Mobile Home Park. The applicants responded stating that a traffic study will be provided to the City and no access is proposed through the mobile home park. Additional concerns were raised regarding drainage off the parcel. The applicant responded by stating that terrain management plan will provided to the city addressing drainage off the property.

EXHIBIT D



**City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet**

Project Name: Pacheco - Gen Plan Amendment - Rezone Meeting Date: 3/27/12
 Meeting Place: Nancy Rodriguez Community Center Meeting Time: 5:30
 Applicant or Representative Check Box below

	Name	Address	Email
<input checked="" type="checkbox"/>	1. Jim Siebert	915 Mercer St.	Jim@jimsiebert.com
<input type="checkbox"/>	2. Rosalinda Lora To	1299 Vegas Vandas #39	SF. Lora 81501
<input type="checkbox"/>	3. Francisco J. Hernandez	1299 Vegas Vandas #60	SF. Hernandez 81501
<input type="checkbox"/>	4. Martha Velazquez	1299 Vegas Vandas #99	SF. Hernandez 81501
<input type="checkbox"/>	5. Gloria Anaya	1299 Vegas Vandas #11	SF. Hernandez 81501
<input type="checkbox"/>	6. Tammy Payne	1299 Vegas Vandas #11	SF. Hernandez 81501
<input type="checkbox"/>	7. Yolanda C. Lopez	1299 Vegas Vandas #11	SF. Hernandez 81501
<input type="checkbox"/>	8. Dora Martinez	1299 Vegas Vandas #11	SF. Hernandez 81501
<input type="checkbox"/>	9. Miguel Chavez	1615 Camino Bonaville	MiguelChavez@msn.com
<input type="checkbox"/>	10. Alfred Padilla	1299 Vegas Vandas #7	SF. Hernandez 81501
<input type="checkbox"/>	11. Michael Gonzalez	3055 Nizkor Dr. (Aggie Dr.)	SF. Hernandez 81501
<input type="checkbox"/>	12. Mary Gonzalez	3055 Nizkor Dr. (Aggie Dr.)	SF. Hernandez 81501

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Dan Esquivel
 Printed Name of City Staff in Attendance

[Signature]
 Signature of City Staff in Attendance

3-27-12
 Date

This sign-in sheet is public record and shall not be used for commercial purposes.



City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: _____ Meeting Date: _____
Meeting Place: _____ Meeting Time: _____

Applicant or Representative Check Box below

↓	Name	Address	Email
<input type="checkbox"/>	William MEX	2073 Camino Somerel Montoya	williammex@pacbell.com
<input type="checkbox"/>	Jois Mac	2195 Los Arroyos Santa Fe	jois@mac.com
<input type="checkbox"/>	Alfreda	1199 West Verde Dr. Santa Fe	Alfreda@verde.com
<input type="checkbox"/>	Damecia Knight	1299 Legas Vardas 65	
<input type="checkbox"/>	Alfreda	2155 Paseo del Sol	
<input type="checkbox"/>	E. Melendez	2829 Calle de Santa Fe	
<input type="checkbox"/>	Carlos Garcia		
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Printed Name of City Staff in Attendance: Don Esquivel Date: 3-27-12
Signature of City Staff in Attendance: _____

This sign-in sheet is public record and shall not be used for commercial purposes.



Print Form

Early Neighborhood Notification Meeting

Request for Staff Attendance

Submittals must be completed before the City will schedule the meeting date and staff for an ENN meeting. Meetings should be coordinated with the Land Use Department to ensure staff attendance, and meetings will not be scheduled on public hearing days including Board of Adjustment, BCD-DRC, Planning Commission and City Council hearing days.

