City Council Appointments
March 2014

Mayor Pro Tem	Councilor Peter Ives
Parliamentarian (No Vote Required)	Councilor Peter Ives
Finance Committee	1) Chair Carmichael Dominguez 2) Ron Trujillo 3) Joseph Maestas 4) Sig Lindell 5) Chris Rivera
Public Works/CIP & Land Use Committee	1) Chair Ron Trujillo 2) Carmichael Dominguez 3) Sig Lindell 4) Chris Rivera 5) Bill Dimas
Public Utilities Committee	1) Chair Chris Rivera 2) Joseph Maestas 3) Patti Bushee 4) Peter Ives 5) Bill Dimas
Bicycle and Trails Advisory Committee	1) Chair Patti Bushee
Buckman Direct Diversion Board (1 Alternate)	1) Joseph Maestas 2) Carmichael Dominguez 3) Alternate Javier Gonzales
City Business and Quality of Life Committee	1) Chair Sig Lindell 2) Vice-Chair Peter Ives
Community Development Commission	1) Chair Ron Trujillo
Mayor's Youth Advisory Board (City Council Liaison-Non Voting	1) Ron Trujillo
Public Safety Committee (Only Requires 1 Member of Governing Body)	1) Chair Bill Dimas 2)
Regional Juvenile Justice Board	1) Bill Dimas
Regional Transit District	1) Patti Bushee
SFMPO Transportation Policy Board	1) Sig Lindell 2) Patti Bushee 3) Carmichael Dominguez 4) Alternate – Peter Ives
Solid Waste Management Joint Powers Board	1) Sig Lindell 2) Josheph Maestas 3) Bill Dimas
Transit Advisory Board (Not required to have a councilor)	1)
Water Conservation Committee	1) Chair Peter Ives

Exhibit "1"

City of Santa Fe Regular Municipal Election -- March 4, 2014 -- Official Results						
District #1		Mayor			Councilor	
Precincts	Poll Locations	Dimas	Bushee	Gonzales	Lindell	Segura
8, 30	Ft. Marcy Complex	43	108	132	210	47
9, 28	Montezuma Lodge	74	173	147	291	77
10	Ft. Marcy Complex	95	228	159	363	82
11, 20	Gonzales Community School	138	278	257	416	205
21, 83	Gonzales Community School	88	202	231	358	123
22	Montezuma Lodge	66	112	122	166	108
24	Academy at Larragoite	69	94	130	154	127
25, 33	Aspen Community Magnet School	115	127	182	222	167
26, 27	Tierra Encantada Charter School @ Alvord	83	172	152	233	131
32	Academy at Larragoite	114	108	203	212	177
Absentee/Mail	City Hall	81	109	103	177	102
Early/M-100	City Hall	127	403	438	735	182
		Dimas	Bushee	Gonzales	Lindell	Segura
	Total	1093	2114	2256	3537	1528
	% by District	20.01%	38.70%	41.30%	69.83%	30.17%

City of Santa Fe Registered Voters March 4, 2014 Regular Municipal Election	
District #1	17,024
District #2	14,672
District #3	12,509
District #4	13,701
Total Registered Voters	57,906

Exhibit "2"

City of Santa Fe Regular Municipal Election -- March 4, 2014 -- Official Results									
District #2		Mayor			Councilor				
Precincts	Poll Locations	Dimas	Bushee	Gonzales	Arellano	Maestas	Bonney	Acton	Green
36, 47	Acequia Madre Elementary School	74	161	235	78	162	48	134	16
37, 54	Capshaw Middle School	151	215	231	107	205	96	134	18
41, 42, 43	Public Schools Administration Building	120	102	222	117	134	56	81	29
44	Wood Gormley Elementary School	58	98	151	85	92	27	69	13
45, 46	Unitarian Universalist Congregation of Santa Fe	80	118	142	63	106	49	89	14
48	Elks BPOE 460 Lodge	68	104	186	63	89	46	141	11
52	E.J. Martinez Elementary School	99	80	129	139	74	33	28	17
53	Pasatiempo Senior Center	107	95	148	89	111	56	49	24
55	Elks BPOE 460 Lodge	119	182	227	115	165	75	139	22
Absentee/Mail	City Hall	49	81	97	30	97	39	46	11
Early/M-100	City Hall	74	211	418	86	263	95	202	29
		Dimas	Bushee	Gonzales	Arellano	Maestas	Bonney	Acton	Green
	Total	999	1447	2186	972	1498	620	1112	204
	% by District	21.57%	31.24%	47.19%	22.06%	34.00%	14.07%	25.24%	4.63%

City of Santa Fe Regular Municipal Election -- March 4, 2014 -- Official Results							
District #3		Mayor			Councilor		
Precincts	Poll Locations	Dimas	Bushee	Gonzales	Dominguez	Jaramillo	Campos
12, 67	Sweeney Elementary School	121	46	132	133	57	100
31, 66	Salazar Elementary School	104	64	115	109	41	118
34	Salazar Elementary School	147	110	185	175	52	191
62, 75	Ortiz Middle School	123	55	97	111	55	101
64, 80	Sweeney Elementary School	144	32	114	105	53	112
86, 89	Southside Library	270	108	328	346	124	218
Absentee/Mail	City Hall	39	26	49	49	22	36
Early/M-100	City Hall	47	33	132	112	35	57
		Dimas	Bushee	Gonzales	Dominguez	Jaramillo	Campos
	Total	995	474	1152	1140	439	933
	% by District	37.96%	18.08%	43.95%	45.38%	17.48%	37.14%

City of Santa Fe Regular Municipal Election -- March 4, 2014 -- Official Results					
District #4		Mayor			Councilor
Precincts	Poll Locations	Dimas	Bushee	Gonzales	Trujillo
29	Genoveva Chavez Community Center	181	75..	190	316
35, 74	Nava Elementary School	131	62	112	229
38, 56	Genoveva Chavez Community Center	226	120	243	422
39, 49	Genoveva Chavez Community Center	242	73	197	377
50	Nava Elementary School	134	70	131	256
51, 76	Chaparral Elementary School	218	100	202	351
77	Chaparral Elementary School	167	81	156	285
78	Genoveva Chavez Community Center	192	147	239	400
Absentee/Mail	City Hall	68	47	87	151
Early/M-100	City Hall	120	75	220	316
		Dimas	Bushee	Gonzales	Trujillo
	Total	1679	850	1777	3103
	% by District	38.99%	19.74%	41.27%	

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results											
District #1		Charter Amendment 1 Water Protection and Conservation		Charter Amendment 2 Neighborhood Preservation		Charter Amendment 3 Support for Local Business, the Local Economy and a Living Wage for All		Charter Amendment 4 Independent Citizens' Redistricting Commission		Charter Amendment 5 Campaign Contribution Limits	
Precincts	Poll Locations	For	Against	For	Against	For	Against	For	Against	For	Against
8, 30	Ft. Marcy Complex	242	30	197	64	219	50	201	53	236	30
9, 28	Montezuma Lodge	341	43	299	71	319	60	292	72	338	39
10	Ft. Marcy Complex	399	71	337	112	329	130	344	92	393	68
11, 20	Gonzales Community School	568	70	461	148	537	102	448	138	549	81
21, 83	Gonzales Community School	425	68	359	121	396	99	378	97	424	65
22	Montezuma Lodge	228	59	206	74	233	56	201	71	241	44
24	Academy at Larragoite	254	34	226	54	257	29	205	66	249	33
25, 33	Aspen Community Magnet School	350	58	294	86	354	52	279	96	352	46
26, 27	Tierra Encantada Charter School @ Alvord	339	49	278	90	314	70	260	92	329	49
32	Academy at Larragoite	327	80	302	95	329	76	278	110	331	75
Absentee/Mail	City Hall	235	40	218	53	218	54	195	63	238	35
Early/M-100	City Hall	848	97	737	169	781	145	773	120	856	76
		For	Against	For	Against	For	Against	For	Against	For	Against
	Total	4556	699	3914	1137	4286	923	3854	1070	4536	641
	% by District	86.70%	13.30%	77.49%	22.51%	82.28%	17.72%	78.27%	21.73%	87.62%	12.38%

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results

District #1		Charter Amendment 6 Timely Disclosure of the Purpose of Tax Increases or Bond Measures		Charter Amendment 7 Independent Audit Committee		Charter Amendment 8 Mayor's Voting Powers		Charter Amendment 9 Governance: Full-time Mayor; Regulating the Relationships Between the Mayor, the City Councilors and the City Manager and Defining the Authority of Each	
Precincts	Poll Locations	For	Against	For	Against	For	Against	For	Against
8, 30	Ft. Marcy Complex	251	13	235	25	217	52	157	118
9, 28	Montezuma Lodge	332	41	328	38	300	78	208	167
10	Ft. Marcy Complex	409	40	396	47	356	104	218	247
11, 20	Gonzales Community School	531	80	505	95	487	145	382	241
21, 83	Gonzales Community School	431	51	400	75	364	125	289	201
22	Montezuma Lodge	234	46	237	45	217	68	142	139
24	Academy at Larragoite	236	39	218	53	218	64	178	104
25, 33	Aspen Community Magnet School	316	72	314	72	300	98	259	139
26, 27	Tierra Encantada Charter School @ Alvord	314	50	297	70	278	93	239	147
32	Academy at Larragoite	312	87	298	93	302	100	223	181
Absentee/Mail	City Hall	235	36	215	43	221	61	163	109
Early/M-100	City Hall	847	66	830	69	738	197	533	394
		For	Against	For	Against	For	Against	For	Against
	Total	4448	621	4273	725	3998	1185	2991	2187
	% by District	87.75%	12.25%	85.49%	14.51%	77.14%	22.86%	57.76%	42.24%

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results

District #2		Charter Amendment 1 Water Protection and Conservation		Charter Amendment 2 Neighborhood Preservation		Charter Amendment 3 Support for Local Business, the Local Economy and a Living Wage for All		Charter Amendment 4 Independent Citizens Redistricting Commission		Charter Amendment 5 Campaign Contribution Limits	
Precincts	Poll Location	For	Against	For	Against	For	Against	For	Against	For	Against
36, 47	Acequia Madre Elementary School	389	62	340	89	365	77	333	89	387	56
37, 54	Capshaw Middle School	499	78	429	134	450	122	436	112	498	71
41, 42, 43	Public Schools Administration Building	368	60	309	101	351	74	295	105	357	62
44	Wood Gormley Elementary School	263	33	208	74	239	50	203	72	268	29
45, 46	Unitarian Universalist Congregation of Santa Fe	277	57	239	73	245	80	238	76	281	43
48	Elks BPOE 460 Lodge	305	45	278	63	285	56	259	70	287	52
52	E.J. Martinez Elementary School	253	41	223	64	231	62	182	97	249	39
53	Pasatiempo Senior Center	274	68	231	98	253	82	242	80	281	56
55	Elks BPOE 460 Lodge	426	78	361	127	366	133	356	126	433	63
Absentee/Mail	City Hall	197	25	168	49	171	51	169	48	197	24
Early/M-100	City Hall	598	86	526	146	549	127	531	120	596	74
		For	Against	For	Against	For	Against	For	Against	For	Against
	Total	3849	633	3312	1018	3505	914	3244	995	3834	569
	% by District	85.88%	14.12%	76.49%	23.51%	79.32%	20.68%	76.53%	23.47%	87.08%	12.92%

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results

District #2		Charter Amendment 6 Timely Disclosure of the Purpose of Tax Increases or Bond Measures		Charter Amendment 7 Independent Audit Committee		Charter Amendment 8 Mayor's Voting Powers		Charter Amendment 9 Governance: Full-time Mayor; Regulating the Relationships Between the Mayor, the City Councilors and the City Manager and Defining the Authority of Each	
Precincts	Poll Locations	For	Against	For	Against	For	Against	For	Against
36, 47	Acequia Madre Elementary School	379	51	368	59	361	77	245	195
37, 54	Capshaw Middle School	507	48	481	73	451	114	310	260
41, 42, 43	Public Schools Administration Building	342	68	316	89	302	114	260	158
44	Wood Gormley Elementary School	261	27	249	33	214	69	167	122
45, 46	Unitarian Universalist Congregation of Santa Fe	292	26	276	41	235	81	162	156
48	Elks BPOE 460 Lodge	288	48	287	43	265	75	184	155
52	E.J. Martinez Elementary School	244	41	236	48	203	88	181	108
53	Pasatiempo Senior Center	279	49	261	66	232	96	177	158
55	Elks BPOE 460 Lodge	464	33	430	55	378	116	250	249
Absentee/Mail	City Hall	195	22	188	28	177	37	119	101
Early/M-100	City Hall	599	61	587	62	568	103	421	252
		For	Against	For	Against	For	Against	For	Against
	Total	3850	474	3679	597	3386	970	2476	1914
	% by District	89.04%	10.96%	86.04%	13.96%	77.73%	22.27%	56.40%	43.60%

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results											
District #3		Charter Amendment 1 Water Protection and Conservation		Charter Amendment 2 Neighborhood Preservation		Charter Amendment 3 Support for Local Business, the Local Economy and a Living Wage for All		Charter Amendment 4 Independent Citizens Redistricting Commission		Charter Amendment 5 Campaign Contribution Limits	
Precincts	Poll Locations	For	Against	For	Against	For	Against	For	Against	For	Against
12, 67	Sweeney Elementary School	256	31	219	63	240	46	202	74	242	40
31, 66	Salazar Elementary School	228	44	195	74	219	52	183	76	229	37
34	Salazar Elementary School	372	61	327	90	361	65	291	110	368	54
62, 75	Ortiz Middle School	223	45	195	63	213	54	174	75	220	41
64, 80	Sweeney Elementary School	221	53	194	71	227	48	192	71	219	49
86, 89	Southside Library	565	118	502	171	528	157	488	174	572	105
Absentee/Mail	City Hall	95	11	83	21	81	27	77	27	94	13
Early/M-100	City Hall	177	29	154	47	168	40	157	44	181	25
		For	Against	For	Against	For	Against	For	Against	For	Against
	Total	2137	392	1869	600	2037	489	1764	651	2125	364
	% by District	84.50%	15.50%	75.70%	24.30%	80.64%	19.36%	73.04%	26.96%	85.38%	14.62%

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results

District #3		Charter Amendment 6 Timely Disclosure of the Purpose of Tax Increases or Bond Measures		Charter Amendment 7 Independent Audit Committee		Charter Amendment 8 Mayor's Voting Powers		Charter Amendment 9 Governance: Full-time Mayor; Regulating the Relationships Between the Mayor, the City Councilors and the City Manager and Defining the Authority of Each	
Precincts	Poll Locations	For	Against	For	Against	For	Against	For	Against
12, 67	Sweeney Elementary School	215	62	213	63	204	78	168	114
31, 66	Salazar Elementary School	208	60	193	67	207	60	175	95
34	Salazar Elementary School	353	61	331	75	300	115	259	156
62, 75	Ortiz Middle School	199	53	198	60	188	70	171	92
64, 80	Sweeney Elementary School	209	52	199	62	206	62	188	80
86, 89	Southside Library	591	80	528	135	529	152	437	240
Absentee/Mail	City Hall	91	16	85	15	81	30	56	55
Early/M-100	City Hall	169	32	163	40	164	42	147	64
		For	Against	For	Against	For	Against	For	Against
	Total	2035	416	1910	517	1879	609	1601	896
	% by District	83.03%	16.97%	78.70%	21.30%	75.52%	24.48%	64.12%	35.88%

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results

District #4		Charter Amendment 1 Water Protection and Conservation		Charter Amendment 2 Neighborhood Preservation		Charter Amendment 3 Support for Local Business, the Local Economy and a Living Wage for All		Charter Amendment 4 Independent Citizens' Redistricting Commission		Charter Amendment 5 Campaign Contribution Limits	
Precincts	Poll Locations	For	Against	For	Against	For	Against	For	Against	For	Against
29	Genoveva Chavez Community Center	346	77	300	115	316	107	306	106	359	64
35, 74	Nava Elementary School	239	51	205	74	232	59	185	89	238	51
38, 56	Genoveva Chavez Community Center	476	84	412	133	463	95	393	140	483	79
39, 49	Genoveva Chavez Community Center	397	88	328	137	360	120	317	147	387	93
50	Nava Elementary School	257	63	219	92	249	69	225	86	276	44
51, 76	Chaparral Elementary School	410	87	338	145	368	124	350	121	412	83
77	Chaparral Elementary School	319	67	274	106	289	99	265	102	324	58
78	Genoveva Chavez Community Center	466	85	415	127	416	132	409	129	487	66
Absentee/Mail	City Hall	174	23	140	55	160	37	153	36	173	21
Early/M-100	City Hall	332	68	288	104	298	97	291	102	323	74
		For	Against	For	Against	For	Against	For	Against	For	Against
	Total	3416	693	2919	1088	3151	939	2894	1058	3462	633
	% by District	83.13%	16.87%	72.85%	27.15%	77.04%	22.96%	73.23%	26.77%	84.54%	15.46%

City of Santa Fe Charter Amendments -- March 4, 2014 -- Official Results									
District #4		Charter Amendment 6 Timely Disclosure of the Purpose of Tax Increases or Bond Measures		Charter Amendment 7 Independent Audit Committee		Charter Amendment 8 Mayor's Voting Powers		Charter Amendment 9 Governance: Full-time Mayor; Regulating the Relationships Between the Mayor, the City Councilors and the City Manager; and Defining the Authority of Each	
Precincts	Poll Locations	For	Against	For	Against	For	Against	For	Against
29	Genoveva Chavez Community Center	349	66	346	66	315	109	227	196
35, 74	Nava Elementary School	219	61	217	63	193	94	153	139
38, 56	Genoveva Chavez Community Center	463	80	431	107	418	144	337	226
39, 49	Genoveva Chavez Community Center	367	101	357	107	360	119	265	213
50	Nava Elementary School	262	52	236	67	226	94	170	154
51, 76	Chaparral Elementary School	404	71	368	105	358	136	282	212
77	Chaparral Elementary School	313	60	301	70	296	93	221	165
78	Genoveva Chavez Community Center	484	58	450	92	424	125	328	222
Absentee/Mail	City Hall	166	24	164	25	148	46	109	86
Early/M-100	City Hall	314	73	310	79	286	114	236	164
		For	Against	For	Against	For	Against	For	Against
	Total	3341	646	3180	781	3024	1074	2328	1777
	% by District	83.80%	16.20%	80.28%	19.72%	73.79%	26.21%	56.71%	43.29%

We, the undersigned, certify the above and foregoing is a correct canvass of the election held on March 4, 2014.
Attest:

Yolanda Y. Vigil
City Clerk

George Anaya, Jr.
Santa Fe Magistrate Court Judge

Geralyn F. Cardenas

Melessia Helberg

Patrick Ortiz

Carolynn L. Roibal

Melissa Byers

City of Santa Fe Regular Municipal Election - March 4, 2014 - Official Results by District

	District #1				
	Mayor			Councilor	
	Dimas	Bushee	Gonzales	Lindell	Segura
Total	1093	2114	2256	3537	1528
% by District	20.01%	38.70%	41.30%	69.83%	30.17%

	District # 2							
	Mayor			Councilor				
	Dimas	Bushee	Gonzales	Arellano	Maestas	Bonney	Acton	Green
Total	999	1447	2186	972	1498	620	1112	204
% by District	21.57%	31.24%	47.19%	22.06%	34.00%	14.07%	25.24%	4.63%

	District #3					
	Mayor			Councilor		
	Dimas	Bushee	Gonzales	Dominguez	Jaramillo	Campos
Total	995	474	1152	1140	439	933
% by District	37.96%	18.08%	43.95%	45.38%	17.48%	37.14%

	District #4			
	Mayor			Councilor
	Dimas	Bushee	Gonzales	Trujillo
Total	1679	850	1777	3103
% by District	38.99%	19.74%	41.27%	100.0%

Mayor Totals	4766	4885	7371	
Mayor %	28.00%	28.70%	43.30%	

City of Santa Fe Regular Municipal Election -- March 4, 2014 -- Official Results										
All Districts	Charter Amendment 1 Water Protection and Conservation		Charter Amendment 2 Neighborhood Preservation		Charter Amendment 3 Support for Local Business, the Local Economy and a Living Wage for All		Charter Amendment 4 Independent Citizens' Redistricting Commission		Charter Amendment 5 Campaign Contribution Limits	
	For	Against	For	Against	For	Against	For	Against	For	Against
District #1	4556	699	3914	1137	4286	923	3854	1070	4536	641
District #2	3849	633	3312	1018	3505	914	3244	995	3834	569
District #3	2137	392	1869	600	2037	489	1764	651	2125	364
District #4	3416	693	2919	1088	3151	939	2894	1058	3462	633
Total	13958	2417	12014	3843	12979	3265	11756	3774	13957	2207
% by District	85.24%	14.76%	75.76%	24.24%	79.90%	20.10%	75.70%	24.30%	86.35%	13.65%

City of Santa Fe Regular Municipal Election -- March 4, 2014 -- Official Results								
All Districts	**Charter Amendment 6** Timely Disclosure of the Purpose of Tax Increases or Bond Measures		**Charter Amendment 7** Independent Audit Committee		**Charter Amendment 8** Mayor's Voting Powers		**Charter Amendment 9** Governance: Full-time Mayor; Regulating the Relationships Between the Mayor, the City Councilors and the City Manager and Defining the Authority of Each	
	For	Against	For	Against	For	Against	For	Against
District #1	4448	621	4273	725	3998	1185	2991	2187
District #2	3850	474	3679	597	3386	970	2476	1914
District #3	2035	416	1910	517	1879	609	1601	896
District #4	3341	646	3180	781	3024	1074	2328	1777
Total	13674	2157	13042	2620	12287	3838	9396	6774
% by District	86.37%	13.63%	83.27%	16.73%	76.20%	23.80%	58.11%	41.89%

CITY COUNCIL MEETING OF
March 12, 2014
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Councilor Patti Bushee		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Councilor Bill Dimas		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A LEAD POLICY COMMITTEE AND LEAD CASE COORDINATION SUBCOMMITTEE TO ENSURE THE EFFICIENT AND ETHICAL OPERATIONS OF THE LEAD SANTA FE PROGRAM.	Public Safety Committee – 3/18/14 Finance Committee – 3/31/14 City Council (scheduled) – 4/9/14

Councilor Carmichael Dominguez		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	AN ORDINANCE RELATING TO REDISTRICTING; CREATING A NEW SECTION 6-18 SFCC 1987 TO ESTABLISH AN INDEPENDENT CITIZENS' REDISTRICTING COMMISSION; AMENDING THE SANTA FE ELECTION CODE, SECTION 9-1 SFCC 1987 TO REQUIRE THAT THE INDEPENDENT CITIZENS' REDISTRICTING COMMISSION SHALL REVIEW AND REVISE THE CITY OF SANTA FE DISTRICT BOUNDARIES AT LEAST EVERY TEN YEARS; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.	Finance Committee – 3/31/14 City Council (scheduled) 4/9/14

Councilor Peter Ives		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

This document is subject to change.

Exhibit "3"

Councilor Signe Lindell		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Councilor Joseph Maestas		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Councilor Chris Rivera		
Co-Sponsors	**Title**	**Tentative Committee Schedule**

Councilor Ron Trujillo		
Co-Sponsors	**Title**	**Tentative Committee Schedule**
	AN ORDINANCE RELATING TO TOURNAMENT FEES AND ADULT LEAGUE FEES AT THE MRC AND CITY SPORTS FIELDS; AMENDING SUBSECTION 23-4.12 SFCC 1987 TO ESTABLISH TOURNAMENT FEES, AMEND THE ADULT LEAGUE FEES AND TO INCLUDE YOUTH LEAGUE REQUIREMENTS TO BE CONSISTENT WITH SUBSECTION 23-7.5 SFCC 1987; AMENDING SECTION 23-7.5 SFCC 1987 TO ESTABLISH TOURNAMENT FEES AND TO AMEND THE ADULT LEAGUE FEES; AND MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES THAT ARE NECESSARY.	Finance Committee 3/17/14 Parks & Open Spaces Advisory Commission - 3/18/14 Public Works Committee – 3/24/14 City Council (request to publish) - 3/26/14 City Council (public hearing) - 4/30/14

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

This document is subject to change.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2014-___

INTRODUCED BY:

Councilor Bill Dimas

A RESOLUTION

AUTHORIZING THE ESTABLISHMENT OF A LEAD POLICY COMMITTEE AND LEAD CASE COORDINATION SUBCOMMITTEE TO ENSURE THE EFFICIENT AND ETHICAL OPERATIONS OF THE LEAD SANTA FE PROGRAM.

WHEREAS, the City of Santa Fe established the LEAD Task Force with Resolution 2012-66 to explore and recommend incarceration alternatives, addiction treatment and recover support services; and

WHEREAS, Resolution 2013-76 was adopted by the City Council on July 31, 2013 for the purpose of accepting the recommendations of the LEAD Santa Fe Task Force; and

WHEREAS, the LEAD Task Force found that:

- 100 individuals, arrested by City of Santa Fe Police for opiate possession or sales, cost more than $4.2 million dollars or an average of $42K per individual across local and state systems over the last 3 years. (This is only the tip of the iceberg – costs not included in this figure include: loss of productivity & earnings; impact on families & social support systems; current "ad hoc" drug treatments; public safety & health issues; witness, jury costs; property crime investigations and value of property lost, etc.)

Exhibit "4"

- These same 100 individuals cost the City $1 million dollars in jail/detention costs over 3 years for a total of 11,502 jail days.
- They were arrested 590 times by police officers in the 3 years; officers spent an average of 9.3 hours per arrest.
- A majority (91 out of 100) were repeat offenders with a pattern of being re-arrested every 6 months on average.
- 51% of those individuals had property crime histories; and

WHEREAS, the LEAD Task Force recommendations were to establish a LEAD/Pre-Booking Diversion Program which would identify low-level opiate drug offenders for whom probable cause exists for an arrest, and redirect them from jail and prosecution by immediately providing linkages to treatment/support services; and

WHEREAS, the LEAD Task Force found that with the economic strain on local counties, pre-booking diversion programs offer a viable, cost effective alternative to the status quo that can positively impact Santa Fe; and

WHEREAS, the benefits of the LEAD/Pre-Booking Diversion Program will:

- Increase safety for the community by reducing future criminal behavior.
- Reduce the burden on the law enforcement, county jail, prosecution, and court system.
- Redirect public safety resources to more pressing priorities, such as serious and violent crime.
- Reduces opiate overdoses (and related burden on the emergency and hospital resources) and recidivism.
- Optimize the use of the Affordable Care Act health coverage for treatment and social supports.
- Improve individual outcomes and community quality of life through research-based treatment, harm reduction and social supports.

WHEREAS, the LEAD Operations Team was established to map out the process of implementing a three year, pre-booking diversion pilot program to divert individuals suffering from opiate addictions to social supports and treatment services; and

WHEREAS, Resolution 2013-76 approved the planning and implementing of an innovative 3-year pre-booking diversion pilot program to divert those individuals suffering from an addiction to opiates into treatment and social supports (Planning phase: August 1 – December, 31 2013; Pilot phase: January 1, 2014 – Dec. 31, 2017) and directed staff to develop an operations plan and explore funding mechanisms to establish and implement the three year LEAD/Pre-booking program in Santa Fe; and

WHEREAS, the LEAD Operations Team was established to map out the process of implementing a three year, pre-booking diversion pilot program to divert individuals suffering from opiate addictions to social supports and treatment services; and

WHEREAS, the LEAD Operations Team developed protocols, procedures and has worked with staff to select a local service provider; and

WHEREAS, the City of Santa Fe has contracted for services and is implementing training to begin LEAD Santa Fe operations in March of 2014; and

WHEREAS, the LEAD Task Force and LEAD Operations Team have essentially competed their assigned duties; and

WHEREAS, the adopted plan indicates the need for two remaining committees to ensure the efficient and ethical operations of the LEAD Santa Fe program.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the City of Santa Fe thanks the LEAD Task Force and Operations Team for their work.

BE IT FURTHER RESOLVED that the Governing Body hereby establishes the LEAD Policy Committee.

Section 1. **NAME:** The committee shall be called the LEAD Policy Committee ("Policy Committee").

Section 2. **SCOPE OF WORK:** The Policy Committee shall:

A. Discuss progress and determine course of action for LEAD Santa Fe program:

(1) Determine the appropriate policies, procedures and protocols to operate the LEAD Santa Fe program.

(2) Obtain information from the Case Subcommittee regarding the needs of the clients and if the contracted programs are able to meet those needs;

(3) Determine time points to collect data and inform the evaluation of the program;

(4) Determine if the appropriate partners are involved to improve the health status and well-being of the client and the community;

(5) Determine the appropriate funding strategy to sustain the program and if those funding sources maintain the integrity of the program;

(6) Review of RFP's for LEAD service provision and evaluation;

(7) Review of RFP applications and provision of recommendations to the City for service providers and evaluators;

(8) Make available criminal justice and human services system data for comparison and evaluative purposes;

(9) Oversight of LEAD implementation, including regular review of reports from the Case Coordinating Team, contract compliance of service providers and evaluators, and program compliance, including a commitment to a harm reduction philosophy, by the Case Coordinating Team, and solicitation and review of community feedback;

(10) Modification of service provision, or evaluation criteria and process, as

needed.

B. Report to the Governing Body at least once per year regarding the progress and planning for the LEAD Santa Fe program.

Section 3. MEMBERSHIP:

A. The Mayor will appoint the members of the Policy Committee, with the approval of the City Council.

B. The Mayor will appoint the chairperson. The chairperson shall appoint a vice-chair person.

C. To the greatest extent possible, the Policy Committee will be comprised of the following participants:

- City of Santa Fe Police Chief's Office
- City of Santa Fe Police Department
- City of Santa Fe Attorney's Office
- City of Santa Fe Community Services Department
- City of Santa Fe City Councilor appointed by the Mayor
- Santa Fe County Sheriff's Office
- Santa Fe County Attorney's Office
- Santa Fe County Community Services Department
- First Judicial District Attorney's Office
- First Judicial District Public Defender's Office
- the Drug Policy Alliance, a New Mexico non-profit corporation
- the New Mexico Criminal Defense Lawyers

Association

D. The members shall serve until they complete their duties and responsibilities as set forth above.

E. Members shall serve without compensation.

Section 4. VACANCIES: Vacancies shall be filled in the same manner as initial appointments.

Section 5. MEETINGS; DURATION; STRUCTURE: The Policy Committee shall:

A. Meet once a month or more often as necessary.

B. The meetings shall be held in accordance with the City's *Rules and Procedures for City Committees*.

C. Meet throughout the duration of the LEAD Santa Fe pilot project and until it is determined that LEAD Santa Fe will continue to function as a City of Santa Fe program.

D. The Policy Committee shall coordinate with the Case Subcommittee with the periodic reports to the City Council regarding the operations and outcomes of the LEAD Santa Fe program.

Section 6. STAFF LIAISON: The City Manager shall designate a staff person who shall serve as the liaison to the Policy Committee.

BE IT FURTHER RESOLVED, the Governing Body hereby establishes the LEAD Case Coordination Subcommittee.

Section 1. NAME: The subcommittee shall be called the LEAD Case Coordinating Subcommittee ("Case Subcommittee").

Section 2. SCOPE OF WORK: The Case Subcommittee shall:

A. Make operations-level decisions with the City's contracted service provider regarding LEAD participant cases and provide periodic operational oversight to program service delivery.

Specific responsibilities include, but are not limited to, the following:

(1) Review referral decisions and LEAD participant cases, with the authority to withdraw program services if participants are not making effective use of the opportunity;

(2) Share information about program participants progress;

(3) Evaluate the clients progress and determine if other services could be useful to improve the quality of the client's life and the safety of the community;

(4) Draft periodic reports to the Policy Committee;

(5) Make recommendations to the Policy Committee regarding referral and diversion protocols and program capacity.

(6) Report to the Policy Committee the progress and shortfalls of the process and, where possible, the client's perceptions of how the program is working.

B. Provide information to the LEAD Policy Committee to provide a report to Governing Body at least once a year regarding the progress and planning for the LEAD Santa Fe program.

Section 3. MEMBERSHIP:

A. The membership of the Case Subcommittee will be determined by the Policy Committee, with the approval of the Mayor.

B. The chairperson and vice-chair person will be elected by a majority vote of the Subcommittee.

C. To the greatest extent possible, the Case Subcommittee will be comprised of the following participants:

- City of Santa Fe Police Department
- City of Santa Fe Attorney's Office
- City of Santa Fe Community Services Department
- First Judicial District Attorney's Office

- First Judicial District Public Defender's Office
- the City of Santa Fe's contracted service provider

D. The members shall serve until they complete their duties and responsibilities as set forth above.

E. Members shall serve without compensation.

Section 4. VACANCIES: Vacancies shall be filled in the same manner as initial appointments.

Section 5. MEETINGS; DURATION; STRUCTURE: The Case Subcommittee shall:

A. The Case Subcommittee shall meet twice a month or more often as necessary.

B. The meetings shall be held in accordance with the City's *Rules and Procedures for City Committees*.

C. The Case Subcommittee shall meet throughout the duration of the LEAD Santa Fe pilot project and until it is determined that LEAD Santa Fe will continue to function as a City of Santa Fe program.

D. The Case Subcommittee shall assist the Policy Committee with the periodic reports to the City Council regarding the operations and outcomes of the LEAD Santa Fe program.

Section 6. STAFF LIAISON: The City Manager shall designate a staff person who shall serve as the liaison to the Case Subcommittee.

BE IT FURTHER RESOLVED, staff is directed to prepare agreements, for execution between City and the parties set forth herein, to establish the duties, responsibilities and operating procedures of the LEAD Policy Committee and LEAD Case Coordination Subcommittee.

PASSED, APPROVED, and ADOPTED this ___ day of _____, 2014.

_____

ATTEST: JAVIER M. GONZALES, MAYOR

_____

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-___

INTRODUCED BY:

Councilor Ronald S. Trujillo

AN ORDINANCE

RELATING TO TOURNAMENT FEES AND ADULT LEAGUE FEES AT THE MRC AND CITY SPORTS FIELDS; AMENDING SUBSECTION 23-4.12 SFCC 1987 TO ESTABLISH TOURNAMENT FEES, AMEND THE ADULT LEAGUE FEES AND TO INCLUDE YOUTH LEAGUE REQUIREMENTS TO BE CONSISTENT WITH SUBSECTION 23-7.5 SFCC 1987; AMENDING SECTION 23-7.5 SFCC 1987 TO ESTABLISH TOURNAMENT FEES AND TO AMEND THE ADULT LEAGUE FEES; AND MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES THAT ARE NECESSARY.

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

Section 1. Section 23-4.13 SFCC 1987 (being Ord. #2013-26) is amended to read:

23-4.12 City Sports Fields; League and School Fees; Requirements.

A. *Applicability.* This Section shall apply to the following city of Santa Fe sports fields:

(1) Alto Park;

(2) Ashbaugh Park;

(3) Fort Marcy Park (ball field);

Exhibit "5"

(4) Franklin Miles Park;

(5) Herb Martinez Park;

(6) Larragoite Park;

(7) Magers Field;

(8) Monica Lucero Park;

(9) Patrick Smith Park;

(10) Ragle Park;

(11) Salvador Perez Park;

(12) Sweeney School (soccer field);

(13) Villa Linda Park; and

(14) Wood Gormley School (soccer field).

B. *League Fees*. For use of the city of Santa Fe sports fields identified in paragraph A., above:

(1) Youth league, including a school, means a non-profit entity that organizes and runs programs for youth, up to the age of 18, for any sport or recreation activity.

(a) Each youth league and school shall be assessed a one hundred dollar ($100.00) permit fee per season, per sport or recreation activity.

(b) Each youth league and school shall provide representatives from their respective league and school to participate in an annual sports field clean-up day(s) organized by the city of Santa Fe. The details of the sports field clean-up day(s), including the dates, location and manner of tracking participation by the leagues and schools shall be adopted by separate resolution of the governing body.

(2) Adult league means a non-profit entity that organizes and runs programs for adults, over the age of 18, for a season, for any sport or recreation activity. Each adult league shall be assessed the following fees, per season, and such fees are inclusive of one end of

season tournament: [~~one hundred dollar ($100) fee per team per year for field maintenance/utilities, plus~~]

(a) twenty-five dollar ($25.00) fee per player, [~~per year~~] necessary to field a team according to each individual league; and

(b) twenty-five dollar ($25.00) fee for one (1) alternate player per team.

(3) League fees collected pursuant to this Section shall be deposited into a dedicated sports field maintenance fund to be used in conjunction with annual budgeted sports field maintenance amounts from the general fund.

C. *Tournament Fees.* The city shall assess a tournament fee of $25.00 per team, per tournament, for the use of city of Santa Fe sports fields. This paragraph does not apply to season adult league tournaments specified in paragraph B., above.

D. *Requirements.*

(1) On an annual basis, beginning in January, each league and school shall submit a letter of request to the city that specifies the:

(a) Type of sport;

(b) Number of participants and age groups being served;

(c) Estimated number of days and hours needed for field use for the season;

(d) Mission and goals of the league or school; and

(f) General yearly budget that includes a general statement of financial condition of the league.

(g) If applicable, the number of scholarships distributed for sports registration fees for the year before, and the estimated number of scholarships for sports registration fees available for the current year.

(2) Each league and school shall include with the letter of request, the following

documents:

(a) Statement that reflects the general financial standing of the league or school that is applicable to the sports league from:

(i) a certified public accountant; or

(ii) the national organization which the league or school belongs to; or

(iii) the tax returns of the league or school;

(b) Code of conduct; and

(c) Bylaws or other document demonstrating how the league or school was organized and operates.

(3) Each youth league shall provide the parent(s) or guardian(s) of the participant the following documents:

(a) Copy of the league or school's letter of request to the city, with supporting documents;

(b) Summary of the city's costs to maintain each sports field, which shall be provided by the city to each league and school; and

(c) Copy of educational material provided by the city related to the disposal of solid waste and recycling which outlines the leagues and schools responsibility to dispose of solid waste and promote recycling.

(4) All leagues and schools shall be responsible, on an as-used basis, for clean-up of trash and litter directly related to their use of a sports field. The clean-up shall include proper separation of recyclables from trash."

[~~D~~]E. *Noncompliance.* A league or school that does not comply with the requirements of Section 23-4.12 SFCC 1987 shall not be granted a permit to use city sports fields or the league or school permit may be suspended.

[~~E~~]F. *Priority of Use of City Sports Fields, other than the MRC Sports Fields.* City sports fields shall be prioritized for youth league and school use.

Section 2. Section 23-7.5 SFCC 1987 (being Ord. #2013-26) is amended to read:

23-7.5 MRC Sports Fields; Fees; Requirements; Priority for Use.

A. *Youth League Fees.* Youth league, including a school, means a non-profit entity that organizes and runs programs for youth, up to the age of 18, for any sport or recreation activity.

(1) Each youth league and school shall be assessed a one hundred dollar ($100.00) permit fee per season, per sport or recreation activity.

(2) Each youth league and school shall provide representatives from their respective league and school to participate in an annual sports field clean-up day(s) organized by the city of Santa Fe. The details of the sports field clean-up day(s), including the dates, location and manner of tracking participation by the leagues and schools shall be adopted by separate resolution of the governing body.

B. *Adult League Fees.* Adult league means a non-profit entity that organizes and runs programs for adults over the age of 18 years old for a season, for any sport or recreation activity. [~~Adult league fees assessed by the city for use of the MRC sports fields shall be one hundred dollar ($100) fee per team, per year for field maintenance/utilities, plus~~] Each adult league shall be assessed the following fees, per season, and such fees are inclusive of one end of season tournament:

(1) twenty-five dollar ($25.00) fee per player, [~~per year,~~] necessary to field a team according to each individual league; and

(2) twenty-five dollar ($25.00) fee for one (1) alternate player per team.

C. *Tournament Fees.* The city shall assess a tournament fee of $25.00 per team, per tournament, for the use of city of Santa Fe sports fields at the MRC. This paragraph does not apply to season adult league tournaments specified in paragraph B., above.

D. *League Requirements.*

(1) On an annual basis, beginning in January, each league and school shall submit a letter of request to the city that specifies the:

(a) Type of sport;

(b) Number of participants and age groups being served;

(c) Estimated number of days and hours needed for field use for the season;

(d) Mission and goals of the league or school; and

(f) General yearly budget that includes a general statement of financial condition of the league.

(g) If applicable, the number of scholarships distributed for sports registration fees for the year before, and the estimated number of scholarships for sports registration fees available for the current year.

(2) Each league and school shall include with the letter of request, the following documents:

(a) Statement that reflects the general financial standing of the league or school from:

(i) a certified public accountant; or

(ii) the national organization which the league or school belongs to; or

(iii) the tax returns of the league or school;

(b) Code of conduct; and

(c) Bylaws or other document demonstrating how the league or school was organized and operates.

(3) Each youth league shall provide the parent(s) or guardian(s) of the participant the following documents:

(a) Copy of the league or school's letter of request to the city, with supporting documents;

(b) Summary of the city's costs to maintain each sports field, which shall be provided by the city to each league and school; and

(c) Copy of educational material provided by the city related to the disposal of solid waste and recycling which outlines the leagues and schools responsibility to dispose of solid waste and promote recycling.