DEVELOPMENT/PROJECT NAME: Pacheco-Rufina

(The same name shall be used throughout the ENN & application submittal process)

PROJECT LOCATION/ADDRESS: 2784 Camino Maria Feliz

(Attach vicinity map and site plan)

APPLICATION TYPE:

- ☒ General Plan Amendment: From: R-LOW To: T-MXU ☐ Annexation: _____
- ☒ Rezoning From MHP To: MU ☐ Preliminary Subdivision: Number of lots _____
- ☐ Preliminary Development Plan ☐ Final Subdivision: Number of lots _____
- ☐ Final Development Plan ☐ Variance _____
- ☐ Development Plan ☐ Special Exception _____
- ☐ Amended Development Plan ☐ Other _____

Detailed Veterans Medical Clinic, Medical Offices and Assisted Living
Project
Description:

DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association(s) w/in 200' of project (exclude R-O-W): Agua Fria Village

Acreage: 6.376 Acres Zone District: MHP Future Land Use: B-LOW

Date of Pre-application meeting: March 8, 2012

AGENT/OWNER INFORMATION:

AGENT: James W. Siebert Address: 915 Mercer Street
City: Santa Fe State: NM Zip Code: 87505 Phone: 983-5588
OWNER: Sandra & Chris Pacheco Address: _____

PROPOSED ENN MEETING DATES: (Provide three (3) options)

	Preferred Option	Alternative 1	Alternative 2
DATE:	3/27/2012		
TIME:	5:30		
LOCATION:	Nancy Rodriguez Community Center		

Received by LUD on: Current Date 3/9/12

LUD Initials: _____



**JAMES W. SIEBERT
AND ASSOCIATES, INC.**

915 MERCER STREET * SANTA FE, NEW MEXICO 87501
(505) 983-5588 * FAX (505) 989-7313
siebert.associates@comcast.net

March 12, 2012

RE: EARLY NEIGHBORHOOD NOTIFICATION MEETING

Dear Resident;

In accordance with the requirements of the City of Santa Fe's Neighborhood notification ordinance, this is to inform you that a meeting is scheduled for Tuesday **March 27, 2012 at 5:30 p.m.** at the **Nancy Rodriguez Community Center** located at 1 Prairie Dog Loop, Santa Fe NM 87507. The meeting will consist of a request for a general plan amendment to amend the existing land uses from Residential Low Density-to Transitional Mixed Use and to rezone 6.376 acres of land from MHP (Mobile Home Park) to MU (Mixed Use), and preliminary development plan.

The subject property consists of 6.376± acres and is located south of Rufina Rd, north of Cerrillos Rd and east of the Vegas Verdes Mobile Home Park.

The Early Neighborhood Notification ordinance provides for an exchange of information between applicants for development projects and the people who will be neighbors to the project.

Attached, please find a vicinity map. If you have any questions or comments, please contact James W. Siebert & Associates at (505)-983-5588.

Sincerely,

Attachments:

Vicinity Map (reverse side)



ENN GUIDELINES

Applicant Information

Project Name: **Pacheco-Rufina**

Name: **Pacheco** **Chris**

Last First M.I.

Address:

Street Address Suite/Unit #

C/O James W. Siebert & Associates

City State ZIP Code

Phone: () **983-5588**

E-mail Address: **jim@jwsiebert.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 Veterans Health Clinic, which is proposed adjacent to Rufina Street, will be a one story building. The land to the east is vacant and no residential dwellings are located within 1000 feet of the proposed structure. The building is setback 75 feet from the western property boundary where residential dwellings are located. Landscaping and a 5 foot wall will enhance the buffering of this project from adjoining residential dwellings. The Clinic typically operates from 8:00 to 5:00 during the week and is not open on the week-ends. While the exterior lighting has not been designed at this time a great deal of care will be taken to minimize the visibility of the lights from the adjacent residences, but to the standards that may be imposed by the VA.

- (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.

The property is ideally suited to urban development given the flatness of the terrain and lack of concentrated drainage and availability of utilities. There are low-lying native grasses and forbs on the property but very few and principally Siberian Elms that are currently growing on this property. Rock outcroppings, steep slopes and escarpment areas do not exist on this property. There are no flood plains on or within close proximity to the subject tract of land. There is an overhead electric line adjacent to the Rufina Street right-of-way where buildings are not permitted. Any medical waste generated at this site will be disposed of consistent with state and federal regulations.

- (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 acequias located on the property. There is an abandoned effluent outfall line that was installed by the City for irrigating orchards in the Southwest sector from the now abandoned Siler Road wastewater treatment plant. This is the only feature of historical significance on this tract of land. The property is not located within the historic downtown. The extension of Aggie Road, running parallel to Cerrillos Road at the north end of the property may have served as an entry road to Santa Fe although the origin of this abandoned roadway is not entirely clear.

- (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.

The land on either side of Rufina Street is sporadically developed with pockets of residential uses intermixed with larger areas of vacant land. The average density for this area of the Southwest Sector is low due to the long narrow land pattern makes development of this area difficult. The City General Plan recommends residential densities of 3-7 dwellings per acre. The existing MHP zoning permits residential densities of up to 8 dwellings per acre which requires a general plan density of 8-12 dwellings per acre. For buildings 25 feet or less in height MU district establishes a maximum density of 12 units per acre. The MU residential density would be consistent with the general plan designation that must have been applied for the MHP zoning.

- (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.

Rufina Street is a two lane facility with enough right-of-way acquired to construct a four lane road. The City constructed Rufina Street as an alternate route to Agua Fria and Cerrillos Road to encourage the infill of the Southwest Sector. A traffic study will be prepared to determine the traffic generation from the project and the mitigating measures that will be needed to accommodate that projected traffic generation. The Veterans' Medical Clinic will serve approximately 2600 veterans in the Santa Fe and adjoining areas, any of which live on the southwest area of the City. This project will provide a service to the community by providing health services to those serving in the military.

- (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.

Approximately 30 people will be employed at the clinic. Not all of the people working at the clinic will be new hires since a 2500 square foot version of the clinic already exists in Santa Fe. The medical personnel are well paid, including the additional doctors that will be hired to staff the clinic. The clinic provides a community service to the veterans of Santa Fe and parts of northern New Mexico. The assisted care will include staff for maintenance of the facility and managed care for the residents of the assisted care community.

- (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.*

There is currently a demand for additional beds in assisted care communities. The development will provide for housing that satisfies a need in Santa Fe. Fifteen percent of the project will be subject to the City's affordability standards. The new building constructed for the clinic will be rented by the Veterans Administration and is subject to the cost limitations imposed by the VA for New Mexico.

- (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.*

There will be no impact on the school system since the proposed project does not generate children of school age that attend Santa Fe's public schools. The City committed to providing police and fire protection and solid waste pick up when it annexed this area as part of the County as part of the City/County settlement agreement. Water, sewer, electric and gas is available on Rufina Street. A bus route does not currently serve Rufina Street. A van service will be available to pick up veterans and bring them to and from the clinic. Typically the assisted care projects have their own transportation for the residents as an amenity of the development.

- (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.*

Any water use that is needed to serve this project will have to be offset by the purchase of water conservation credits or the purchase and transfer of water rights to the City. For mixed use projects the owner is allowed to purchase up to 7.5 acre for the City water conservation program. A water budget has not been prepared for the development but it is assumed that the project will consume less than 7.5 acre feet. Since all buildings within the project will be new buildings it will be possible to include the latest water conserving technologies. A storm water pollution plan will be prepared describing the measures taken to manage rain water and protect the quality of the water leaving the site and methods for limiting the deposit of silt and mud from leaving the boundaries of the property.