(3) All leagues and schools shall be responsible, on an as-used basis, for clean-up of trash and litter directly related to their use of a sports field. The clean-up shall include proper separation of recyclables from trash.

~~[D. *Individual User Fee.* An annual twenty-five dollar ($25.00) fee shall be assessed by the city for each adult participant. Such fee shall allow for unlimited non-league participation at the MRC for one (1) year.]~~

[~~E~~]D. *Priority of Use of MRC Sports Fields.*

(1) MRC sports fields shall be prioritized for adult leagues with youth league use scheduled pursuant to paragraph (2) below.

(2) When other city sports fields are unavailable to accommodate youth leagues or youth tournaments, on a particular day, weekend or week, and the MRC fields are not scheduled for use for that particular day, weekend or week, then the MRC fields may be made available to provide a field for such event at a pro-rated MRC fee.

F. *Noncompliance.* A league or school that does not comply with the requirements of Article 23-7 SFCC 1987 shall not be granted a permit to use sports fields at the MRC or the league or school permit may be suspended.

Section 3. Effective Date. This Ordinance shall become effective immediately upon adoption.

APPROVED AS TO FORM:

_____

KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

M/Melissa/Bills 2014/Tournament Fees

City of Santa Fe, New Mexico

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Peter N. Ives, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Bill Dimas, Dist. 4
Ronald S. Trujillo, Dist. 4

Memorandum

To: Members of the Governing Body

From: Kelley Brennan, Interim City Attorney
Zachary Shandler, Assistant City Attorney

Re: Appeal of the City of Santa Fe Public Works Department from the December 10, 2013 and January 14, 2014 Decisions of the Historic Districts Review Board in Case #H-13-076A Designating the Defouri Street Bridge as Contributing and Case #H-13-076B Approving the Demolition of the Bridge with Conditions Limiting the Width of the Replacement Structure Case No. 2014-08

Date: March 6, 2014 for March 12, 2014 Meeting of the Governing Body

I. THE APPEAL

On January 27, 2014 the City of Santa Fe Department of Public Works (Appellant) filed a Verified Appeal Petition (Petition) appealing the December 10, 2013 decision (the Status Decision) of the Historic Districts Review Board (HDRB) designating the Defouri Street Bridge (Bridge) as "contributing" and the HDRB's January 14, 2014 decision (the Design Decision) approving the Appellant's application (Application) to demolish the 30-foot-wide Bridge and construct a new bridge (the New Bridge) in its place (the Project), but with conditions altering the Appellant's proposed design for the New Bridge (the Original Design) to reduce its width by 8 feet from 41 feet to approximately 33 feet. A copy of the Petition is attached as Exhibit A.

II. HISTORY OF THE CASE

The Bridge is located in the Westside-Guadalupe Historic District (District), crossing the Santa Fe River one block west of Guadalupe Street at the north end of Defouri Street where it intersects the Alameda. The Bridge is approximately 30 feet wide, with two 12-foot-wide lanes, an approximately 4-foot-wide sidewalk on the east side and an approximately 1 foot- 9 inch-wide sidewalk on the west side and side-mounted railings. Appellant's Original Design includes two

Exhibit "6"

14-foot-wide shared-use lanes with a five-foot-wide sidewalk on each side and outer (a/k/a top mounted) railings designed to sustain vehicle impact.

The Appellant applied for HDRB review of the Bridge's status pursuant to Santa Fe City Code (Code) §14-5.2(C)(2)(c)(i). The HDRB held a status hearing on December 10, 2013 (the Status Hearing). HDRB staff provided the HDRB with a report (the Status Staff Report) briefly describing the Bridge and its history and recommending that the HDRB designate it as "noncontributing", finding that it did not meet the Code definition of a "Contributing Structure". In making the recommendation HDRB staff considered the Bridge's "*...disparate elements – hand-assembled rock supports and precast concrete beams...*," concluding that they did "*...not make for a 'historic' bridge.*" A copy of the Status Staff Report is attached as Exhibit B. The HDRB disagreed with HDRB staff and instead voted at the conclusion of the Status Hearing to designate the Bridge as "contributing". The minutes of the Status Hearing indicate as reasons for the status designation that the Bridge established and maintained the character of the neighborhood through its scale and size and was 54 years old. A copy of the minutes of Status Hearing is attached as Exhibit C. Findings of Fact and Conclusions of Law embodying the Decision were adopted by the HDRB on January 14, 2012 (Status Findings). The Status Findings (Item #14-0029) are attached as Exhibit D.

The HDRB postponed review of the Project at the December 10, 2013 meeting as the Appellant had not requested the exceptions required to permit the demolition of a contributing structure and to replace the Bridge after demolition with new material (collectively, the Exceptions). The HDRB held a hearing on the Original Design and the Exceptions on January 14, 2014 (the Design Hearing). HDRB staff provided the HDRB with a report (the Design Staff Report) briefly describing the Project and recommending that the HDRB approve the Exceptions and the Project. A copy of the Design Staff Report is attached as Exhibit E. The HDRB approved the Exceptions and the Project at the Design Hearing, subject to the conditions that the Original Design be modified to reduce its width by 8 feet by having a sidewalk on only one side, saving 5 feet in width, and by placing the railings flush (a/k/a side mounted) with the edge, saving an additional 3 feet in width (the Conditions). A copy of the minutes of the Design Hearing is attached as Exhibit F. Findings of Fact and Conclusions of Law embodying the Design Decision were adopted by the HDRB on January 28, 2014 (Design Findings). The Design Findings (Item #14-0052) are attached as Exhibit G.

The chart below illustrates the differences between the Bridge, and the New Bridge as reflected in the Application and as modified by the Conditions:

Current Bridge	***Application***	***With Conditions***
Western sidewalk- 4 feet	5 feet	5 feet
Western driving lane-12 feet	14 feet	14 feet
Eastern driving lane-12 feet	14 feet	14 feet
Eastern sidewalk- 1' 9"	5 feet	0 feet
Side mounted rails	Top mounted rails—add 1' 5" to both sidewalks (3 feet total)	Side mounted rails
Total- approximately 30 feet	41 feet	33 feet

III. BASIS OF APPEAL

A. The Status Decision. The Appellant claims that the HDRB erred in designating the Bridge as contributing for the following reasons:

1. There was no data offered at the Status Hearing to support the historic significance of the Bridge;
2. The Cultural Resource Survey Report (CRSR) dated July 2013 prepared for the Appellant by Stephen S. Post, Cordelia T. Snow and Gerry Raymond identified no archeological resources and recommended the Bridge as not eligible to the National Register of Historic Places;
3. The City's Archeological Review Committee and State Historic Preservation Office (SHPO) concurred with the findings of the CRSR;
4. HDRB staff concluded that the Bridge does not meet the Code definition of "Contributing Structure"; and
5. The Status Decision did not comply with Code §14-5.2(C)(2)(b)(ii), which provides that "*[a] change in status or the designation of status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant", "contributing" or "noncontributing'.*"

B. The Design Decision. The Appellant claims that the HDRB erred in reducing the width of the Original Design by imposing the Conditions for the following reasons:

1. The Design Decision violates City Code, which requires two sidewalks that are at least 5-foot-wide under SFCC 1987, Section 14-9.2-1 (Illustration Table);
2. The Design Decision violates the Americans with Disabilities Act (ADA) and Public Rights-of-Way Accessibility Guidelines (PROWAG), which prohibit decreasing accessibility below the requirements for new construction in effect at the time and except historic facilities only when SHPO or the federal Advisory Council on Historic Preservation (ACHP) determine that compliance would threaten or destroy historically significant features of a qualified historic facility;
3. The ADA requires a minimum sidewalk width of 4 feet.
4. Code §14-9.2(B(3) provides that "*...in the case of city street projects, the governing body, may consider and approve innovative street designs that are not included among the street types and street sections shown in this Section 14-9.2 that provide adequate pedestrian and bicycle facilities...*" In accordance with this provision, only the Governing Body has the authority to modify the street design required by Code for city street projects. The HDRB does not have this authority.
5. If an Innovative Street Design is approved by the Governing Body and the 5-foot-wide sidewalks are reduced in width to 4 feet, then the New Bridge will be 2 feet narrower and this means the parties' original dispute over 8 feet (33 feet v. 41 feet) has become a dispute over 6 feet (33 feet v. 39 feet).
6. The Project is time-sensitive. The City entered into an agreement with NM DOT for $150,000 from the State with a required $50,000 City match (75% State; 25%

City). Appellant must spend a total of $200,000 on design by June 30, 2014 to demonstrate that it has met the City's match obligation under the agreement. After that, the State will reimburse the City $150,000.

7. Appellanthas spent $110,000 on design to date and is eligible to be reimbursed $82,500 from the state (75% of $110,000). If design is delayed further and the remaining $90,000 isn't spent by June 30 then approximately $67,500 (75% of $90,000) in remaining State funds are at risk. Appellant is seeking an extension to accommodate any delay, but the extension may be subject to approval by both NM DOT and the NM Department of Finance and Administration Local Government Division, which may not occur before June 30 and is not certain.

IV. RELIEF SOUGHT

The Appellant asks the Governing Body to grant its appeal and designate the Bridge as noncontributing and to approve the Project in accordance with the Application.

V. ISSUES RAISED BY THE APPEAL; ANALYSIS

A. The Status Decision.

Code §14-12.1 defines "contributing structure" as "*[a] structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.*"

A "noncontributing structure" is "[*a] structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.*"

A "structure" is defined as "*[a]nything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground...*"

The Bridge is a structure, is located in the District and is generally fifty years old or older.

Appellant's argument: The Status Staff Report describes the Bridge in its current form as a superstructure comprised of precast concrete channel beams bolted together to support an asphalt-surfaced deck resting on a substructure of a masonry cutwater pier and masonry abutments. The current superstructure, constructed in approximately 1959, appears to have replaced an earlier timber deck. As a result of the disparate spanning technologies between the superstructure and the substructure, HDRB staff did not believe that the Bridge had sufficient integrity to qualify as contributing. In addition, HDRB staff did not believe that the Bridge helps establish or maintain the character of the District. The character of the District is outlined in Code §14-5.2(I)(1), entitled "District Standards", which apply to the "*...exterior features of buildings and other structures subject to public view from any public street...*" These standards address exterior wall materials; the color of buildings; roof form, slope, and shape; solar and

other energy collecting and conserving technologies; the screening of equipment; wall and fence materials; greenhouses; porches and portals; and the location of parking for commercial and multi-family residential buildings. Because none of these character-defining standards for the District can be applied to the Bridge, HDRB staff did not believe that the Bridge can be described as establishing or maintaining the character of the District.

HDRB's argument: HDRB, in addressing the question of District character, pointed to testimony at the Status Hearing as establishing that the District is small, has slow speeds on its streets and is an intimate, walking and talking neighborhood. Code §14-5.2(D)(9)(e) addresses scale as a general design standard applied to all the historic districts, but applies it only to buildings. "Building" is defined in Code §14-12.1 as "*[a] structure or parts of a structure covered and connected by a permanent roof and intended for shelter, housing or enclosure.*" Thus the general design standard relating to scale does not apply to the Bridge. However, the HDRB found that the small scale of the Bridge helped maintain the character of the District.

B. The Design Decision.

The difference between the Bridge being designated as "contributing" and "noncontributing" is that contributing status required the Appellant to meet the exception criteria for the Exceptions and to reestablish the streetscape after demolition, i.e., to conform the New Bridge to the visual character of the streetscape.

"Streetscape is defined in Code §14-12.1 as "*[t]he visual character of a street or section of a street as defined by topography; the pattern of structures and open space; building and wall setbacks; street design; architectural design; and heights, widths and proportions of structures, fixtures and graphics.*" HDRB staff believed that the construction of the New Bridge in place of the Bridge reestablished the streetscape and recommended that the HDRB approve the Project.

Code § 14-9.2(B)(3) states: "To better achieve the intent of this Section 14-9.2, a land use board, or, in the case of city street projects, the governing body, may consider and approve innovative street designs that are not included among the street types and street sections shown or described in this Section 14-9.2 that provide adequate pedestrian and bicycle facilities, as well as necessary transit facilities." In accordance with this Code provision, only the Governing Body has the authority to approve an Innovative Street Design for a city street project like the Project. No variance or additional approval is required when approved by the Governing Body.

Code §14-3.14(G) requires the HDRB, in determining whether a request for demolition in a historic district should be approved or denied, to consider (1) whether the structure is of historical importance; (2) whether it is an essential part of a unique street section or block front and whether that street section or block front will be reestablished by a proposed structure; and (3) the state of repair and structural stability of the structure.

Appellant's argument: Appellant argues that the Conditions violate §14-9.2-1Code requirements (Illustration Table), including ADA requirements prohibiting decreasing accessibility below the requirements for new construction in effect at the time, except for historic facilities when SHPO or the ACHP determine that compliance would threaten or destroy historically significant

features of a qualified historic facility. However, SHPO did not make such a determination; in fact, SHPO concurred with the findings of the CRSR that the Bridge was not eligible for the National Register of Historic Places. In addition, since the HDRB approved the Bridge for demolition, compliance with ADA requirements cannot threaten or destroy historically significant features.

Thus SHPO does not need to re-review the Project to see if the ADA sidewalk requirements can be modified in order to protect the historic qualities of the Bridge, because the HDRB has approved the demolition of the Bridge notwithstanding its designation as contributing. (SHPO would have to re-review the Project only if the Bridge was to remain and was being re-furbished.)

HDRB's argument: The HDRB granted the Appellant's requests for the Exceptions and to demolish the Bridge, subject to the Conditions, which, by narrowing the Original Design to proportions more like those of the Bridge, were intended to reestablish the streetscape. The HDRB concluded that a narrower bridge was more consistent with the neighborhood.

VI. CONCLUSION

A. The Status Decision.

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure, it should grant the Appellant's appeal as to status and designate the Bridge as noncontributing and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure, it should deny the Appellant's appeal as to status and let stand the Status Decision designating the Bridge as contributing and adopt the Status Findings as its own.

B1. The Design Decision (if Bridge does not meet the definition of a contributing structure).

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure and thus concludes that the HDRB erred in requiring Exceptions and erred in imposing the Conditions, it should grant the Appellant's appeal and approve the Application as submitted and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure and concludes that the HDRB erred in requiring Exceptions, but did not err in imposing the Conditions, it should deny the Appellant's appeal and adopt the HDRB's Design Findings as its own.

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure and thus concludes that the HDRB erred in requiring the

Case #2014-08

LUD Use Only
Time Filed: 4:15
Fee paid: $ NA
Receipt attached: ☒

(date stamp)
RECEIVED
JAN 27 2014
LAND USE DEPARTMENT

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: City of Santa Fe Public Works Department
Last *First* *M.I.*

Address: P.O. Box 909
Street Address *Suite/Unit #*

Santa Fe New Mexico 87504-0909
City *State* *ZIP Code*

Phone: (505) 955-6672 E-mail Address: dllujan@santafenm.gov

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: Defouri Street Bridge Project

Applicant or Owner Name: City of Santa Fe

Location of Subject Site: Defouri Street between W. Alameda & Alto Street

Case Number: H-13-076A, H-13-076B Permit Number (if applicable):

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):

Applicant of original application.

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:
Case #H-13-076A - December 10, 2013
Case #H-13-076B - January 14, 2014

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

EXHIBIT
tabbies
A

Exceptions and erred in imposing the Conditions, but wishes to approve an Innovative Street Design reducing the width of both sidewalks from 5 feet to 4 feet it should find that such a reduction provides that adequate pedestrian facilities in accordance with the ADA and grant the Appellant's appeal and approve the Application, modified to reflect the approved Innovative Street Design and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

B2. The Design Decision (if Bridge does meet the definition of a contributing structure).

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure and thus concludes that the HDRB was correct in requiring Exceptions and did not err in imposing the Conditions, it should deny the Appellant's appeal and adopt the HDRB's Design Findings as its own.

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure and thus concludes that the HDRB was correct in requiring Exceptions, but erred imposing the Conditions, it should grant the Appellant's appeal and approve the Application as submitted and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure and thus concludes that the HDRB was correct in requiring Exceptions, but erred imposing the Conditions, and wishes to approve an Innovative Street Design reducing the width of both sidewalks from 5 feet to 4 feet it should find that such a reduction provides adequate pedestrian facilities in accordance with the ADA and grant the Appellant's appeal and approve the Application, modified to reflect the approved Innovative Street Design and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

Description of Harm

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

See attached memo.

Explain the Basis for Appeal

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

See attached memo.

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: Desirae Lujan for COSF Public Works Dept. Date: 1/27/14

Agent Signature: _____ Date: _____

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

I/We Desirae Lujan for COSF Public Works Dept., 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:

Desirae Lujan
Signature

_____
Signature

Desirae Lujan
Print Name

_____
Print Name

Subscribed and sworn to before me this 27th day of January, 2014.

Michelle A. Gurule
NOTARY PUBLIC

My commission expires:
09/13/16

City of Santa Fe, New Mexico

memo

DATE: February 10, 2014

TO: City Council

VIA: Isaac J. Pino, P.E. – Public Works Department Director
Eric Martinez, P.E. – Roadway & Trails Engineering Division Director

FROM: Desirae Lujan, P.E. – Engineer Associate

ITEM & ISSUE:
CIP NO. 823 – DEFOURI ST. BRIDGE REPLACEMENT PROJECT

CASE #H-13-076A. APPEAL – THE CITY PUBLIC WORKS DEPARTMENT APPEALS THE DECEMBER 10, 2013 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD FOR CASE #H-13-076A DESIGNATING THE DEFOURI ST. BRIDGE A CONTRIBUTING STRUCTURE TO THE WESTSIDE-GUADALUPE HISTORIC DISTRICT.

CASE #H-13-076B. APPEAL – THE CITY PUBLIC WORKS DEPARTMENT APPEALS THE JANUARY 14, 2014 DECISION OF THE HISTORIC DISTRICTS REVIEW BOARD FOR CASE #H-13-076B APPROVING DEMOLITION OF A CONTRIBUTING STRUCTURE WITH CONDITIONS THE REPLACEMENT STRUCTURE BE NO WIDER THAN 33 FT., ELIMINATING ONE OF TWO SIDEWALKS AND INSTALLED WITH SIDE MOUNTED BRIDGE RAILING.

BACKGROUND & SUMMARY:
The following is a brief summary of project activities and public forums to date:

- November 30, 2011: The City Council adopted Resolution 2011-67 allocating $500,000 through the 2012 CIP Bond issue to fund bridge rehabilitation of the Defouri and Guadalupe St. bridges.
- April 11, 2012: The City Council adopted Resolution No. 2012-38 amending the designated funding to replace the Defouri St. Bridge.
- May 30, 2012: The City Council approved a Professional Services Agreement with the Louis Berger Group for project study and design.
- October 10, 2012: The City Council approved a Cooperative Agreement with NMDOT to receive $150,000 in FY 2012/2013 State Funding.
- January 31, 2013: The first of two public meetings for project study & design was held.
- July 8, 2013: Staff presented the Bridge Type Selection Report and project status to the Public Works Committee.

- July 18, 2013: Archaeological Review Committee reviewed and approved the Cultural Resource Survey Report unanimously, which identified no archaeological resources and recommended the bridge as not eligible to the National Register of Historic Places.
- August 27, 2013: Historic Districts Review Board meeting to consider the referenced project. The Board requested more public input be collected before making final recommendations.
- September 13, 2013: State Historic Preservation Office (SHPO) concurred with the findings of the Cultural Resource Survey Report.
- October 3, 2013: The second of two public meetings for project study & design was held.
- December 10, 2013: Historic Districts Review Board meeting to consider the above cases.
- January 14, 2013: Historic Districts Review Board meeting to consider an exception request.
- January 16, 2014: The Mayor's Committee on Disability was presented details of the project and a letter dated January 21, 2014 was received from Chair Marcia Bowman declaring the committee's strong favor of the proposed bridge design include 5 ft. sidewalks on both sides of the bridge (Exhibit A).

CASE #H-13-076A.

At the December 10, 2013 Historic Districts Review Board meeting, two cases were brought forth regarding the referenced project located in the Westside-Guadalupe Historic District (Cases #H-13-076A & B). The first case was to establish historic status of the Defouri St. Bridge, recommended by Historic Preservation Division staff as "noncontributing", and the second for design recommendations for the replacement structure. Under the first case, the Board designated the bridge a "contributing structure" resulting in postponement of the second case as an exception request would be required for demolition and replacement of a "contributing structure".

Description of Harm

- The most recent NMDOT bridge inspection report dated November 12, 2013 rated the bridge as "structurally deficient" with a sufficiency rating of 33.7% and was recommended for complete replacement;
- Existing structure is in disrepair;
- Existing structure does not meet current structural engineering standards;
- City retains liability of public roads and bridges.