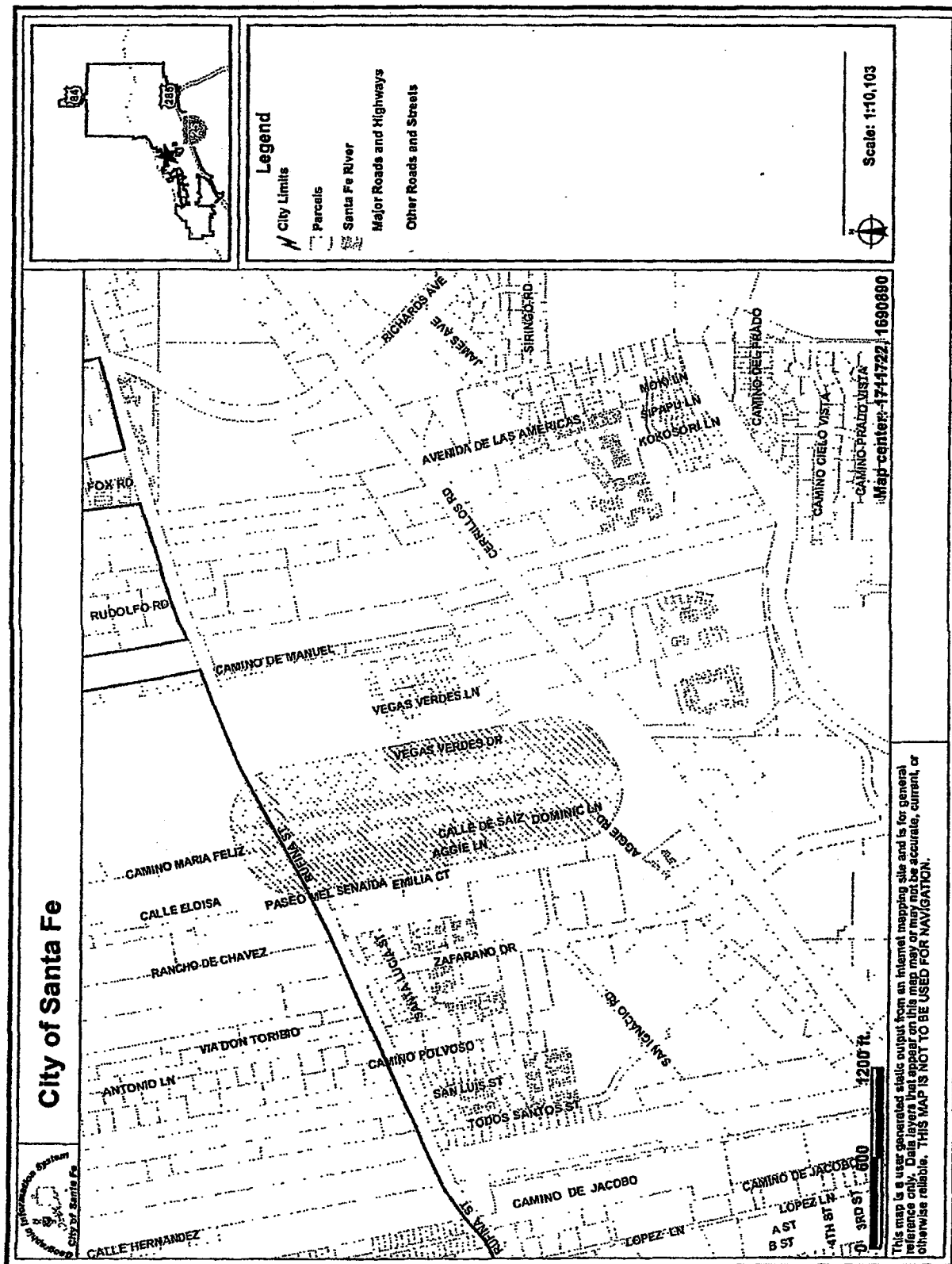
- (j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

This project will include both residential and commercial uses. Social balance is achieved by offering medical services to America's military personnel. Both the clinic, the medical offices and the assisted living facility offer the opportunity for employment. Sidewalks will provide the resource for residents of the assisted care facility to walk within the development and to access commercial uses along Cerrillos Road and hopefully for those residents who are veterans to walk to the VA clinic. An emergency access will be constructed at the south end of the site creating walkable access to Aggie Road and to Cerrillos Road from Aggie Road.

(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.

This issue was resolved when the City took the initiative to annex the portion of the Southwest Sector generally described as the area between Cerrillos Road and Rufina Street. The purpose of this annexation was to implement the annexation of land within the City's defined urban boundary. This area was the first phase of the City program to annex all the land with the urban boundary.

(l) ADDITIONAL COMMENTS (optional)