Basis for Appeal

- No data supporting historic significance of the structure;
- Cultural Resource Survey Report identified no archaeological resources and recommended the bridge as not eligible to the National Register of Historic Places;
- The city's Archaeological Review Committee and State Historic Preservation Office (SHPO) concurred with the findings of the Cultural Resource Survey Report;
- Historic staff concluded the bridge does not meet criteria for a contributing structure.
- City of Santa Fe – Chapter 14 Land Development Code
    - Section 14-5.2(C)(2)(b)(ii). "A change in status or the designation of a status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant," "contributing," or "noncontributing.""

- Americans with Disabilities Act (ADA) & Public Rights-of-Way Accessibility Guidelines (PROWAG)
    - R202.3.3 Reduction in Access Prohibited. "An alteration shall not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site below the requirements for new construction in effect at the time of the alternation."
    - R202.3.4 Alterations to Qualified Historic Facilities. "Where the State Historic Preservation Officer or Advisory Council on Historic Preservation determines that compliance with a requirement would threaten or destroy historically significant features of a qualified historic facility, compliance shall be required to the extent that it does not threaten or destroy historically significant features of the facility.
    - Advisory R202.3.4 Alterations to Qualified Historic Facilities. "Where there is a federal agency "undertaking", as defined in 36 CFR 800.16 (y), the requirement in section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and 36 CFR part 800 apply. Location of a facility within an historic district by itself does not excuse compliance with the requirements in this document. The State Historic Preservation Officer or Advisory Council on Historic Preservation must determine that compliance would threaten or destroy historically significant features of the facility. Reproductions or replications of historic facilities are not qualified historic facilities."
- AASHTO – Roadside Design Guide (Industry Standards for Bridge Railing)
- AASHTO – A Policy of Geometric Design for Highways and Streets (Street width; Sidewalk width; and Vehicular Tracking Recommendations)
- AASHTO – LRFD Bridge Design Specifications (Bridge Design; Bridge Width - Matching Approach Roadway Width)
- AASHTO – Guide of the development of Bicycle Facilities (Street Width)
- AASHTO – A Guide for Achieving Flexibility in Highway Design (Street Width, Turning Radii)
- AASHTO – Guide for the Planning, Design, and Operation of Pedestrian Facilities (Sidewalk)
- NMDOT – Bridge Design Manual

RECOMMENDED ACTION:

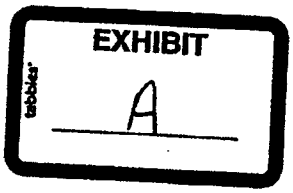
The Public Works Department recommends approval of the appeal for the following:

- **CASE #H-13-076A.**
- **CASE #H-13-076B.**

Attachments:

Exhibit A: Letter from Ms. Marcia D. Bowman, MCD Chair

Exhibit B: NMDOT Cooperative Agreement Compliance Requirements



January 21, 2014

Public Works Department:

The Mayor's Committee on Disability is strongly and unanimously in favor of the plans for the Defouri bridge which allow for 5 foot sidewalks on each side. While we recognize the concerns of the neighborhood and Historic Design Review Board, safety for the bridge should involved pedestrians and those with limited mobility, as well as cars.

We would appreciate your efforts to accommodate these concerns and follow the recommendations for 5 foot sidewalks on each side.

Marcia D. Bowman
Chair, Mayor's Committee on Disability

CASE #H-13-076B.

At the January 14, 2014 Historic Districts Review Board meeting Case #H-13-076B brought forth the request for an exception to demolish and replace the Defouri Street Bridge. The Board granted the exception to allow demolition with conditions stipulating the replacement structure shall be no wider than 33' overall, sidewalk installed on one side of the bridge only, and the bridge railing mounted on the side rather than on top of the bridge. The maker of the motion, Board Member Frank Katz, clarified this would accommodate 2-14 ft. lanes and 1-5 ft. sidewalk on the east side.

The Public Works Department recommends the proposed 41 ft. wide bridge configuration which provides the following:

- 2-14 ft. Shared Use Lanes (Vehicles/Bikes): An engineering analysis shows this configuration accommodates turning of passenger cars without encroachment into adjacent or opposing lanes (design excludes accommodation of larger vehicles to address neighborhood concerns of width & traffic).
- 2-5 ft. Sidewalks: In accordance with the City's Land Development Code and current policies and guidelines identified below; provides connections to existing sidewalk (Alto St., Alameda St./River Trail) and accommodates pedestrians on both sides.
- 2-1.5 ft. Platforms for Top Mounted Bridge Rail: Proposed rail is an approved NMDOT standard design for low vehicular speeds with appropriate height for urban settings (pedestrian and bicycle use). Alternates must be crashworthy and a minimum of 42" in height for urban use. Side mounted crashworthy vehicular rail designs exist, however, such configurations do not meet requirements for urban use.

Description of Harm

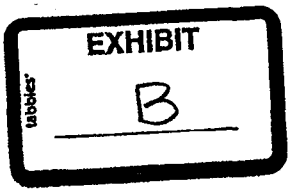
- The most recent NMDOT bridge inspection report dated November 12, 2013 rated the bridge as "structurally deficient" with a sufficiency rating of 33.7% and was recommended for complete replacement;
- Existing structure does not safely meet the transportation needs of all users;
- NMDOT cooperative funding agreement for the project stipulates compliance with minimum design standards (see Exhibit B);
- City retains liability of public roads and bridges.

Basis for Appeal

- City of Santa Fe – Chapter 14 Land Development Code
  - Section 14-9.2(B)(1)(b). "Together with sidewalks and trails, must safely meet the transportation needs of all users, including pedestrians of all ability levels, bicyclists, motorists and transit users"
  - Section 14-9.2(C)(2). "Where no specific standard has been adopted, streets shall be designed in accordance with applicable standards adopted by national engineering organizations such as the American Association of State Highway and Transportation Officials and the Institute of Transportation Engineers."
  - Section 14-9.2(C)(3). "Where no specific standard has been adopted, construction must comply with the current edition of the "New Mexico Department of Transportation Standard Specifications for Road and Bridge Construction."
  - Section 14-9.2(E)(7). "A sidewalk...shall be the wider of: a) ...existing sidewalk; b) ...minimum width set forth in Table 14-9.2-1 (shown as 5'); c) the (New Mexico Department of Transportation Pedestrian Access details) NMDOTPAD...; or d) the minimum width required by ADAAG."

PO#160150

ITEM # 12-0887



Contract No. D13978
Vendor No. 54360
Project No. MAP-7649(901)
Control No. L500056

MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT

THIS AGREEMENT made and entered into this 1st day of November, **2012**, by and between the **NEW MEXICO DEPARTMENT OF TRANSPORTATION**, herein referred to as **"DEPARTMENT"** and the **CITY OF SANTA FE,** herein referred to as **"CITY"**. These entities shall be referred to collectively as the **"PARTIES"**.

In consideration of the covenants contained herein and pursuant to the NMSA 1978, Section 67-3-28, and 67-3-28.2 NMSA, and Commission Policy No. 44, **THE PARTIES AGREE AS FOLLOWS:**

SECTION ONE -- PURPOSE:

The purpose of this Agreement is for the **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.** This Project shall hereafter be referred to interchangeably as "Project" **MAP-7649(901)** or "Project Control No. **L500056** .The Project is a joint and coordinated effort for which **DEPARTMENT** and the **CITY** each have authority or jurisdiction. This Agreement shall specify and delineate the rights and duties of the Parties hereto.

SECTION TWO -- PROJECT FUNDING BY PARTIES:

1. The total estimated cost for Project Control No. **L500056** is **Two Hundred Thousand Dollars ($200,000.00)** to be funded in proportional share by the Parties as follows:
   a. **DEPARTMENT'S 75% share shall be** $ 150,000.00.
      "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."

b. **The CITY'S 25% match share shall be** $ 50,000.00.
For the purpose stated in Section One.

c. **The Total Estimated Project Cost** $ 200,000.00.

2. The **CITY** shall pay all Project costs, which exceeds **Two Hundred Thousand Dollars ($200,000.00).**

SECTION THREE -- CITY SHALL:

1. Act in the capacity of lead agency for the purpose as described in Section One.
2. Pay all costs, perform all labor and supply all material, except as provided in Section Two of this Agreement, for the purpose as described in Section One for the construction work specified in the plans developed for Project Control No. **L500056.**
3. Adopt a written Resolution of support for the Project, including as assumption of ownership, liability, and maintenance responsibility for the scope, or related amenities and required funding to support the Project.
4. Initiate the preliminary engineering, survey, and all design activities, and coordinate Project construction.
5. Be responsible for performing or directing the performance of all design and pre-construction activity, including, but not limited to, the following:
   a. Utility relocation;
   b. Drainage and storm drain design;
   c. Geotechnical design;
   d. Pavement design;
   e. Traffic design;
   f. Structural design;
   g. Environmental and archeological clearances;
   h. Right-of-way maps; and
   i. Hazardous substance/waste site(s) contamination investigations.
6. Initiate and cause to be prepared the necessary Plans, Specifications, and Estimates

(PS&E) for this Project.

7. Cause all designs and PS&E's to be performed under the direct supervision of a Registered New Mexico Professional Engineer.

8. Design the Project in accordance with **Appendix A**, "Minimum Design Standards", which is hereby incorporated into this Agreement.

9. Adhere to **Appendix B**, "Minimum Survey and Right of Way Acquisition Requirements", which is hereby incorporated into this Agreement.

10. Comply with **Appendix C**, "Construction Phase Duties and Obligations", which is hereby incorporated into this Agreement.

11. Furnish the **DEPARTMENT'S** District **Five** Office written **"Certification of the Pre-Construction Contract Phase,"** prior to Project construction, and **"Certification of the Construction Phase,"** upon Project completion, (See Certification No. 1 and No. 2, which are hereby incorporated by reference into this Agreement). The **CITY** shall also furnish the **DEPARTMENT** upon completion of Project, an "AS BUILT" summary of costs and quantities, attached to Certification No. 2 submitted as "AS BUILT Summary of Costs and Quantities," which shall reflect the total cost of Project as stated in Certification No. 2. The Mayor or his/her designee shall execute both these certifications and this Agreement. Failure of the **CITY** to furnish the above certification to the **DEPARTMENT** within thirty (30) days of Project completion shall amount to a material breach of this Agreement and shall entitle the **DEPARTMENT** to cease performance of any obligation set forth in this Agreement at its sole discretion. If Certification No. 1 is not furnished prior to Project construction and Certification No. 2 and "AS BUILT Summary of Costs and Quantities" are not furnished to the **DEPARTMENT** within thirty (30) days of Project completion, the **CITY** shall reimburse to the **DEPARTMENT** all funds disbursed in accordance with this Agreement.

12. Obtain all required written Agreements or permits relating to any realignment of **CITY** roads, when applicable, from all public and private entities.

13. Advertise, let, and supervise the construction of Project Control No. **L500056.**

14. Agree that the funds identified in Section Two should be contractually committed

between the **CITY** and a contractor by June 30, 2013

15. Maintain all records and documents relative to this Agreement for a minimum of five (5) years.
16. Furnish the **DEPARTMENT**, upon demand, all records relevant to this Agreement and to allow the **DEPARTMENT** and State Auditor the right to audit all records, which support the terms of this Agreement.
17. Maintain all facilities constructed or reconstructed with Project funds.
18. Allow the **DEPARTMENT** to perform a final inspection of the Project for the purpose of determining if the Project was constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the **DEPARTMENT**, shall result in termination of this Agreement, for default, including without limitation its costs for funding, labor, equipment, and materials.
19. The **CITY** shall complete Project by **June 30, 2014.** Should this condition not be met, this Agreement shall automatically terminate. Should such termination occur, the **DEPARTMENT** shall claim reimbursement from the **CITY** of any unexpended funds disbursed in the performance of this Agreement.

SECTION FOUR -- BOTH PARTIES AGREE:

1. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the **DEPARTMENT** shall be accounted for and disposed of by the **CITY** as directed by the **DEPARTMENT**.
2. That no money in the Local Government Road Fund shall be used by the **DEPARTMENT** to administer any program, and no entity receiving a distribution pursuant to a program requiring matching funds shall use another distribution made pursuant to Section NMSA 1978 67-3-28.2, to meet the match required.
3. That the provisions of the Local Government Road Fund Project Handbook (Current Edition and any amendments thereto, are incorporated herein by reference and shall

control the contractual rights and obligations of the Parties unless in conflict with the specific terms expressed in this Agreement or any amendments thereto.

SECTION FIVE -- PROJECT RESPONSIBILITY:

The Improvements proposed in Section One of this Agreement shall not be under the jurisdiction and control of the **DEPARTMENT.**

SECTION SIX -- CITY SOLE JURISDICTION:

By reason of the **DEPARTMENT'S** participation in the funding of this Project, the **DEPARTMENT** is not incorporating this Project into the State Highway System, nor is the **DEPARTMENT** assuming any maintenance or user responsibility or liability for participation in this Project.

SECTION SEVEN -- PEDESTRIAN, BICYCLE, & EQUESTRIAN FACILITIES:

In accordance with NMSA 1978, Section 67-3-62, construction of highways along new alignments or for purposes of substantially widening highways along existing alignments shall consider provisions for pedestrian, bicycle, and equestrian facilities concurrent with the design of the Project.

SECTION EIGHT -- EQUAL OPPORTUNITY COMPLIANCE:

The **CITY** agrees to abide by all applicable Federal and State Laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the **CITY** agrees to assure that no person in the United States shall, on the grounds of race, religion, color, national origin, sex, sexual preference, age, or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program or activity performed under this Agreement. If the **CITY** is found to be not in compliance with these requirements during the life of this Agreement, the **CITY** agrees to take appropriate steps to correct these deficiencies.

SECTION NINE –LEGAL COMPLIANCE

The **CITY** shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including , but not limited to laws governing civil right, equal opportunity compliance, environmental issue, workplace safety, employer-employee relations and all other laws governing operations of the workplace, including laws and regulations hereafter enacted. The **CITY** shall ensure that the requirements of this compliance are made a part of each subcontract on this Project at all tiers.

SECTION TEN -- THIRD PARTY BENEFICIARY:

It is specifically agreed between the Parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public, or any member thereof, a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to a person, damage to property, and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

SECTION ELEVEN -- NEW MEXICO TORT CLAIMS ACT:

No Provision of this Agreement establishes any waiver of immunity from liability for alleged tortious conduct of any employee of the **DEPARTMENT** or the **CITY** arising from the performance of this Agreement apart from that set forth in the New Mexico Tort Claim Act, NMSA 1978. Section 41-4-11 et seq.

SECTION TWELVE – CONTRACTORS:

The **CITY** shall require of any contractor hired for the Project to have insurance and to name the **DEPARTMENT** as an additional insured on its insurance policy. To the fullest extent permitted by law, the **CITY** shall require the contractor to defend, indemnify and hold harmless the **DEPARTMENT** and hold harmless the **DEPARTMENT** from and against any liability, claims, damages, losses or expenses (including but not limited to attorney's fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the

contractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

SECTION THIRTEEN -- ACCOUNTABILITY OF RECEIPTS AND DISBURSEMENTS:

There shall be strict accountability for all receipts and disbursements relating hereto. The **CITY** shall maintain all records and documents relative to the Project for a minimum of five years after completion of the Project. The **CITY** shall furnish the **DEPARTMENT** and State Auditor, upon demand, any and all such records relevant to this Agreement. If an audit finding determines that specific funding was inappropriate or not related to the Project, the **CITY** shall reimburse that portion to the **DEPARTMENT** within thirty days of written notification. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation shall be reimbursed to the **DEPARTMENT** within thirty days.

SECTION FOURTEEN -- AUTHORIZATION OF EXPENDITURES:

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Legislature of New Mexico for performance of this Agreement. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement shall terminate upon written notice given by the **DEPARTMENT** to the **CITY**. The **DEPARTMENT** is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure by the **DEPARTMENT**. The **DEPARTMENT'S** decision as to whether its funds are sufficient for fulfillment of this Agreement shall be final.

SECTION FIFTEEN -- DISBURSEMENT OF FUNDS:

Disbursement(s) to the **CITY** shall be made after receipt of a cover letter requesting disbursement of funds, Notice of Award/Work Order, Notice to Proceed, Planned Summary of Costs and Quantities, and verification of available funds. All required documents shall include **DEPARTMENT** Project and control numbers.

SECTION SIXTEEN -- TERMS OF THIS AGREEMENT:

This Agreement constitutes the entire Agreement between the Parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document or its amendments, is not part of this Agreement and not enforceable pursuant to this Agreement. Performance of all duties and obligations herein shall conform with and shall not contravene any state, local, or federal statues, regulations, rules, or ordinances.

SECTION SEVENTEEN -- TERMINATION:

1. This Agreement terminates on **June 30, 2014**. Neither party shall have any obligation under this Agreement after said date.
2. The **DEPARTMENT** has the option to terminate this Agreement if the **CITY** fails to comply with any provisions of this Agreement.

SECTION EIGHTEEN – SEVERABILITY:

In the event that any portion of this contract is determined to be void, unconstitutional, or otherwise unenforceable, the remainder of this contract shall remain in full force and effect.

SECTION NINETEEN – AMENDMENT:

This Agreement shall not be altered, modified, or amended except by an instrument in writing and executed by the Parties hereto.

IN WITNESS WHEREOF, the **PARTIES** have set their hands and seal this day and year set forth below.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

By: _____ Date: 11-1-12
Cabinet Secretary or Designee -

APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL

By: _____ Date: 8-6-12
Assistant General Counsel

CITY OF SANTA FE

By: _____ Date: 10-11-12
Mayor

ATTEST:

By: _____ Date: 10-12-12
CITY Clerk 10-10-12

APPROVED AS TO FORM BY THE CITY ATTORNEY

By: _____ Date: 8/31/12
CITY Attorney

APPROVED:

_____ Date: 10/11/12
Finance Director

APPENDIX A

Minimum Design Standards

1. The design shall provide for all facilities as required by law (ADA compliance, bicycle paths, etc.).
2. The pavement shall be designed for a 20-year life as a minimum for new construction or reconstruction, or for a 10-year life as a minimum for rehabilitation.
3. The following documents shall be used as a minimum in the design of this Project:
   a. FHWA Manual of Uniform Traffic Control Devices, Current Edition as amended;
   b. AASHTO A Policy on Geometric Design of Highways and Streets, Current Edition ("Green Book");
   c. AASHTO Guide for the Development of Bicycle Facilities, Current Edition;
   d. **DEPARTMENT**'s Regulations for Driveway and Median Opening on Non-Access Controlled Highways, Current Update;
   e. **DEPARTMENT'S** Urban Drainage Design Criteria;
   f. **DEPARTMENT'S** Geotechnical Manual, Current Update;
   g. **DEPARTMENT'S** Action Plan;
   h. **DEPARTMENT'S** Local Government Road Fund Project Handbook; Current Edition;
   i. **DEPARTMENT'S** Handbook of Hazardous Waste Management, Current Edition;
   j. **DEPARTMENT'S** Location Study Procedures;
   k. AASHTO Guide to Design of Pavement Structures, Current Edition, and;
   l. Other design publications as outlined in the **DEPARTMENT'S** Local Government Road Fund Project Handbook.
   m. The **CITY** may use the **CITY'S** established local design standards if approved by the District Engineer, for each Project.

City of Santa Fe, New Mexico

memo

DATE: December 10, 2013

TO: Historic Districts Review Board

FROM: John Murphey, Senior Planner, Historic Preservation Division
David Rasch, Supervisor Planner, Historic Preservation Division

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CASE # H-13-076A

Address: Defouri Street
Historic Status: Non-statused
Historic District: Westside-Guadalupe

REFERENCE ATTACHMENTS (sequentially):

CITY SUBMITTALS	APPLICANT SUBMITTALS
_x_ Case Synopsis	___ Proposal Letter
____ District Standards and Yard Wall and Fence Standards	____ Vicinity Map
____ Historic Inventory Form	____ Site Plan/Floor Plan
____ Zoning Review Sheet	____ Elevations
____ Other:	_x_ Photographs
	___ Other:

STAFF RECOMMENDATION:

Staff recommends designating the bridge a noncontributing structure to the Westside-Guadalupe Historic District, finding it does not meet the definition of a Contributing Structure.

EXHIBIT
B

BACKGROUND AND SUMMARY:

Situated north of Our Lady of Guadalupe Church, crossing the Santa Fe River, Bridge No. 4063, or the Defouri Street Bridge, is a simple two-span bridge. The superstructure, constructed in c.1959, consists of precast concrete channel beams supporting an asphalt-surfaced deck. A pedestrian walkway is located on the east side; steel pipe hand-railing is attached to the deck's outer edge. The superstructure rests on an earlier substructure of a masonry cutwater pier and masonry abutments. It is non-statused to the Westside-Guadalupe Historic District.

Project

The applicant requests a review of the bridge's historic status designation.

Historical Analysis

The bridge, located along Defouri Street, is only by association named after Father James Defouri, who initiated the restoration of Our Lady of Guadalupe Church in 1881. The titular naming of the street did not occur until the 1920s, and even at that time the street did not cross the river.

Based on map research, the first depiction of a bridge spanning the Santa Fe River at Defouri Street appears on a 1940 New Mexico State Highway Department map. An assumed late 1930s date of construction of an earlier bridge at this location is supported by a 1941 NMSHD Bridge Inspection Report for the structure (Bridge No. 4063).

According to research compiled for an archaeological survey, the current superstructure replaced an earlier timber-deck in c.1959.

The replacement represents a post-war technology, in which reinforced concrete beams were bolted together to form the superstructure. Its name refers to the appearance of the beam, which in section looks like an inverted "U." The beams could either be pre-cast or cast-in-place and were typically fabricated for medium- to long-span structures—highway bridges.

At the time, the channel beam was considered an inexpensive and practical spanning technology, as its stems could resist both flexural and shear forces, while the flanges could support a roadway without constructing a separate concrete deck. Over time, channel beam bridges have experienced increased deterioration at points of flexural reinforcement, and the technology is rarely used today.

Evaluation of Status

While the masonry substructure elements have survived, the combination of the two disparate elements—hand-assembled rock supports and precast concrete beams—does not make for a "historic" bridge.

Other bridges along the Santa Fe River, including the 1928 concrete girder Delgado Street Bridge and the 1934 concrete rigid-frame Don Gaspar Bridge, a bridge that was purposely designed in part by architect Trent Thomas and reviewed by John Gaw Meem, to blend in with "the Spanish type of architecture peculiar to this vicinity," are far more intact and better examples of their time and technology.

While Bridge No. 4063 is more than 50 years of age, staff does not believe its meets the criteria of a Contributing Structure.

CONTRIBUTING STRUCTURE

A structure, located in an Historic District, approximately 50 years old or older that helps to establish and maintain the character of the Historic District. Although the structure is not unique in itself, it adds to the historic associations and/or historic architectural design qualities for which a District is significant. The structure may have had minor alterations, however, its integrity remains. (Ord. 2004-26 § 5)

F. COMMUNICATIONS

Mr. Rasch noted the potential meeting dates on the handout. He explained that the asterisks were an indicated of the dates that typically followed a Monday holiday when the Public Works Committee bumped the HDRB from the Council Chambers but because they had been meeting at Market Station, that might not occur next year. [The meeting list is attached to these minutes as Exhibit A.]

G. BUSINESS FROM THE FLOOR

There was no business from the floor.

Chair Woods announced to the public that anyone wishing to appeal a decision of the Board could file the appeal to the Governing Body within fifteen days after the date the Findings of Fact and Conclusions of Law for that case were approved by the Board.

H. ACTION ITEMS

1. **Case #H-13-076A. DeFouri Street Bridge.** Downtown & Eastside Historic District. Richard Rotto, agent for City of Santa Fé, Public Works Department, requests an historic status review for a non-statused bridge. (John Murphey).

Mr. Murphey gave the staff report as follows:

BACKGROUND AND SUMMARY:

Situated north of Our Lady of Guadalupe Church, crossing the Santa Fé River, Bridge No. 4063, or the DeFouri Street Bridge, is a simple two-span bridge. The superstructure, constructed in c.1959, consists of precast concrete channel beams supporting an asphalt-surfaced deck. A pedestrian walkway is located on the east side; steel pipe hand-railing is attached to the deck's outer edge. The superstructure rests on an earlier substructure of a masonry cutwater pier and masonry abutments. It is non-statused to the Guadalupe and Westside Historic District.

Project

The applicant requests a review of the bridge's historic status designation.

Historical Analysis

The bridge, located along DeFouri Street, is only by association named after Father James DeFouri, who initiated the restoration of Our Lady of Guadalupe Church in 1881. The titular naming of the street did not occur until the 1920s, and even at that time the street did not cross the river.

Based on map research, the first depiction of a bridge spanning the Santa Fé River at DeFouri Street appears on a 1940 New Mexico State Highway Department map. An assumed late 1930s date of construction of an

EXHIBIT C tabbies

earlier bridge at this location is supported by a 1941 NMSHD Bridge Inspection Report for the structure (Bridge No. 4063.

According to research compiled for an archaeological survey, the current superstructure replaced an earlier timber-deck in c.1959.

The replacement represents a post-war technology, in which reinforced concrete beams were bolted together to form the superstructure. Its name refers to the appearance of the beam, which in section looks like an inverted "U." The beams could either be pre-cast or cast-in-place and were typically fabricated for medium- to long-span structures—highway bridges.

At the time, the channel beam was considered an inexpensive and practical spanning technology, as its stems could resist both flexural and shear forces, while the flanges could support a roadway without constructing a separate concrete deck. Over time, channel beam bridges have experienced increased deterioration at points of flexural reinforcement, and the technology is rarely used today.

Evaluation of Status

While the masonry substructure elements have survived, the combination of the two disparate elements—hand-assembled rock supports and precast concrete beams—does not make for a "historic" bridge.

Other bridges along the Santa Fé River, including the 1928 concrete girder Delgado Street Bridge and the 1934 concrete rigid-frame Don Gaspar Bridge, a bridge that was purposely designed in part by architect Trent Thomas and reviewed by John Gaw Meem, to blend in with "the Spanish type of architecture peculiar to this vicinity," are far more intact and better examples of their time and technology.

While Bridge No. 4063 is more than 50 years of age, staff does not believe its meets the criteria of a Contributing Structure.

STAFF RECOMMENDATION:

Staff recommends designating the bridge a noncontributing structure to the Guadalupe/Westside Historic District, finding it does not meet the definition of a Contributing Structure.

Ms. Brennan arrived at this time.

Questions to Staff

Chair Woods asked Mr. Murphey if he could review the criteria that he felt made it either a historic or a non-historic structure.

Mr. Murphey said the structure was indeed located in an historic district. Together, the parts were more than 50 years of age. But in his opinion he didn't feel it maintained the character of the historic district. And the pieces, taken together, had lost a lot of integrity.

Ms. Rios asked if he said that because of the specific material used in the bridge.

Mr. Murphey said it was not only material but a different spanning technology. It was a real chimera of ancient brick masonry substructure with something very modern in the prestressed, precast concrete.

Ms. Walker asked if there was any other bridge in any of the historic district that was like this bridge.

Mr. Murphey didn't believe so. There were some older girder bridges and there was a marsh arched bridge. And there were more modern bridges mostly of rigid frame arches.

Applicant's Presentation

Present & sworn was Mr. Richard Rotto, 4820 La Lupita, who said the bridge was widened from the 1980s to the 1990s. At some time, the east side was widened by one foot and during that widening, they had to remove the rail and replace it.

Questions to the Applicant

Ms. Rios asked then if it was widened by one foot in total.

Mr. Rotto agreed.

Public Comment:

Present and sworn was Mr. Raymond Herrera, 379 Hillside, who said he was confused about the status being non-contributing because of the bridge structure. That was more or less what makes it contributing.

Chair Woods clarified that was what the Board was deciding.

Mr. Herrera thought the lower structure should be contributing because that was the last remaining original bridge over the Santa Fé River. They should protect every aspect of what was left of those original structures. More emphasis should be put on the historic part and be kept.

Present and sworn was Ms. Ellen Bradbury Reid, 510 Alto Street, who said she understood everyone had their responsibility to deal with the technical requirements and it was a hard bridge to love. But, as a neighborhood, they really did love that bridge. She didn't know the extent of your jurisdiction here.

Ms. Brennan explained that the Board had to apply the historic criteria of the definition to the entire structure.

Ms. Reid said given the fact that bridges were within the Board's purview, she would ask the Board to not make it any wider than it had to be. It was a gateway to a historic neighborhood. She also understood where the Board was stuck.

Present and sworn was Mr. Ed Reid, 510 Alto Street. This neighborhood had an intimate scale and a

distinct historic character that included its curbs, its streets, it houses and bridges. This was a broader topic than sometimes the Board faced. By looking at it narrowly, it makes it easy to just skip over a very important component in the character of this neighborhood. It was small, slow speed, intimate, walking and talking with each other. That was maybe beyond the Board's purview but it was of interest to those of us who live there. We have been overlooked. This neighborhood was not the first on anyone's list and they would like to raise their profile a little bit and perhaps the bridge could be the beginning. He believed on the west side of the bridge, a five-foot walkway went into a blank wall on the other side of the street and that was not really helpful to anybody.

Present and sworn was Mr. Jerry Richardson, 703 Don Felix Street, who submitted that the bridge should be granted contributing status because its scale and size was absolutely in character with the neighborhood and Alto Street nearby was a historic narrow (14') street. It had been there 50 years and it should qualify.

There were no other speakers from the public regarding this case.

Board Discussion

Mr. Katz asked if the Board could make part of it contributing or must all of it be one status.

Mr. Murphey said it was all and added that they wouldn't make just a roof of a house contributing but not the walls.

Mr. Katz said the pictures on page 23 were telling about before and after. His first reaction was that it was not that different. But in the bottom picture it was wider and just a bridge. But in the upper one you see it was a bridge because it was narrower than the road. He knew the fire department wanted every street to be really wide and was sure this one would be safer if wider but it would lose the character of the neighborhood if widened.

Ms. Walker thought it not only contributed but maintained the character. She related that in 1970 when she first came to Santa Fé she and her mother had no idea what they were doing. They found the sweet little bridge, then Alto Street and then Charlotte White. To her, the fact that there were two different techniques at two different times didn't water its significance down for her.

Ms. Rios believed this bridge met the definition of contributing. It was 54 years old. It established and maintained the character of the neighborhood. As Mr. Reid explained, they were talking about small things in that neighborhood and believed it met the contributing definition by its size.

Mr. Armijo countered that the bridge had been around forever but as Mr. Murphey said, the Board couldn't separate the lower from the upper. The lower had historic character but the upper didn't. It was a concrete span with pipe rails. That street sat flat and had always had icing problems. As far as keeping things small, he didn't think that met the character of Santa Fé.

Chair Woods agreed with him. She noted according to the definition perhaps being small and the rock foundation were contributing. But the definition said contributing could have minor alterations. The bridge had been changed as recently as the 1980's and the materials were not historic but modern materials so she

didn't think the historic integrity remained. They couldn't mix up the two things they were looking at. It was either historic or not. You could like it but it didn't meet the code.

Mr. Katz said if the Board were to establish that it was contributing he was concerned about the structural integrity of the bridge. He asked if it would be possible for the City to make the support wider on top of the existing stone work to replace the part of the bridge that had structural issues. He asked if that was within the code.

Mr. Rasch said that as a non-contributing bridge, the Board could approve demolition and building a different design, but for a contributing bridge, removal of historic material would require an exception and if it was a public safety issue, the code would allow it to be rebuilt in kind.

Mr. Murphey clarified that the code didn't have the vocabulary for a structure like this. But he worked on two state-wide bridge surveys - one here in New Mexico and one in Texas. The technologies of bridges regarding construction and materials were considered styles so it would be like mixing a modular home with a craftsman home. That was why he was hesitant to say it had any integrity for contributing status.

Ms. Walker asked if at the next stage of the discussion, whether it would require the same size if it was contributing.

Chair Woods hesitated to answer because she wanted the Board to focus only on whether it was historic or not. If the City wished to demolish it, then scale would be before this Board.

Ms. Brennan agreed. If the Board found it non-contributing the Board would consider their design and input on it.

Action of the Board

Mr. Armijo moved in Case #H-13-076A to designate the bridge non-contributing. Chair Woods seconded the motion for discussion.

Mr. Katz was still puzzled over the Board's jurisdiction over design. It was blessedly limited. Just because they might prefer a house to be 800 square feet didn't mean the Board could tell an applicant that he couldn't build his house at 1,200 square feet. He had a feeling it was sort of that way with this bridge. He was not sure on what basis they could argue that it must be kept narrow. He didn't think there was any design criteria in the historic ordinance that would allow the Board to say that.

Chair Woods said that might or might not be true but it was not appropriate to designation of historic status. It was either historic or it was not historic. Then the Board could decide to deal with their jurisdiction over scale in that neighborhood. That was the Board's responsibility here - to determine if this structure met the code for contributing status.

The motion failed on a 1-3 voice vote with Mr. Katz, Ms. Walker and Ms. Rios voting against.

Mr. Katz moved in Case #H-13-076A to designate the bridge contributing. Ms. Rios seconded the

motion and it passed by majority voice vote with Mr. Armijo voting against.

Mr. Armijo pointed out the structural issue. The 1990 NMDOT report said they were having problems with the structure and he just wanted to point that out and go on record about it.

Mr. Katz said he was not opposed to considering fixing the structural issues or finding exceptions for the removal of historic materials to make the bridge safe. He voted for contributing status because of the scale and size of it, which contributed to the neighborhood and the stone work was historic.

Chair Woods pointed out that this was now contributing and asked if it was worth hearing the next case because it would need exceptions that had not been noticed.

Mr. Murphey agreed it would require exceptions.

Chair Woods informed the applicant that the Board could not hear the next case under the new designation. Mr. Murphey agreed.

2. **Case #H-13-076B. DeFouri Street Bridge.** Downtown & Eastside Historic District. Richard Rotto, agent for City of Santa Fé, Public Works Department, proposes to replace this non-statused bridge. (John Murphey).

Ms. Rios moved to postpone Case #H-13-076B to the time when the applicant was ready to have it heard. Ms. Walker seconded the motion and it passed by unanimous voice vote.

3. **Case #H-13-082B. 304 Camino Cerrito.** Downtown & Eastside Historic District. Cody North, agent for 1020 CNYN LLC owners, requests a historic status review for a non-statused yardwall and proposes a project to construct a 64 sq. ft. portal and a 196 sq. ft. attached carport, restore an existing portal, replace windows, and construct interior yardwalls at this contributing residence. (John Murphey)

Mr. Murphey gave the staff report as follows:

BACKGROUND AND SUMMARY:

Situated near the corner of Camino Cerrito and Canyon Road, the house is a one-story, stucco-clad, roughly 1,335 sq. ft. single-family residence designed in the Spanish-Pueblo Revival style. Its fenestration is a mix of wood double-hung and steel casement windows, most likely aligning to its different construction phases. The architectural style is expressed through the rounded parapets, earth-tone stucco and wood entry portal, the most distinctive feature of the house. Behind the house is a stucco-on-frame building, mostly likely a former garage, and a gabled storage shed.

At the September 24, 2013 hearing, the Board designated the house contributing to the Downtown and Eastside Historic District, making elevations #1, 2, 3, and 4 the primary façades. The Board moved to maintain the noncontributing status of the garage and to designate the shed noncontributing, finding they did

ITEM # 14-0029

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #H-13-076A
Address-DeFouri Street Bridge
Owner/Applicant's Name-City of Santa Fe, Public Works Department
Agent's Name-Richard Rotto

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on December 10, 2013 upon the application ("Application") of Richard Rotto, as agent for City of Santa Fe, Public Works Department, owners ("Applicant").

BACKGROUND:

The Defouri Street Bridge, Bridge No. 4063, situated north of Our Lady of Guadalupe Church, crossing the Santa Fe River, is a simple two-span bridge. The superstructure, constructed in c.1959, consists of precast concrete channel beams supporting an asphalt-surfaced deck. A pedestrian walkway is located on the east side; steel pipe hand-railing is attached to the deck's outer edge. The superstructure rests on an earlier substructure of a masonry cutwater pier and masonry abutments. It is non-statused to the Westside-Guadalupe Historic District.

The bridge, located along Defouri Street, is only by association named after Father James Defouri, who initiated the restoration of Our Lady of Guadalupe Church in 1881. The titular naming of the street did not occur until the 1920s, and even at that time the street did not cross the river. Based on map research, the first depiction of a bridge spanning the Santa Fe River at Defouri Street appears on a 1940 New Mexico State Highway Department map. An assumed late 1930s date of construction of an earlier bridge at this location is supported by a 1941 NMSHD Bridge Inspection Report for the structure (Bridge No. 4063).

According to research compiled for an archaeological survey, the current superstructure replaced an earlier timber-deck in c.1959. The replacement represents a post-war technology, in which reinforced concrete beams were bolted together to form the superstructure. Its name refers to the appearance of the beam, which in section looks like an inverted "U." The beams could either be pre-cast or cast-in-place and were typically fabricated for medium- to long-span structures—highway bridges. At the time, the channel beam was considered an inexpensive and practical spanning technology, as its stems could resist both flexural and shear forces, while the flanges could support a roadway without constructing a separate concrete deck. Over time, channel beam bridges have experienced increased deterioration at points of flexural reinforcement, and the technology is rarely used today.

The Applicant requests a review of the bridge's historic status designation.

After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

EXHIBIT tabbies P

FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Board staff recommended that the bridge does not meet the definition of Contributing Structure because it has not maintained the character of the historic district and thus it should be assigned noncontributing status.
4. The property is located in the Westside-Guadalupe Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
    a. Section 14-12.1, Definitions
    b. Section 14-5.2(I), Westside-Guadalupe Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), and 14-5.2(C)(3)(b), the Board has 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. Under Section 14-12.1, the definition of a "contributing structure" is "a structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains."
8. Testimony at the hearing established that the character of the historic district is that this district is small, has slow speeds on its streets and is an intimate, walking and talking neighborhood.
9. Under Section 14-12.1, the bridge falls within the definition of a contributing structure because the bridge is more than fifty years old.
10. Under Section 14-12.1, the bridge falls within the definition of a contributing structure because its small scale and size maintains the character of the historic district.
11. Under Section 14-12.1, the bridge falls within the definition of a contributing structure because the stone work is historic and represents historic architectural design qualities.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as following:

The Board found the criteria to approve the bridge as contributing has been met.

IT IS SO ORDERED ON THIS 14th DAY OF JANUARY 2014, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Sharon Woods
Chair

01-14-14
Date:

FILED

Yolanda Y. Vigil
City Clerk

1/23/14
Date:

APPROVED AS TO FORM

Kelley Brennan
Interim City Attorney

1/14/14
Date:

City of Santa Fe, New Mexico

memo

DATE: January 14, 2014

TO: Historic Districts Review Board

FROM: John Murphey, Senior Planner, Historic Preservation Division
David Rasch, Supervisor Planner, Historic Preservation Division

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CASE # H-13-076B

Address: Defouri Street
Historic Status: Contributing
Historic District: Westside-Guadalupe

REFERENCE ATTACHMENTS (sequentially):

CITY SUBMITTALS	APPLICANT SUBMITTALS
_x_ Case Synopsis	_x_ Proposal Letter
___ District Standards and Yard Wall and Fence Standards	___ Vicinity Map
_x_ Historic Inventory Form	___ Site Plan/Floor Plan
___ Zoning Review Sheet	___ Elevations
___ Other:	_x_ Photographs
	_x_ Other: Bridge Construction Drawings; Exception Responses

STAFF RECOMMENDATION:

Staff finds the applicant has met the exception to demolish a contributing structure (Section 14-5.2 (D)(1)(a)) and to replace the structure with material that is not in-kind to the original structure (Section 14-5.2 (D)(5)(b)) and, therefore, recommends approving the application, finding it complies with Section 14-5.2 (D)(9), General Design Standards, and the standards of the Westside-Guadalupe Historic District, Section 14-5.2 (I).

EXHIBIT E

BACKGROUND AND SUMMARY:

Situated north of Our Lady of Guadalupe Church, crossing the Santa Fe River, Bridge No. 4063, or the Defouri Street Bridge, is a simple two-span structure. The superstructure, constructed in c.1959, consists of precast concrete channel beams supporting an asphalt-surfaced deck. The superstructure rests on an earlier, presumed late 1930s substructure of a masonry cutwater pier and masonry abutments. A pedestrian walkway is located on the east side, representing a modest widening of the bridge in the c.1970s.

The Board designated the bridge contributing at the December 10, 2013 hearing. At the same hearing, the Board postponed review of its replacement, as the applicant had not requested exceptions to demolish and replace a contributing structure.

Project

The applicant requests a review of a project to demolish and replace the structurally deficient bridge and make other improvements to the crossing.

Before granting approval or denial of a requested demolition, City staff shall provide information on the structure under consideration. This information includes 1) the historic or architectural significance of the structure; 2) a report from the City Building Inspector on the state of repair and structural stability of the structure; and 3) a report from the Archaeological Review Committee on whether the demolition would damage possible archaeological artifacts (14-3.14 (C)).