Pacheco-Rufina Adjoiners

UPC #	Physical Address	Assessed Property Owner	Property Owner Mailing Address
1-050-096-199-374	2730 Calle De Saiz	Dick & Lillian Saiz	2889 Calle De Saiz
1-050-096-211-235	Santa Fe, NM 87501	C/O Richard III Co-Trustees	Santa Fe, NM 87507
	3064 Aggie Lane		202 Aggie Road
	Santa Fe, NM 87501	Thomas Vigil	Santa Fe, NM 87501
1-050-096-195-385	Unassigned	Bruno & Magdalene Levarlo	PO Box 8338
	2938 Dominic Lane		Santa Fe, NM 87504
1-050-096-206-294	Santa Fe, NM 87505	Eddie Scarafioti Family Trust	PO Box 442
	3040 Aggie Lane		Durango CO, 81302
1-050-096-217-250	Santa Fe, NM 87505	Raymond Goldman	HC 72 Box 193
	2753 Aggie Lane	Cookson OK, 74427	Santa Fe, NM 87502
1-050-097-187-338	Santa Fe, NM 87505	Anthony Rivera	PO Box 570847
	3787 Cerrillos Road		Tarzana CA, 91357
1-050-096-225-210		Thomas Florina	2201 Siringo Road
	1360 Vegas Verdes Dr Unit A		Santa Fe, NM 87501
1-050-096-265-263	Santa Fe, NM 87501	Los Dos Commerce Center	680 Callecita Jicarilla
	1360 Vegas Verdes Dr. Unit B	C/O Duffy	Santa Fe, NM 87505
1-050-096-265-256	Santa Fe, NM 87501	Los Dos Commerce Center	1360 Vegas Verde #8
	1299 Vegas Verdes Dr. Sp 019	C/O Duffy	Santa Fe, NM 87507
1-050-096-252-354	Santa Fe, NM 87501	David Barton Trustee	2442 Cerrillos Road # 157
	1360 Vegas Verdes	Santa Fe Affordable Housing	Santa Fe, NM 87505
1-050-096-267-267	Santa Fe, NM 87501	Los Dos Commercer Center	1360 Vegas Verde #8
	1299 Vegas Verdes #1	C/O Duffy	Santa Fe, NM 87507
1-050-096-261-273	Santa Fe, NM 87507	Tiburico & Margarita Garcia	Same as Physical Address
	1299 Vegas Verdes Dr		
1-050-096-270-283	Santa Fe, NM 87501	Frances & Edwina Garcia	Same as Physical Address
	1299 Vegas Verdes Dr.Sp 061		
1-050-096-270-950	Santa Fe, NM 8751	Bronson Sr. & Cecilia Duran	2439 Vereda de Encanto
	3695 Cerrillos Road		Santa Fe, NM 87505
1-050-096-267-240	Santa Fe, NM 87501	Shaugnessy OPCON Corp	Tax Dept #7283 PO Box 117508
		C/O Red Roof Inns, Inc	Carrollton Tx, 75011

1-050-096-230-269	O Aggie LN Santa Fe, NM 87501	Michael & Mary Gonzales	3255 Nizhoni Dr. Santa Fe, NM 87505
1-050-096-258-300	1299 Vegas Verdes Dr. Sp 007 Santa Fe, NM 87501	Alfred & Barbara Padilla	PO Box 133 Santa Fe, NM 87504
1-050-096-260-277	1299 Vegas Verdes Dr. Sp 02 Santa Fe, NM 87501	Gloria Zamora C/O Helen Zamora	108 Vigil Lane Santa Fe, NM 87501
1-050-096-259-291	1299 Vegas Verdes Dr. SP 005 Santa Fe, NM 87501	Demecia Roybal C/O Neighborhood Housing	1570 Pacheco St. STE A-1 Santa Fe, NM 87505
1-050-096-260-281	1299 Vegas Verdes Dr. Sp 003 Santa Fe, NM 87507	Sophie & Irene Ortega C/O Dora Blanco	Same as Physical Address
1-050-096-196-276	3017 Paseo Mel Senalda Santa Fe, NM 87501	Tessie Montano	PO Box 284 Corona, NM 88318
1-050-096-260-286	1299 Vegas Verde Dr. #4 Santa Fe, NM 87507	Veronica & Jesus Flores	Same as Physical Address
1-050-096-287-287	1299 Vegas Verdes Dr. Sp 058 Santa Fe, NM 87507	Jerry & Margaret Montano	2952 Calle Vera Cruz Santa Fe, NM 87505
1-050-096-258-296	1299 Vegas Verdes Dr. #6 Santa Fe, NM 87501	Sadie Quintana	Same as Physical
1-050-096-252-245 Santa Fe, NM 87505	1378 Vegas Verdes Dr Unit 8	Dennis & Kathie Duffy	Same as Physical
1-050-096-165-450	O Paseo Mel Senalda Santa Fe, NM 87505	Jerry & Helen Gallegos	1700 Camino Dos Antonios Box 5 Santa Fe, NM 87507
1-050-096-183-402	O Aggie Road Santa Fe, NM 87505	Dennis & Kathleen	200 Aggie Road Santa Fe, NM 87505
1-050-096-265-248	1360 Vegas Verdes Dr Unit C Santa Fe, NM 87501	C&F Ventures-LLC	71441 Stags Leap Ct. Niles, MI 49120
1-050-096-274-284	1299 Vegas Verdes Dr. #59 Santa Fe, NM 87501	Rosalina Lavato	Same as Physical Address
1-050-096-188-386	2816 Aggie Lane Santa Fe, NM 87501	Patricia Scarafioti	2816 Dominic Ln Santa Fe, NM 87507
1-050-096-262-238	1372 Vegas Verdes Dr. Santa Fe, NM 87501	Maestas Family Trust Nick Maestas	1031 Valerie Circle Santa Fe, NM 87505
1-050-096-255-233	1380 Vegas Verdes Dr Santa Fe, NM 87501	Sally Thayer Revocalbe Living Trust	1382 Vegas Verdes Dr. Santa Fe, NM 87507