For Item 1, staff defers to the Board's December 10, 2013 designation of contributing status. In regard to Item 2, staff asks the Board to review the November 12, 2013 New Mexico Department of Transportation (NMDOT), Bridge Management Section, Bridge Inspection Report, which found the deck, superstructure and substructure to be in "poor" condition, with a recommendation to "replace the bridge." In regard to Item 3, the Archaeological Review Committee granted clearance of the project on July 18, 2013, under Case #AR-16-13.

The Board's decision to grant or deny demolition is premised on the application of three standards (14-3.14 (G)(1)):

(a) Whether the structure is of historical importance;

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

(c) The state of repair and structural stability of the structure under consideration.

For Item a, the subject structure is contributing to the Westside-Guadalupe Historic District. In regard to Item b, a "bridge" over the Santa Fe River at this location has been part of the street section for over 70 years. Its replacement will reestablish and maintain this component of the street section For Item c, the NMDOT Management Section recently designated the bridge "Structurally Deficient," finding the entire structure to be in poor condition, and recommended replacement. The inspection found the "girders continue to deteriorate with advanced section loss, spalls, exposed rebar, leaching, efflorescence and heavy section loss. Girders 1, 2, 3, 8, and 9 have advanced deterioration at both spans." In 1990, a structural assessment was performed by a New Mexico State University Bridge Inspector under contract with NMDOT. The load capacity was determined to be substandard and the inspector recommended posting the bridge for a 10-ton weight restriction and replacing the structure. Since 1990, all subsequent NMDOT bridge inspections have recommended replacing the bridge. The City's design engineer additionally recommends replacement of the structure. Finally, in a January 2, 2014 letter, the City Building Inspector recommended that the bridge be "demolished and rebuilt to protect the health, safety, and welfare of the citizens of Santa Fe."

Staff, therefore, recommends demolition.

The Project

Superstructure/Deck

The proposed work will consist of replacing the deteriorated spans with a single precast, pre-stressed concrete superstructure resting on pre-bored H-pile foundations.

The new deck will carry wider lanes and is designed for a better turning radius approach from Alameda Street. The proposed deck at 41'-0"will increase the overall width of the bridge by approximately 11'-1". In this regard, the proposed overall width of the bridge has not changed since the initial August 27, 2013 hearing.

While the overall width is the same as the previous design, its carrying lane arrangement has changed from two 10'-0" lanes with 4'-0" shoulders, to two 14'-0" shared-use lanes. The ADA-compliant sidewalks (5'-0") and outer hand-railing (1'-5") configurations remain the same as the original proposal.

Substructure

Work will involve removing the existing center pier and excavating for a new foundation. The existing masonry abutments, tenuously thought to be associated with a New Deal river improvement project, will be retained to prevent scour, but will have no structural function.

Railing

The final design of the hand-railing is not selected but is proposed as a rusted steel, standard 4'-0"-high pedestrian design, similar to what is found on the nearby Sandoval Street Bridge. The approach railing is proposed as a 3'-0"-high standard steel picket design.

Following HDBR precedent, the outside deck and sidewalks will be colored in "Oatmeal Buff" concrete, a color similar to El Rey's "Buckskin" stucco. The bridge sidewalks will continue along the radius of the curve of Alameda and Alto streets to connect with existing walkways.

Exception Responses

The applicant has requested an exception to demolish a contributing structure (Section 14-5.2 (D)(1)(a)) and to replace the structure with material that is not in-kind to the original bridge (Section 14-5.2 (D)(5)(b)).

To demolish a contributing structure (Section 14-5.2 (D)(1)(a)):

i. **Do not damage the character of the district;**

The proposed design seeks to demolish the existing bridge deck and the cutwater pier. The removal of this material is required to bring the structure into compliance with engineering prescribed design loads, to correct the bridge's slope for adequate drainage, and to provide a more durable bridge type that is less prone to deterioration.

The proposed design seeks to retain in place the contributing stonework at the bridge abutments by constructing new deep foundation approximately 5 feet behind the existing abutments. Not only does this approach preserve the existing stonework at the abutments but it will ensure that the channel width is not modified. Preserving the stonework will retain the historical character of the existing bridge.

The proposed structure maintains the character of the district by using bridge elements of similar scale as the existing Defouri St Bridge with the design and layout of the sidewalks in accordance with Section 14-9.2(E) of the Code and consistent with other bridges spanning the Santa Fe River including the Guadalupe Bridge and the Sandoval Bridge.

Staff Response: The proposed demolition and new construction does not damage the character of the Westside-Guadalupe Historic District.

ii. **Are required to prevent a hardship to the applicant or an injury to the public welfare;**

Records show that the New Mexico Department of Transportation (NMDOT) has inspected the Defouri St. Bridge on a two year basis since at least 1941. In its present

condition, the bridge has been in a process of continued deterioration since being reconstructed in 1959. In January of 1977, the NMDOT bridge inspector noted the continuing deterioration of the bridge deck and wrote that the condition is "becoming serious". The NMDOT first recommended replacement of the bridge in 1990. The latest NMDOT Bridge Inspection Report dated November 12, 2013 recommends that the "City should replace bridge." The bridge no longer has the structural integrity to safely carry its original design load and therefore poses a potential risk to public welfare.

The superstructure and substructure design, and lack of adequate slope, are the primary factors that have caused heavy deterioration of the structure. Replacing the structure in kind will not mitigate the root causes of deterioration and will become a hardship to the City of Santa Fe Public Works Department, and the public.

A denial of the exception to demolish the proposed portions of the bridge will lead to further deterioration of the structure and would constitute a potential risk of injury to the public.

Staff Response: The proposed demolition and new construction does prevent a potential injury to the public.

iii. **Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic district;**

Defouri Street is a two lane local street with average daily traffic of approximately 540 vehicles per day. It is also a designated shared use (on street) bicycle route on the Santa Fe Metropolitan Planning Organization (MPO) 2012 Bicycle and Trail Map and intersects the Santa Fe River Trail.

A vehicle sweep path analysis of the existing bridge configuration was performed and a passenger car is unable to stay within its own lane while navigating basic operational movements at adjacent intersection. The proposed configuration will accommodate both a passenger car and emergency response vehicles within their own lane performing the same operational movements that failed with the existing condition.

The purpose of the project is to replace the Defouri St. Bridge. Demolition of the existing bridge is required to replace the bridge. The need for the project is to address structural deficiencies, provide pedestrian and bicycle improvements consistent with planned trails connections and designated shared use bicycle routes, and to comply with ADA requirements. This purpose and need is consistent with Section 14-9.2(B)(1) which states that design criteria for new construction on public streets are intended to serve all users. In particular, the Code says that streets:

(a) Function as a critical urban design component of the neighborhoods they serve;

(b) Together with sidewalks and trails, must safely meet the transportation needs of all users, including pedestrians of all ability levels, bicyclists, motorists and transit users.

The design criteria for this project is based on a two lane roadway with improved pedestrian and bicycle facilities including 5-foot sidewalks and ADA compliant ramps, which appropriately serves the heterogeneous character of the City and is proposed to meet the transportation needs of all users, both present and future. Adherence with such criteria is significant since the minimum code prescribed design life for a bridge of a public street is 75 years.

Staff Response: This question is not germane to a non-residential, public works project, therefore, the applicant's response is not considered and does not factor into whether the exception has been met.

To replace the structure with material that is not in-kind to the original bridge (Section 14-5.2 (D)(5)(b)):

Responses to the exception criteria specified in Section 14-5.2(C)(5)(b) are as follows:

i. **Do not damage the character of the district;**

The proposed structure is to be replaced with concrete and steel which are identical to the materials present in the existing bridge and meets the material properties specified in the New Mexico Department of Transportation Standard Specifications for Roadway and Bridge Construction. The condition of the bridge warrants replacement in lieu of repair.

The proposed bridge façade will be similar in appearance and depth as the original bridge façade except for the bridge railing. The existing railing does not meet current design standards. As such, the new façade will include a crash tested bridge rail. The type of railing proposed is the same as the Sandoval Bridge and very similar to railing on the Guadalupe St. and Galisteo St. Bridges.

Staff Response: The new bridge is composed concrete and steel, as is the current c.1959 super-structure. Part of the project will remove the center masonry cutwater pier, but will retain the masonry abutments. The proposed design will not damage the Westside-Guadalupe Historic District.

ii. **Are required to prevent a hardship to the applicant or an injury to the public welfare;**

NMDOT has determined the sufficiency rating of the bridge, the truest measure of the structural fitness of the bridge, at 33.7% out of 100%. This is the lowest sufficiency rating within the City's bridge inventory. The condition rating of the deck, substructure and superstructure are all rated as poor. NMDOT recommends replacement. Failure to replace the bridge with appropriately designed members and materials will constitute a hardship to the City who has the duty to protect the health, safety and welfare of the

public by addressing infrastructure in disrepair and that designs meet current engineering standards.

The existing foundations are made from unreinforced stone masonry. Unreinforced masonry foundations are not an acceptable foundation type under the current design codes. Therefore, replacement of the foundations with in-kind material as a load bearing foundation is not permissible.

The bridge lies within a FEMA designated flood hazard area and a regulatory floodway. Estimated scour depths for the 100-year flood recurrence interval exceed the depth of the existing foundations. Therefore, the existing stone foundations are susceptible to being undermined by scour during the design flood event. An exception to not replace the cutwater pier with in-kind material significantly reduces the susceptibility of the bridge to damage by scour during flood events.

The quality and strengths of the existing concrete and steel bridge materials do not meet current specifications for bridge construction. Repair or reconstruction of the bridge with in-kind material is not feasible and constitutes a hardship to the applicant and injury to public welfare.

Staff Response: The proposed new construction does prevent a potential injury to the public by providing a new super and substructure designed to meet current safety standards.

iii. **Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic district;**

Being able to replace the bridge will restore the original functionality of the bridge to carry residents of the City across the river and strengthening the heterogeneous character of the City's to serve all type of users.

New materials maximize the full potential of today's concrete and steel strength of materials so that the Santa Fe River Park can be bridged with a single span to permit the removal of the constriction of the pier within the river and restoring the bed and channel to more open drainage beneath the structure in accordance with Section 23-4.4 of the Code. This strengthens the special use of the street, sidewalks and park which adds to the unique heterogeneous character of the City.

Using new materials permits the sidewalks to be colored concrete in the Historic District in accordance with 14-9.2(E)(11) and to be widened to five (5) feet per the requirements of Section 14-9.2(E)(7) of the Code. The proposed exception will strengthen the unique heterogeneous character of the City by providing improved pedestrian and bicycle facilities.

Defouri Street is proposed to remain a two lane local road in order to retain the historic character of the area. No additional laneage is proposed.

This question is not germane to a non-residential, public works project, therefore, the applicant's response is not considered and does not factor into whether the exception has been met.

In conclusion, staff finds the applicant has met the two exceptions.

Mr. O'Reilly said once the motion was finalized he would ask that the Chair ask the applicant to specifically agree to the conditions of the motion. Because the issue was addressed earlier, it was a good practice to use.

Chair Woods clarified that the screening would be on the south, east and north side and that it would cover the equipment and the ducting and be stuccoed with same texture and color as the house.

Mr. Curry agreed to those conditions.

The motion passed by unanimous voice vote.

7. **Case #H-13-076B. Defouri Street Bridge.** Downtown & Eastside Historic District. Richard Roto, agent for City of Santa Fé, Public Works Department, proposes to replace a contributing bridge. An exception is requested to demolish a contributing structure (Section 14-5.2 (D)(1)(a)) and to replace it with material that is not in-kind to the original structure (Section 14-5.2 (D)(5)(b)) (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND AND SUMMARY:

Situated north of Our Lady of Guadalupe Church, crossing the Santa Fé River, Bridge No. 4063, or the Defouri Street Bridge, is a simple two-span structure. The superstructure, constructed in c.1959, consists of precast concrete channel beams supporting an asphalt-surfaced deck. The superstructure rests on an earlier, presumed late 1930s substructure of a masonry cutwater pier and masonry abutments. A pedestrian walkway is located on the east side, representing a modest widening of the bridge in the c.1970s.

The Board designated the bridge contributing at the December 10, 2013 hearing. At the same hearing, the Board postponed review of its replacement, as the applicant had not requested exceptions to demolish and replace a contributing structure.

Project

The applicant requests a review of a project to demolish and replace the structurally deficient bridge and make other improvements to the crossing.

Before granting approval or denial of a requested demolition, City staff shall provide information on the

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structure under consideration. This information includes 1) the historic or architectural significance of the structure; 2) a report from the City Building Inspector on the state of repair and structural stability of the structure; and 3) a report from the Archaeological Review Committee on whether the demolition would damage possible archaeological artifacts (14-3.14 (C)).

For Item 1, staff defers to the Board's December 10, 2013 designation of contributing status. In regard to Item 2, staff asks the Board to review the November 12, 2013 New Mexico Department of Transportation (NMDOT), Bridge Management Section, Bridge Inspection Report, which found the deck, superstructure and substructure to be in "poor" condition, with a recommendation to "replace the bridge." In regard to Item 3, the Archaeological Review Committee granted clearance of the project on July 18, 2013, under Case #AR-16-13.

The Board's decision to grant or deny demolition is premised on the application of three standards (14-3.14 (G)(1)):

(a) Whether the structure is of historical importance;

(b) Whether the structure for which demolition is requested is an essential part of a unique street section or block front and whether this street section or block front will be reestablished by a proposed structure; and

(c) The state of repair and structural stability of the structure under consideration.

For Item a, the subject structure is contributing to the Westside-Guadalupe Historic District. In regard to Item b, a "bridge" over the Santa Fé River at this location has been part of the street section for over 70 years. Its replacement will reestablish and maintain this component of the street section For Item c, the NMDOT Management Section recently designated the bridge "Structurally Deficient," finding the entire structure to be in poor condition, and recommended replacement. The inspection found the "girders continue to deteriorate with advanced section loss, smalls, exposed rebar, leaching, efflorescence and heavy section loss. Girders 1, 2, 3, 8, and 9 have advanced deterioration at both spans."

In 1990, a structural assessment was performed by a New Mexico State University Bridge Inspector under contract with NMDOT. The load capacity was determined to be substandard and the inspector recommended posting the bridge for a 10-ton weight restriction and replacing the structure. Since 1990, all subsequent NMDOT bridge inspections have recommended replacing the bridge. The City's design engineer additionally recommends replacement of the structure.

Finally, in a January 2, 2014 letter, the City Building Inspector recommended that the bridge be "demolished and rebuilt to protect the health, safety, and welfare of the citizens of Santa Fé."

Staff, therefore, recommends demolition.

The Project

Superstructure/Deck

The proposed work will consist of replacing the deteriorated spans with a single precast, pre-stressed concrete superstructure resting on pre-bored H-pile foundations.

The new deck will carry wider lanes and is designed for a better turning radius approach from Alameda Street. The proposed deck at 41'-0"will increase the overall width of the bridge by approximately 11'-1". In this regard, the proposed overall width of the bridge has not changed since the initial August 27, 2013 hearing.

While the overall width is the same as the previous design, its carrying lane arrangement has changed from two 10'-0" lanes with 4'-0" shoulders, to two 14'-0" shared-use lanes. The ADA-compliant sidewalks (5'-0") and outer hand-railing (1'-5") configurations remain the same as the original proposal.

Substructure

Work will involve removing the existing center pier and excavating for a new foundation. The existing masonry abutments, tenuously thought to be associated with a New Deal river improvement project, will be retained to prevent scour, but will have no structural function.

Railing

The final design of the hand-railing is not selected but is proposed as a rusted steel, standard 4'-0"-high pedestrian design, similar to what is found on the nearby Sandoval Street Bridge. The approach railing is proposed as a 3'-0"-high standard steel picket design.

Following HDRB precedent, the outside deck and sidewalks will be colored in "Oatmeal Buff" concrete, a color similar to El Rey's "Buckskin" stucco. The bridge sidewalks will continue along the radius of the curve of Alameda and Alto streets to connect with existing walkways.

Exception Responses

The applicant has requested an exception to demolish a contributing structure (Section 14-5.2 (D)(1)(a)) and to replace the structure with material that is not in-kind to the original bridge (Section 14-5.2 (D)(5)(b)).

To demolish a contributing structure (Section 14-5.2 (D)(1)(a)):

i. **Do not damage the character of the district;**

The proposed design seeks to demolish the existing bridge deck and the cutwater pier. The removal of this material is required to bring the structure into compliance with engineering prescribed design loads, to correct the bridge's slope for adequate drainage, and to provide a more durable bridge type that is less prone to deterioration.

The proposed design seeks to retain in place the contributing stonework at the bridge abutments by constructing new deep foundation approximately 5 feet behind the existing abutments. Not only does this approach preserve the existing stonework at the abutments but it will ensure that the channel width is not modified. Preserving the stonework will retain the historical character of the existing bridge.

The proposed structure maintains the character of the district by using bridge elements of similar scale as the existing Defouri St Bridge with the design and layout of the sidewalks in accordance with Section 14-9.2(E) of the Code and consistent with other bridges spanning the Santa Fé River including the Guadalupe Bridge and the Sandoval Bridge.

Staff Response: The proposed demolition and new construction does not damage the character of the Westside-Guadalupe Historic District.

ii. **Are required to prevent a hardship to the applicant or an injury to the public welfare;**

Records show that the New Mexico Department of Transportation (NMDOT) has inspected the Defouri St. Bridge on a two year basis since at least 1941. In its present condition, the bridge has been in a process of continued deterioration since being reconstructed in 1959. In January of 1977, the NMDOT bridge inspector noted the continuing deterioration of the bridge deck and wrote that the condition is "becoming serious". The NMDOT first recommended replacement of the bridge in 1990. The latest NMDOT Bridge Inspection Report dated November 12, 2013 recommends that the "City should replace bridge." The bridge no longer has the structural integrity to safely carry its original design load and therefore poses a potential risk to public welfare.

The superstructure and substructure design, and lack of adequate slope, were the primary factors that have caused heavy deterioration of the structure. Replacing the structure in kind will not mitigate the root causes of deterioration and will become a hardship to the City of Santa Fé Public Works Department, and the public.

A denial of the exception to demolish the proposed portions of the bridge will lead to further deterioration

of the structure and would constitute a potential risk of injury to the public.

Staff Response: The proposed demolition and new construction does prevent a potential injury to the public.

iii. **Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic district;**

Defouri Street is a two lane local street with average daily traffic of approximately 540 vehicles per day. It is also a designated shared use (on street) bicycle route on the Santa Fé Metropolitan Planning Organization (MPO) 2012 Bicycle and Trail Map and intersects the Santa Fé River Trail.

A vehicle sweep path analysis of the existing bridge configuration was performed and a passenger car is unable to stay within its own lane while navigating basic operational movements at adjacent intersection. The proposed configuration will accommodate both a passenger car and emergency response vehicles within their own lane performing the same operational movements that failed with the existing condition.

The purpose of the project is to replace the Defouri St. Bridge. Demolition of the existing bridge is required to replace the bridge. The need for the project is to address structural deficiencies, provide pedestrian and bicycle improvements consistent with planned trails connections and designated shared use bicycle routes, and to comply with ADA requirements. This purpose and need is consistent with Section 14-9.2(B)(1) which states that design criteria for new construction on public streets were intended to serve all users. In particular, the Code says that streets:

(a) Function as a critical urban design component of the neighborhoods they serve;

(b) Together with sidewalks and trails, must safely meet the transportation needs of all users, including pedestrians of all ability levels, bicyclists, motorists and transit users.

The design criteria for this project is based on a two lane roadway with improved pedestrian and bicycle facilities including 5-foot sidewalks and ADA compliant ramps, which appropriately serves the heterogeneous character of the City and is proposed to meet the transportation needs of all users, both present and future. Adherence with such criteria is significant since the minimum code prescribed design life for a bridge of a public street is 75 years.

Staff Response: This question is not germane to a non-residential, public works project, therefore, the applicant's response is not considered and does not factor into whether the exception has been met.

To replace the structure with material that is not in-kind to the original bridge (Section 14-5.2 (D)(5)(b)):

Responses to the exception criteria specified in Section 14-5.2(C)(5)(b) are as follows:

v. **Do not damage the character of the district;**

The proposed structure is to be replaced with concrete and steel which are identical to the materials present in the existing bridge and meets the material properties specified in the New Mexico Department of Transportation Standard Specifications for Roadway and Bridge Construction. The condition of the bridge warrants replacement in lieu of repair.

The proposed bridge façade will be similar in appearance and depth as the original bridge façade except for the bridge railing. The existing railing does not meet current design standards. As such, the new façade will include a crash tested bridge rail. The type of railing proposed is the same as the Sandoval Bridge and very similar to railing on the Guadalupe St. and Galisteo St. Bridges.

Staff Response: The new bridge is composed concrete and steel, as is the current c.1959 super-structure. Part of the project will remove the center masonry cutwater pier, but will retain the masonry abutments. The proposed design will not damage the Westside-Guadalupe Historic District.

vi. **Are required to prevent a hardship to the applicant or an injury to the public welfare;**

NMDOT has determined the sufficiency rating of the bridge, the truest measure of the structural fitness of the bridge, at 33.7% out of 100%. This is the lowest sufficiency rating within the City's bridge inventory. The condition rating of the deck, substructure and superstructure are all rated as poor. NMDOT recommends replacement. Failure to replace the bridge with appropriately designed members and materials will constitute a hardship to the City who has the duty to protect the health, safety and welfare of the public by addressing infrastructure in disrepair and that designs meet current engineering standards.
The existing foundations are made from unreinforced stone masonry. Unreinforced masonry foundations are not an acceptable foundation type under the current design codes. Therefore, replacement of the foundations with in-kind material as a load bearing foundation is not permissible.

The bridge lies within a FEMA designated flood hazard area and a regulatory floodway. Estimated scour depths for the 100-year flood recurrence interval exceed the depth of the existing foundations. Therefore, the existing stone foundations are susceptible to being undermined by scour during the design flood event. An exception to not replace the cutwater pier with in-kind material significantly reduces the susceptibility of the bridge to damage by scour during flood events.

The quality and strengths of the existing concrete and steel bridge materials do not meet current specifications for bridge construction. Repair or reconstruction of the bridge with in-kind material is not feasible and constitutes a hardship to the applicant and injury to public welfare.

Staff Response: The proposed new construction does prevent a potential injury to the public by providing a new super and substructure designed to meet current safety standards.

vii. **Strengthen the unique heterogeneous character of the City by providing a full range of design options to ensure that residents can continue to reside within the historic district;**

Being able to replace the bridge will restore the original functionality of the bridge to carry residents of the City across the river and strengthening the heterogeneous character of the City's to serve all type of users.

New materials maximize the full potential of today's concrete and steel strength of materials so that the Santa Fé River Park can be bridged with a single span to permit the removal of the constriction of the pier within the river and restoring the bed and channel to more open drainage beneath the structure in accordance with Section 23-4.4 of the Code. This strengthens the special use of the street, sidewalks and park which adds to the unique heterogeneous character of the City.

Using new materials permits the sidewalks to be colored concrete in the Historic District in accordance with 14-9.2(E)(11) and to be widened to five (5) feet per the requirements of Section 14-9.2(E)(7) of the Code. The proposed exception will strengthen the unique heterogeneous character of the City by providing improved pedestrian and bicycle facilities.

Defouri Street is proposed to remain a two lane local road in order to retain the historic character of the area. No additional language is proposed.

This question is not germane to a non-residential, public works project, therefore, the applicant's response is not considered and does not factor into whether the exception has been met.

In conclusion, staff finds the applicant has met the two exceptions.

STAFF RECOMMENDATION:

Staff finds the applicant has met the exception to demolish a contributing structure (Section 14-5.2 (D)(1)(a)) and to replace the structure with material that is not in-kind to the original structure (Section 14-5.2 (D)(5)(b)) and, therefore, recommends approving the application, finding it complies with Section 14-

5.2 (D)(9), General Design Standards, and the standards of the Westside-Guadalupe Historic District, Section 14-5.2 (I).

Questions to Staff

Ms. Rios noted this was a City project and asked if there were any federal funds involved.

Mr. Rasch said they would need to ask the applicant.

Applicant's Presentation

City Director of Roadways and Trails Engineering Division of the Public Works Department, Mr. Eric Martínez, went over a few points about the bridge. It was deemed by NMDOT as beyond repair and required replacement. It was the worst bridge in the City's inventory and has weight restrictions. It was unclear when it would fail. Fortunately DOT hasn't yet ordered closing of the bridge. But to address health safety and welfare, the Council authorized $12 million for replacement and DOT agreed to provide state funds as well.

The proposed bridge would have a similar profile as shown on the rendering. The style would be similar to the Sandoval Bridge. It would help aid in the flow of the river, improve the flood plain and increase the volume of the channel. The abutments along the channel were proposed to remain.

The width of the structure had been contentious among residents. Other bridges didn't have room to widen but it could be done here. There were no physical constraints to justify why it could not be widened.

Ms. Desirae Luján was present and also the design consultant, Mr. Rich Roto.

The two 10' lanes didn't adequately accommodate turns by vehicles. It was very tight right now. They also analyzed the current design and a minor section that would accommodate turning by larger vehicles.

What was proposed was to widen the lane by two feet on each side and would result in a 41' wide project that included five foot wide sidewalks as required by ADA. So compared to the existing structure, most of the new width was to accommodate the sidewalks and platform. Presently a normal car could not negotiate a turn without encroaching into adjacent lanes. Such widening would also provide a shared lane for bicycle use and connect with the Santa Fé River Trail. Wider vehicles such a delivery trucks was in the design.

They were at an impasse with local residents on the bridge work. But engineering and ADA guidelines and City rules to accommodate existing traffic conditions was contrary to residents' preferences and they put up resistance.

The cross section coincided with dimensions of surrounding streets. Defouri was 29 feet wide and expanded to 32 feet. So what was proposed was in line with what was already there.

His next slide showed that what they proposed would provide a 28 foot width with a slightly narrowed upper section to be consistent with the street across the bridge.

The City agreement with DOT executed by both parties required the City to follow the current engineering and ADA guidelines. That includes AASHTO guides for streets, bike facilities and bridges. Otherwise, it would jeopardize Santa Fé's access to federal and DOT funds.

The Mayor's Committee on Disability has review authority and purview over compliance with federal ADA regulations over pedestrian facilities on projects such as this. Aside from the ADA requirements, more recent events provides an emphasis on accommodating multiple users in a public facility. For example, things like a walkability movement called "Walk Santa Fé" for walking in the downtown area. The Santa Fé MPO was currently developing a Pedestrian Master Plan to address areas lacking in pedestrian infrastructure. The City of Santa Fé was recently nationally recognized as a Bicycle Friendly Community by the League of American Bicyclists and awarded a silver designation which was the highest designation achieved by any city in New Mexico. Santa Fé was being recognized more and more for its work in multi-modal transportation planning.

Upon the Board's approval of this project, City staff and their consultants were ready to move forward and complete the design, bid the project and complete these much needed improvements. If we were looking to narrow it in some way, the width would have to come from somewhere. The lane width and sidewalk width have all been designed according to city code to accommodate save driving and turning.

Mr. Roto identified himself as a consultant engineer for this project. Studies have shown that bridge width was the single most important factor in safety. A width of 24' from curb to curb was much narrower than normal. We have to meet the minimum design criteria. The recommended width it would be 32' but we proposed 28' wide. The minimum requirement was equal to approach roadways which here was 29'. We integrated it to a shared use land width for DeFouri.

Nationwide studies on narrow bridges was that a narrow bridge didn't affect the vehicle speed any more than 2 mph. So it didn't deal with speed but just for safety.

Public Comment

Chair Woods limited public comment to two minutes from each individual. She asked people to not repeat from former speakers had said.

Present and sworn was Mr. Jerry Richardson, 703 Don Felix Street, speaking as President of the Guadalupe Historic Neighborhood Association. He said he hadn't polled the members before speaking but they met last week.

Regarding the request for demolition of the bridge, they recognized the bridge was old and didn't want an unsafe bridge but they were concerned with the bridge size being proposed. Frankly, they were frustrated. They had expressed their concerns at the August 27 meeting. The Board directed the City to meet with the neighborhood and that was held on October 3rd. Three plans were presented then by the City. On August 27 the City talked about those three plans. The sense from everyone there was agreement at that meeting that the City was going to proceed with the smaller bridge. So they were astonished with same original proposed design came back to the Board on December 10 and also tonight. They felt no one at the City Engineer's Department heard their concerns. So their Association voted to bring their concerns here.

He directed the Board's attention to the August 27 meeting minutes where Mr. Katz asked Mr. Roto if any of the three designs would meet safety requirements and Mr. Roto said any of the three would meet the safety requirements. Then there was more discussion and then on page 25, "Mr. Boniface said he would like to see it be narrow according to the historic fabric of this neighborhood. Mr. Roto mentioned the turning radius and that it was structurally unsound. He would like to revisit the first option for the narrowest bridge. The City did not need to accommodate ADA on both sides as that would necessitate widening it more." So he was hearing something different tonight from what they were told on August 27.

Regarding the turn radius, Mr. Richardson said he watched two cars turn there and it could be done. It was done all the time. He asked that their concerns be taken into account and have something more appropriate.

Present and sworn was Ms. Lettie Penyon, 533 Alto Street who said regarding the requirement to meet the standards that she researched with FHWA and found an article on Application of Design Standards, Uniform Federal Accessibility Standards, and Bridges. In the statement was a section which she read, "Projects with Historic and Scenic Impacts or Values. Title 23 U.S.C. 109(p) deals with the application of design standards on projects which involve or are located in areas of historic or scenic value. The intent is to emphasize that a great deal of flexibility can and should be used in design and construction of such projects. Because each scenic or historic site or area is unique, development of national standards for such projects is not appropriate." [Attached as Exhibit 10].

Present and sworn was Mr. Ed Reid, 510 Alto Street who said he had a statement from Jean Berinati (3-6 DeFouri Street) that he agreed with and she was not able to be here and he read the statement, "Please add my vote to those of my neighbors to petition for the preservation of the authentic character of the DeFouri

Street Bridge. That bridge has been a portal to the narrow streets and unique architecture of this historic community. Widening the bridge would encourage more car and truck traffic endangering the village atmosphere and quiet. Widening the bridge would also compromise the safety of our citizens including children, elders and parishioners of the church. I'm voting for preservation as a resident, a home owner and a co-founder and past president of the Historic Guadalupe Neighborhood Association."

Mr. Reid also had notes from Robert Howell and Ruth Howell at 714 Agua Fria Street. This historic neighborhood was not built by engineers. The corner, which he pointed out was a blind corner with no sidewalks on either side for handicapped or physically fit people to get off the street. So these kinds of design elements exist all over the neighborhood and we would like not to start destroying them at this point. [Ms. Jean Berinati's statement is attached as Exhibit 11].

Present and sworn was Mr. Rick Martínez, Santa Fé Neighborhood Network, who was asking the Board to hear their concerns. The bridge as it was added character to the neighborhood and width was very important to them. It was almost a throughway to Sanbusco and the Railyard. The Sandoval Bridge had no sidewalk and it would come down sometime soon.

Present and sworn was Ms. Rosemary Menaud, 544 Alarid Street, who said she walked this neighborhood daily down by the bridge. She didn't think there was enough foot traffic now and didn't see it in the foreseeable future to warrant two five-foot wide sidewalks. One should be adequate. She drove across that bridge all the time and never had any problem turning there either from Alameda onto the bridge or off of it. The same went for Alto Street. If there was a problem the answer was to just slow down.

She also found it hard to believe that studies showed people don't slow down to go across a narrow bridge. The city has opportunity here to keep a bridge that was more than a physical bridge, more than a functional bridge but to remember that a bridge was also a psychological factor and aesthetic factor joining two very different parts of the City. It was appropriate to kept it in its current scale.

Present and sworn was Ms. Deanna Einspahr, representing the Executive Committee of the Old Santa Fé Association. She agreed with the preceding speakers. They were opposed to the widening of the bridge. The scale of streets and functions of bridges were very important to maintain in historic neighborhoods of our city. She reaffirmed that there was fear that redoing the bridge would lead to redoing other historic bridges. She thought that was a very real danger. She thought there was room for compromise. She asked what was wrong with people crossing the street to use one five foot wide sidewalk there. There was a pedestrian bridge planned nearby so there would be other access here.

Present and sworn was Mr. Arthur Firstenberg, 247 Barela Street in this neighborhood, who also disagreed with the turning radius and that a narrow bridge was not slower. The required turning radius

depended on what speed one was traveling. They didn't want cars turning at 35 mph into there. There was no trouble turning at 5 or 10 mph. The speed at which traffic entered their neighborhood was controlled by the width of that bridge. He pointed out that on this particular bridge, the normal rules didn't apply. When you come up Alameda, you were turning onto a 24 ' width street but then one could turn onto Alto Street and that was a 24' wide street. And going further it turned into a 12' wide street. The bottleneck was on Alameda before turning onto DeFouri Bridge. Widening it would make the bottleneck move to Alto Street and that would be more dangerous intersection rather than less.

Present and sworn was Ms. Barbara Yazzi. 209 Polaco Street, who said they were voices in the wilderness. She was a member of this neighborhood and was very dismayed yet she was also hopeful. She thought this had all been constructed to be such a divisive issue and it was not because everyone was a stakeholder in this neighborhood. Their neighborhood association was as much as the church was. Referring back to the August 27 meeting where all of a sudden they were faced again, even after the public input meeting on October 3, where it was very difficult to get those notes and she only got them this morning. But now, all of a sudden, they were presented with the same thing. After three H Board meetings and 2 public information meetings - it was frustrating.

In the October 3rd meeting minutes and with city representatives there it was a friendly and informative meeting. They had all three plans there and the discussion during the meeting was almost a consensus that the smaller version of the bridge was just as safe and would be good. They had consensus that the scale should fit the neighborhood and the railings could also look like they fit into a neighborhood and not the standard steel painted railings. This was the gateway to a historic neighborhood. The DeFouri Street Bridge was named after James H. Defouri who was the first pastor of our Lady of Guadalupe appointed by bishop Lamy. He was also a historian who wrote about New Mexico and this was a legacy to him.

Present and sworn was Mr. Gregory Ross, 352 Alto Street. Although he greatly appreciated his neighbors' concerns for historic preservation of the neighborhood, he thought the sentimentality about this narrow slab of asphalt across the river was misplaced. The current bridge was extremely dangerous. When he pulled his car in and out of there daily, he had to wait for people to pull out. He was in a larger four-door sedan car and it was dangerous. He walked his dog around there through the park and across the bridge and it was taking our lives in our own hands. He believed the design was well thought out and accommodated the neighborhood. It was like fond memories of a violent spouse. There might be an issue about the five foot sidewalks on both sides. Overall he felt this was the more compatible design.

Present and sworn was Mr. John Eddy, 227 east Palace Suite D. He said he didn't live in the neighborhood but was concerned about the proposed width of the bridge and wouldn't like to see it widened as proposed by the City. He couldn't say he agreed with everything said after the last testimony. He would encourage this Board to look at where DeFouri Street meets Agua Fria. He thought the 32' width was perhaps

disingenuous. As he saw it, maybe moderate widening was okay but any more than that would encourage more traffic and further impact.

There were no other speakers from the public regarding this case and the public comment portion was closed.

Mr. Roto said the city code did require sidewalks on both sides unless it was a one-way street.

On the north side, there was no radius. It was about a six inch curve in the sidewalk. On both sides the sidewalk was flush with the pavement. And often a car's wheel runs over the sidewalk. The traffic analysis they did included fire trucks. It did not work even with the widest of the three designs. This was designed only for a car. They evaluated all the widths with a turning analysis and it showed how they arrived at this recommendation.

Mr. Katz asked if part of the issue of turning radius was about how wide the street was you were turning into.

Mr. Roto said in the turning analysis it was designed to select a particular vehicle type and do a design that would keep the vehicle from encroaching onto other lanes or a sidewalk.

Mr. Katz reasoned that if it was wider a driver would not encroach onto another lane.

Mr. Roto agreed and the current width didn't allow staying in the lane.

Mr. Katz asked if he was talking about the width on Alameda.

Mr. Roto said Alameda lanes were about 12'.

Mr. Katz asked why they couldn't make the eastbound lane wider.

Mr. Martinez said what really was the problem was that they were not able to provide a large enough radius at those corners. And they had the river channel right beside Alameda Street. So negotiating into or out of DeFouri they had to accommodate from lack of a wider corner.

Mr. Katz understood but said if the lane you were turning into at east-bound Alameda were wider, you wouldn't cross the lane.

Mr. Martinez thought it might not meet standards. They were cheating into the adjacent lane to do the

turn now.

Mr. Armijo asked Mr. Roto how he would respond to what the woman read about the FHWA the historic standards.

Mr. Roto said right now they had $500,000 of city bond money. It was not quite enough to do the project. They did have some state money. Part of this project depended on how much money was available. If they were using federal money they might be able to follow those guidelines but it would be an exception to the city code.

Mr. Armijo said that didn't answer his question.

Mr. Roto explained that there were at least two standards that applied here: NMDOT standards and City Code. In the agreement, the federal standards were wrapped into it. What they were proposing would meet both of them. Narrower would require a design exception.

Mr. Armijo concluded that this project had to get their blessing.

Mr. Martinez said they had to follow ADA requirements because it was federal law. The Mayor's Committee had authority over all projects such as this. He didn't think they would approve any less than five feet. The City and DOT also follow that requirement. They had not had a chance to address the historic standards mentioned earlier but he knew what the City, NMDOT, ADA and AASHTO required.

Mr. Katz noted that currently the railing was flush with the side. He asked if someone made railing to meet the vehicle safety standard that was not attached on top.

Mr. Roto said the railing for attaching on the side was not appropriate for pedestrians. The design standards require it to be 42". It was under 36" tall so the railing was not suitable for sidewalk installations. The rest were top mounted. These railings have to meet certain standards.

Mr. Katz couldn't imagine why a taller side mounted railing wouldn't work to keep cars from going over the side.

Mr. Roto saw his point but said it was not designed for a sidewalk installation.

Mr. Boniface said as an architect, whenever he had to have a guard railing for pedestrians the balustrades had to be four inches on center. He asked why that was not being done here.

Mr. Roto said the Type A railing had such a fabric but he wasn't sure that the Type D railings had that. It

was up to the agency to decide which type they would prefer. The Siler Road Bridge did not have it. But with the South Meadows Bridge the County did decide to have that fabric.

Mr. Boniface said in looking at this proposal it didn't have that fabric.

Mr. Roto agreed but that option did exist and it would be made by the Public Works Department.

Mr. Boniface understood he was saying that the design could change.

Mr. Martínez said there was that option that the DOT provided for netting along the bridge rail of fabric or chain link type material. They did consider that for Sandoval but believed that would not get approved for this project. There was no requirement that they had to provide individual vertical areas along a bridge rail like an architectural standard for it.

Mr. Boniface said it was actually shown on page 65 - a pedestrian railing and yet you are talking about a pedestrian sidewalk. He asked why they were not one and the same.

Mr. Martínez said over the bridge it had to be a radius for vehicles to traverse off the bridge.

Mr. Boniface said he understood that but wondered why they wouldn't be putting the balustrade four inches on center on top of the reinforced railing that was designed to keep a car from going over. It seemed like there were different criteria and he just heard that this could be something that would get applied later. He said he was just trying to figure out what the Board was being asked to approve.

Mr. Martínez said what they were proposing was a typical vehicular railing on the bridge. Everything beyond that would be pedestrian railing as the Board noted on that photo. They also talked at the public meetings about a railing with a more decorative element inserted like what was at Camino Alire. That was the same type railing but the decorative element was included as part of that railing system and provided there as an insert as an artistic element for that particular bridge. That was done as part of the neighborhood discussion to try to meet that bridge. That was discussed but they had no movement on it whether folks wanted to go that way.

Ms. Mather asked Mr. Rasch a question. She wasn't here when the bridge was designated contributing. But she understood that for the demolition aspect, that in order to demolish a contributing structure, it had to be replaced with something that harmonized with the existing streetscape.

Mr. Rasch said first of all that the bridge was historic but it was two different periods of historicity so it was not integral to one period. So staff recommended non-contributing status because they did not see integrity of

a historic bridge. That staff member was not present to defend himself on it. But the Board made it contributing anyway. So now the applicant was requesting an exception to remove historic material and to replace not in kind.

The Board saw such exceptions on San Francisco Street. Even with non-contributing structures, this Board could decide that it was an essential street section for that replacement in-kind. But here, they were still asking for that exception to not replace in kind.

Ms. Mather countered that they were then not re-establishing the streetscape as it is now.

Mr. Rasch agreed. He pointed out that this Board has not determined this bridge represented an essential street section and Mr. Murphey said this bridge did represent an essential street section there so replacing the bridge would re-establish the section because it would still have a bridge.

Ms. Rios said many of tonight's speakers mentioned a design the City have that was narrower and asked what happened to the narrower design.

Mr. Martinez said they analyzed all three designs. The narrower one was 37' wide overall, including 5-foot sidewalks on both sides and staff recommended 41' wide - about four feet wider to allow more room for the vehicular lanes. The lanes now were 12 feet wide and in the analysis we determined vehicles could not turn there without going into the other lane. So the 41 foot design was the minimum width we could have.

Ms. Rios asked if they took into account the smaller scale in the existing surrounding neighborhoods.

Mr. Martinez said they did. The street opposite Alameda was 29' wide curb to curb. What they proposed curb to curb would be essentially the same before and after the bridge.

Chair Woods asked if it was a precedent that the city would come back with an impact analysis on Alameda Street.