1-050-096-269-305	1299 Vegas Verdes Dr. Sp 063 Santa Fe, NM 87501	William Valentine	Same as Physical Address
1-050-069-196-305	2928 Aggie LN. Santa Fe, NM 87507	Dennis & Kathleen Gonzales	200 A Aggie Road Santa Fe, NM 87505
1-050-096-231-286	0 Calle De Saiz Santa Fe, NM 87505	Eddie & Dominic Scarafioti	2938 Dominic LN. Santa Fe, NM 87505
1-050-096-268-318	1299 Vegas Verdes Dr. Sp066 Santa Fe, NM 87501	Rogelio & Maria Olvera	Same as Physical Address
1-050-096-200-285	3036 Aggie Lane Santa Fe, NM 87507	Gene Gonzales	Same as Physical Address
1-050-096-165-450	2195 Paseo Mel Senaida Santa Fe, NM 87501	Jerry & Helen Gallegos	1700 Camino Dos Antonios Box 5 Santa Fe, NM 87507
1-050-096-211-504	Church Property	Archdioces of SF Catholic Center	4000 St. Josephs Pl NW Albuquerque, NM 87120
1-050-096-268-314	1299 Vegas Verdes Dr. # 65 Santa Fe, NM 87501	Mary Saiz	Same as Physical Address
1-050-096-267-323	1299 Vegas Verdes Dr. # 67 Santa Fe, NM 87501	Elaine Anaya	Same as Physical Address
1-050-096-265-337	1299 Vegas Verdes Dr. Santa Fe, NM 87501	Erasmio & Elifida Estrada	1612 Palomino Ct Santa Fe, NM 87505
1-050-096-253-341	1299 Vegas Verdes Dr # 16 Santa Fe, NM 87501	Manuel Najera	Same as Physical Address
1-050-096-264-352	1299 Vegas Verdes Dr. #73 Santa Fe, NM 87501	Miguel & Magdalena Rodriguez	Same as Physical Address
1-050-096-255-318	1299 Vegas Verdes Dr. #11 Santa Fe, NM 87501	Susie & Danny Payne	Same as Physical Address
1-050-096-254-433	1299 Vegas Verdes Dr. # 14 Santa Fe, NM 87501	Henry & Ana Romero	Same as Physical Address
1-050-096-252-349	1299 Vegas Verdes Dr. # 18 Santa Fe, NM 87501	Gary Hadley	3122 Siring Rondo South Santa Fe, NM 87507
1-050-096-260-360	1299 Vegas Verdes Dr. #21 Santa Fe, NM 87501	Jose & Sofia Sandoval	2127 Old arroyo Chamiso Road Santa Fe, NM 87501
1-050-096-257-309	1299 Vegas Verdes Dr. #9 Santa Fe, NM 87501	Rebecca Chavez	Same as Physical

1-050-096-214-325	2889 Calle de Salz Santa Fe, NM 87501	Richard Salz Jr.	Same as Physical Address
1-050-096-185-298	O Paseo Mel Senaida Santa Fe, NM 87505	Jose & Tonie Gallegos	PO Box 1542 Santa Fe, NM 87504
1-050-096-254-327	1299 Vegas Verdes Dr #13 Santa Fe, NM 87501	Barbara or Sulema Cavallo C/O Gabriela Garcia	Same as Physical address
1-050-096-266-333	1299 Vegas Verdes Dr. # 69 Santa Fe, NM 87501	Ramon Herrera	Same as Physical Address
1-050-096-253-336	1299 Vegas Verdes Dr. # 15 Santa Fe, NM 87507	Margaret Gonzales C/O Gabriela Garcia	Same as Physical Address
1-050-096-194-330	2922 Aggie Lane Santa Fe, NM 87501	David & Pamela De La O	210 Aggie road Santa Fe, NM 87501
1-050-097-163-493	O Camino Maria Feliz Santa Fe, NM 87507	Ruben Martinez	108 Las Crucitas St. Santa Fe, NM 87501
1-050-096-193-480	O Camino Maria Feliz	Guadalupe & Gloria Narvaiz	2116 Camino Maria Feliz Santa Fe, NM 87507
1-050-096-255-210	3701 Cerrillos Road Santa Fe, NM 87501	Bruce & Katherine Besser	PO Box 2328 Santa Fe, NM 87501
1-050-096-252-345	1299 Vegas Verdes Dr. # 17 Santa Fe, NM 87501	Larry & Susan Vigil	8 Delaware Lane Santa Fe, NM 87508
1-050-096-264-342	1299 Vegas Verdes Dr #71 Santa Fe, NM 87501	Jesse Gonzales	Same as Physical Address
1-050-096-264-347	1299 Vegas Verdes Dr. #72 Santa Fe, NM 87501	Jennie Duran	Same as Physical Address
1-050-096-189-351	2860 Aggie Lane Santa Fe, NM 87505	Ruben & Marie Gonzales	2509 Sole Vida NW Albuquerque, NM 87120
1-050-096-256-314	1299 Vegas Verde Dr. # 10 Santa Fe, NM 87507	Mary & Richard Aguilar	Same as Physical Address
1-050-096-255-323	1299 Vegas Verdes Dr. # 12 Santa Fe, NM 87501	Diana Sena	Same as Physical Address
1-050-096-179-363	2221 Paseo Mel Senaida Santa Fe, NM 87507	John Gallegos	Same as Physical Address
1-050-096-182-389	2784 Aggie LN Santa Fe, NM 87507	James & Margaret Mendoza	Same as Physical Address

1-050-096-209-329	2829 Calle De Saiz Santa Fe, NM 87507	Carlos Salgado & Sylvia Garcia	Same as Physical Address
1-050-097-258-016	3552 Agua Fria Street Santa Fe, NM 87501	Archdiocese of SF	Rt 6 Box 111 Santa Fe, NM 87501
1-050-096-260-237	1372 Vegas Verdes Drive Unit 5 Santa Fe, NM 87501	Karma Sangmo & Lama Dartse	6333 Casa de Milagros Santa Fe, NM 87507
1-050-097-159-497	0 Calle Eloisa Santa Fe, NM 87505	Anthony Rivera	PO Box 570847 Tarzana CA, 91356
1-050-096-212-331	2885 Calle de Saiz Santa Fe, NM 87501	Richard Saiz	Rt 2 Box 61 Pecos NM, 87552
1-050-096-205-351	2853 Calle de Saiz Santa Fe, NM 87501	Leticia Garcia	320 Aggie Road Santa Fe, NM 87501
1-050-096-186-371	2848 Aggie Road Santa Fe, NM 87507	Henry & Lorrie Benavidez	Same as Physical Address

Neighborhood Assoc.

*Village of Agua Fria C/O William Mee President

Thank you!

City of Santa Fe
Cashiers Office
Santa Fe, NM 87504
(505)955-4333

03/12/2012 11:52:32 AM
Your cashier was LEONA
B002201112072 T54

Development Review
PACHECO REZONING
11001.431475

Total

\$30.00

Cash

\$30.00

\$30.00

Change

\$0.00

Thank you!