Ms. Brennan said the Board should not make a decision based on what might happen in the future but consider this application itself tonight.

Chair Woods asked about the five foot sidewalk on either side. From an engineering stream, the Board couldn't quarrel with that but she asked if there was any alterative like a two foot wide sidewalk. She wanted to know if the Board had any latitude on it.

Mr. O'Reilly confirmed that the City section requirements were for five foot sidewalks on both sides since

the Code was changed in 2011. There was a time when the City allowed narrower sidewalks. But as far as this Board's purview was, he didn't think the City would allow it. If this were a private developer coning before the Planning Commission and Board of Adjustment to request narrower sidewalks they would have to request a variance.

Chair Woods clarified that it was on both sides of the street.

Mr. O'Reilly agreed. Current street sections required sidewalks on both sides of the street. He apologized that he was not familiar with the statement made about having only sidewalks on one side for one -way streets but this was a two-way street.

Ms. Brennan agreed. She wasn't familiar with that either.

Chair Woods said she was feeling uncomfortable in what the City was asking here. She asked if there were different design standards within historic districts.

Mr. O'Reilly didn't think there were design standards in historic districts for structures of this type.

Mr. Rasch and Ms. Brennan agreed.

Ms. Walker commented that these standards were for new developments but the Board was looking at neighborhoods that were over a hundred years old. She went over the Delgado Bridge every day and walked over it. There was no sidewalk there so pedestrians just waited until there were no cars there. It was a 20'3" wide bridge and two cars easily pass there and pedestrians wait. The corner was very tight. The hardest corner in the City was on Old Pecos Trail. They tried to put five foot sidewalks on both sides of East Alameda and it couldn't be done. On the river side, they tried to get as close to ADA standards as possible. The issue in this part of town should be respected. We don't want to move traffic as fast as possible but to respect the heritage of these old areas. Just to widen it because a standard says this was not as important. She understood they had to get money from somewhere but they have had challenges before where they had to bend the code to make something work.

Mr. Katz commented that the basis for declaring this bridge contributing was its size, not its beauty. Its size was part of that historic structure.

Ms. Rios thought it was very important in this historic time to preserve our historic structures. She agreed with everything Ms. Walker said. It was about preserving the small scale and we should work together with the neighborhood to get an appropriate bridge for that neighborhood. She was curious to know about accidents there.

Mr. Katz moved in Case #H13-076B to make a finding that the basis for the demolition had been shown with the safety factor but only if the replacement bridge preserves the exact streetscape, with a condition that the bridge by no wider than 33-34' wide with a sidewalk on only one side and eliminating the three feet of railing area and have the railing flush with the edge. Mr. Bonifacio seconded the motion.

Mr. Martinez noted the existing width was almost 30'.

Mr. Katz clarified his motion that it would be about eight feet less than what the City was proposing.

Mr. Armijo believed in historic preservation but this Board also needed to respect what other boards and staff must do. Accommodating a person in a wheelchair trying to go across a bridge was important. There were other important zoning issues. To hi, widening it by 11' was not enough to deteriorate the character of that bridge.

The motion passed by majority 4-2 voice vote.

The Board took a 5-minute recess. Ms. Walker left the meeting during the recess.

8. **Case #H-13-104. 302 Camino Cerrito.** Downtown & Eastside Historic District. Cody North, agent for 1020 CNYN LLC, owner, requests permission to demolish two non-contributing structures and proposes to construct an approximately 1,751 sq. ft., with either a pitched roof at the maximum allowable 16'0" streetscape height, or 14'6" flat roof residence, and a 606 sq. ft., 15'0" high flat or pitched roof guesthouse, and erect yardwalls. An exception is requested to build a pitched roof (Section 14-5.2 (D)(9)(d)). (David Rasch).

Mr. Rasch gave the staff report as follows:

BACKGROUND AND SUMMARY:

Located near the southwest corner of the intersection of Camino Cerrito and Canyon Road, south of the Santa Fé River, the roughly L-shaped lot is associated most recently with a house at 304 Camino Cerrito. This house was recently sold and the lot subdivided. Two noncontributing ancillary buildings formerly associated with 304 are now part of the undeveloped lot at 302 Camino Cerrito.

The applicant came before the Board on December 10, 2013, with a project to construct a pitched roof

ITEM # 14-0052

City of Santa Fe
Historic Districts Review Board
Findings of Fact and Conclusions of Law

Case #H-13-076B
Address-DeFouri Street Bridge
Owner/Applicant's Name-City of Santa Fe, Public Works Department
Agent's Name-Richard Rotto

THIS MATTER came before the Historic Districts Review Board ("Board") for hearing on January 14, 2014 upon the application ("Application") of Richard Rotto, as agent for City of Santa Fe, Public Works Department, owners ("Applicant").

The Defouri Street Bridge, Bridge No. 4063, situated north of Our Lady of Guadalupe Church, crossing the Santa Fe River, is a simple two-span structure. The superstructure, constructed in around 1959, consists of precast concrete channel beams supporting an asphalt-surfaced deck. The superstructure rests on an earlier, presumed late 1930s substructure of a masonry cutwater pier and masonry abutments. A pedestrian walkway is located on the east side, representing a modest widening of the bridge in the 1970s.

The Applicant made a preliminary presentation at the August 27, 2013 meeting. The Board designated the bridge contributing at the December 10, 2013 hearing. At the same hearing, the Board postponed review of its replacement, as the Applicant had not requested exceptions to demolish and replace a contributing structure.

The Applicant has now proposed to demolish the bridge. It provided information that the NMDOT Management Section recently designated the bridge "Structurally Deficient," finding the entire structure to be in poor condition, and recommending its replacement. The inspection found the "girders continue to deteriorate with advanced section loss, spalls, exposed rebar, leaching, efflorescence and heavy section loss. Girders 1, 2, 3, 8, and 9 have advanced deterioration at both spans." In 1990, a structural assessment was performed by a New Mexico State University Bridge Inspector under contract with NMDOT. The load capacity was determined at that time to be substandard and the inspector recommended posting the bridge for a 10-ton weight restriction and replacing the structure. Since 1990, all subsequent NMDOT bridge inspections have recommended replacing the bridge. The City's design engineer additionally recommends replacement of the structure. Finally, in a January 2, 2014 letter, the City Building Inspector recommended that the bridge be "demolished and rebuilt to protect the health, safety, and welfare of the citizens of Santa Fe."

The Applicant proposed replacing the deteriorated spans with a single precast, pre-stressed concrete superstructure resting on pre-bored H-pile foundations. The new deck will carry wider lanes and is designed for a better turning radius approach from Alameda Street. The proposed deck at 41'-0"will increase the overall width of the bridge by approximately 11'-1". While the overall width is the same as the preliminary design, its carrying lane arrangement has changed from two 10'-0" lanes with 4'-0" shoulders, to two 14'-0" shared-use lanes. The two ADA-compliant sidewalks (5'-0") and outer hand-railing (1'-5") configurations remain the same as the

EXHIBIT
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preliminary proposal. Work will involve removing the existing center pier and excavating for a new foundation. The existing masonry abutments, tenuously thought to be associated with a New Deal river improvement project, will be retained to prevent scour, but will have no structural function. The final design of the hand-railing is not selected but is proposed as a rusted steel, standard 4'-0"-high pedestrian design, similar to what is found on the nearby Sandoval Street Bridge. The approach railing is proposed as a 3'-0"-high standard steel picket design. Following HDRB precedent, the outside deck and sidewalks will be colored in "Oatmeal Buff" concrete, a color similar to El Rey's "Buckskin" stucco. The bridge sidewalks will continue along the radius of the curve of Alameda and Alto streets to connect with existing walkways.

The Applicant requests a review of the project to demolish the contributing bridge and replace it ("Project"). Two exceptions ("Exception") are required regarding removal of historic materials and replacing the existing materials with materials not in-kind.

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, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Board staff recommended that the Board approve the Application for demolition and grant the Exceptions in accordance with City Code.
4. The property is located in the Westside-Guadalupe Historic District and the Project is subject to requirements of the following sections of the Santa Fe Land Development Code:
    a. Section 14-5.2(C), Regulation of Significant and Contributing Structures
    b. Section 14-3.14(C), (G), Demolition of Historic or Landmark Structures
    c. Section 14-5.2(D)(1), (5), General Design Standards
    d. Section 14-5.2(I), Westside-Guadalupe Historic District
    e. Section 14-5.2(C)(5)(b)(i-iii), Design Standards Exceptions
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has 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. Under Section 14-3.14(C), City staff must provide information to the Board on a structure under consideration for demolition.
8. Under Section 14-3.14(C)(1), City staff provided information that the Board has previously approved a designation of contributing status on December 10, 2013.
9. Under Section 14-3.14(C)(2), City staff provided for Board review the November 12, 2013 New Mexico Department of Transportation (NMDOT), Bridge Management

Section, Bridge Inspection Report, which found the deck, superstructure and substructure to be in "poor" condition, with a recommendation to "replace the bridge." City staff provided for Board review a January 2, 2014 letter, the City Building Inspector recommended that the bridge be "demolished and rebuilt to protect the health, safety, and welfare of the citizens of Santa Fe."

10. Under Section 14-3.14(C)(3), City staff provided information that the Archaeological Review Committee granted clearance of the project on July 18, 2013, under Case #AR-16-13.
11. At the August 27, 2013 Board meeting, a City contractor presented three different proposals for the width of a proposed replacement bridge.
12. At the August 27, 2013 Board meeting, a City contractor stated all three different proposals would meet safety requirements.
13. At the August 27, 2013 Board meeting, a City contractor stated the City did not need to accommodate the ADA sidewalk requirements on both sides of the bridge.
14. At the December 10, 2013 Board meeting, the Board, in its designation of contributing status, stated that the character of the historic district is that this district is small, has slow speeds on its streets and is an intimate, walking and talking neighborhood.
15. At the December 10, 2013 Board meeting, the Board, in designating the bridge as contributing, stated the small scale and size of the bridge maintains the character of the historic district.
16. Under Section 14-3.14(G)(1), there are three factors to consider in a request for demolition of structures.
17. The Application meets the Section 14-3.14(G)(1)(a) criterion because the Application, with the addition of the certain conditions, proposes a new structure with a small scale and size that maintains the character of the historic district.
18. The Application meets the Section 14-3.14(G)(1)(b) criterion because while a narrow width bridge is an essential part of the unique streetscape, the Application, with the addition of certain conditions, proposes a new structure with a small scale and size that maintains the character of the historic district.
19. The Application meets the Section 14-3.14(G)(1)(c) criterion because the bridge is in need of maintenance and repair.
20. One method to retain a smaller width for a proposed replacement bridge is to limit the sidewalk to one side of the bridge.
21. One method to retain a smaller width for a proposed replacement bridge is to have the railing flush with the edge of the bridge.
22. The Board finds that the implementation of these two methods will ensure the bridge maintains the character of the historic district and unique streetscape but will not narrow the proposed traffic lanes, thereby ensuring safe use of the bridge by vehicles and bicycles, and will retain a 5 foot wide sidewalk on the side of the bridge that connects to the only sidewalk found on Defouri Street, thereby meeting ADA sidewalk compliance.
23. The Application also requested approval of two exceptions to the City Code.
24. Under Section 14-15.2(D)(1)(a), the general rule is: "The status of a significant, contributing, or *landmark structure* shall be retained and preserved. If a proposed alteration will cause a *structure* to lose its significant, contributing, or *landmark* status, the *application* shall be denied. The removal of historic materials or alteration of architectural features and spaces that embody the status shall be prohibited."

25. Under Section 14-5.2(D)(5)(b), the general rule is: "In the event *replacement* is necessary, the use of new material may be approved. The new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. *Replacement* or duplication of missing features shall be substantiated by documentation, physical or pictorial evidence."
26. The Exceptions meet the Section 14-5.2(C)(5)(b)(i) criterion because the project does not damage the character of the district because the Application, with the addition of the certain conditions, proposes a new structure with a small scale and size that maintains the character of the historic district.
27. The Exceptions meet the Section 14-5.2(C)(5)(b)(ii) criterion because the project prevents a hardship to the Applicant and prevents an injury to the public welfare as evidenced by a November 12, 2013 New Mexico Department of Transportation (NMDOT), Bridge Management Section, Bridge Inspection Report, which found the deck, superstructure and substructure to be in "poor" condition, with a recommendation to "replace the bridge." It further evidenced by a January 2, 2014 letter, the City Building Inspector recommended that the bridge be "demolished and rebuilt to protect the health, safety, and welfare of the citizens of Santa Fe."
28. Section 14-5.2(C)(5)(b)(iii) criterion is not germane to a non-residential, public works project.
29. The information contained in the Application, and provided in testimony and evidence, is sufficient to establish that all applicable requirements have been met.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approved the Application for demolition with the conditions that the replacement bridge retain the small scale and size that maintains the character of the streetscape and historic district by reducing by eight feet the width proposed in the Application by having a sidewalk on only one side, saving five feet of width, and by placing the railing flush with the edge, saving three feet in width.
3. The Board has granted the two requested Exceptions as presented in the Application.

IT IS SO ORDERED ON THIS 28th DAY OF JANUARY 2014, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Sharon Woods
Chair

01-28-14
Date:

FILED

Yolanda Y. Vigil
City Clerk

1/31/14
Date:

APPROVED AS TO FORM

Kelley Brennan
Interim City Attorney

1/28/14
Date:

Arthur Firstenberg
PO Box 6216
Santa Fe, NM 87502
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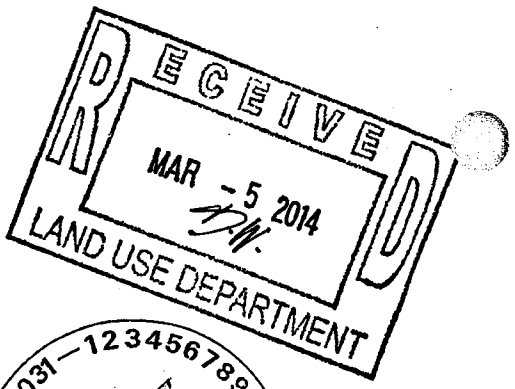


March 5, 2014

Governing Body
City of Santa Fe
200 Lincoln Avenue
PO Box 909
Santa Fe, NM 87504

Regarding: Case No. 2014-08
Defouri Street Bridge
Appeal from the Historic Districts Review Board

To the Members of the Governing Body,

This appeal has been brought by the Department of Public Works on the basis of (a) facts incorrectly determined by the H-board, and (b) ordinances or laws that the H-board's decision violates. Please consider the following:

1. NO FACTS WERE INCORRECTLY DETERMINED.

The H-Board made 11 findings of fact in case no. H-13-076A (the Status Decision), and 29 findings of fact in case no. H-13-076B (the Design Decision). The appeal does not point to *any* of them that are wrong. The board found:

- Although other design elements were added later, the original stone work is historic.
- The bridge's small scale and size maintains the character of the historic district.
- The bridge is more than fifty years old.
- At the August 27, 2013 H-board meeting, a City contractor stated that the ADA does not require sidewalks on both sides of the bridge, and that the smallest of the three proposals would meet all safety requirements

2. NO ORDINANCES OR LAWS WERE VIOLATED.

(a) SFCC § 14-9.2 does not require two sidewalks.

The H-Board decision fully addressed this in its Design Decision. Finding of Fact No. 22 says that the bridge "will retain a 5 foot wide sidewalk on the side of the bridge that connects to the only sidewalk found on Defouri Street, thereby meeting ADA sidewalk compliance."

The staff memo points to the sample illustrations underneath Table 14-9.2-1 as showing two sidewalks, but no language in § 14-9.2 requires two sidewalks.

(b) No ADA Requirements Have Been Violated

Both the appeal and the staff memo state that the decision violates "the ADA's Public Rights-of-Way Accessibility Guidelines." These guidelines were proposed in 2011, but have not been adopted by any federal, state, or city agency, and are not the law.

(c) The appeal does not cite any design standards that the decision violates

The appeal alleges that the NMDOT cooperative funding agreement for the project requires compliance with "minimum design standards." These standards are listed in Appendix A to Exhibit B of the appeal. But the Appellant has failed to cite a single regulation in any of these design standards that the H-Board's decision violates. The burden is on the Appellant to provide evidence of a violation, and it has provided none.

3. THE APPELLANT DOES NOT HAVE STANDING TO APPEAL.

The elements of standing in New Mexico are "injury in fact, causation, and redressability." *City of Artesia v. Public Employees Retirement Association of New Mexico*, 2014-NMCA-009, ¶ 7, 316 P.3d 188. The Appellant has not alleged any injury. The Verified Appeal Petition form requires the Appellant to "Describe the harm that would result to you from the action appealed from," and the Department of Public Works has not alleged any harm that would result if the bridge is built as approved by the H-Board. It alleges only that the bridge is structurally deficient at present, but does not allege that rebuilding the bridge to match existing road and sidewalk configurations in the neighborhood will result in harm to anyone.

CONCLUSION

The appeal should be denied.

Respectfully submitted,

Arthur Firstenberg

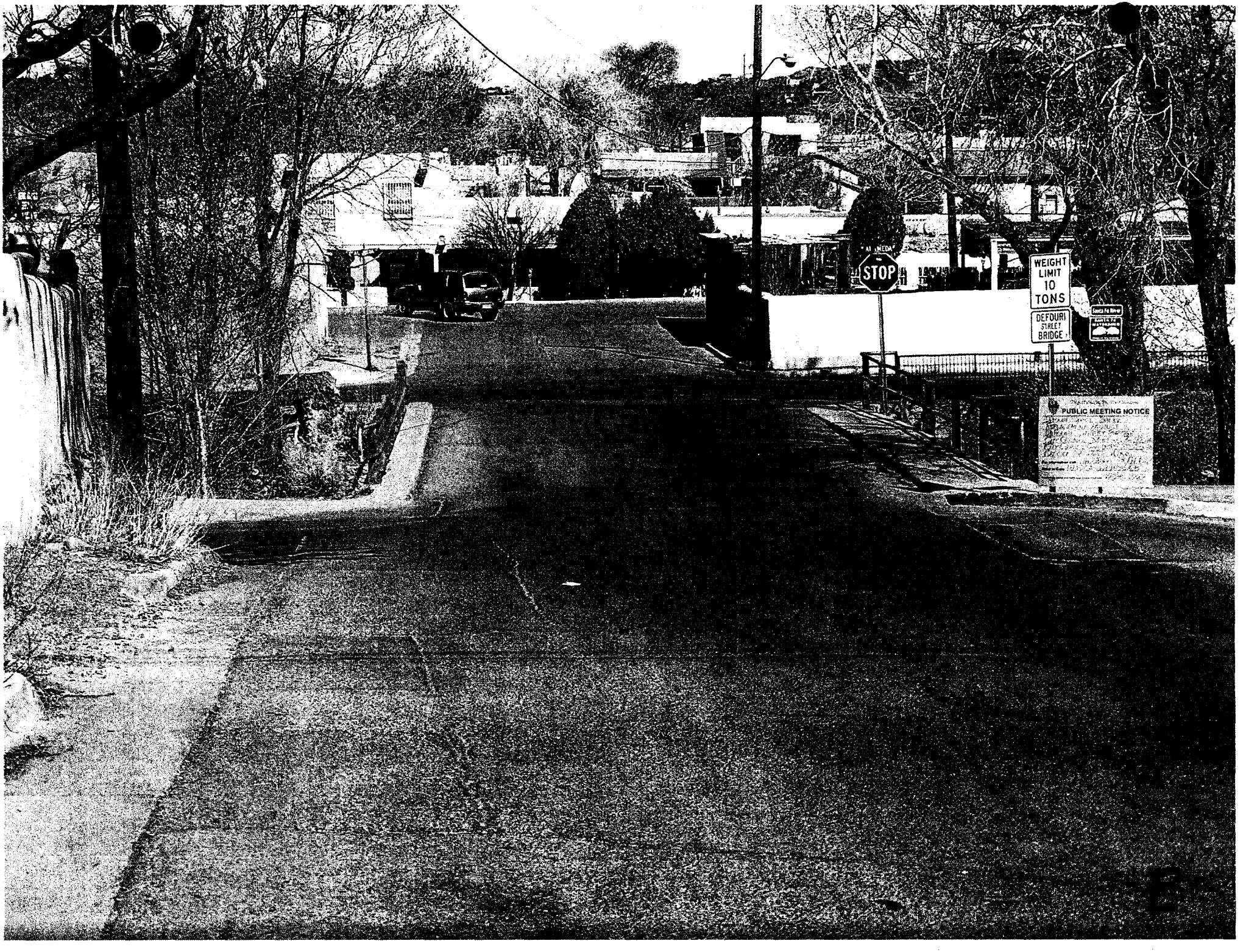
Arthur Firstenberg

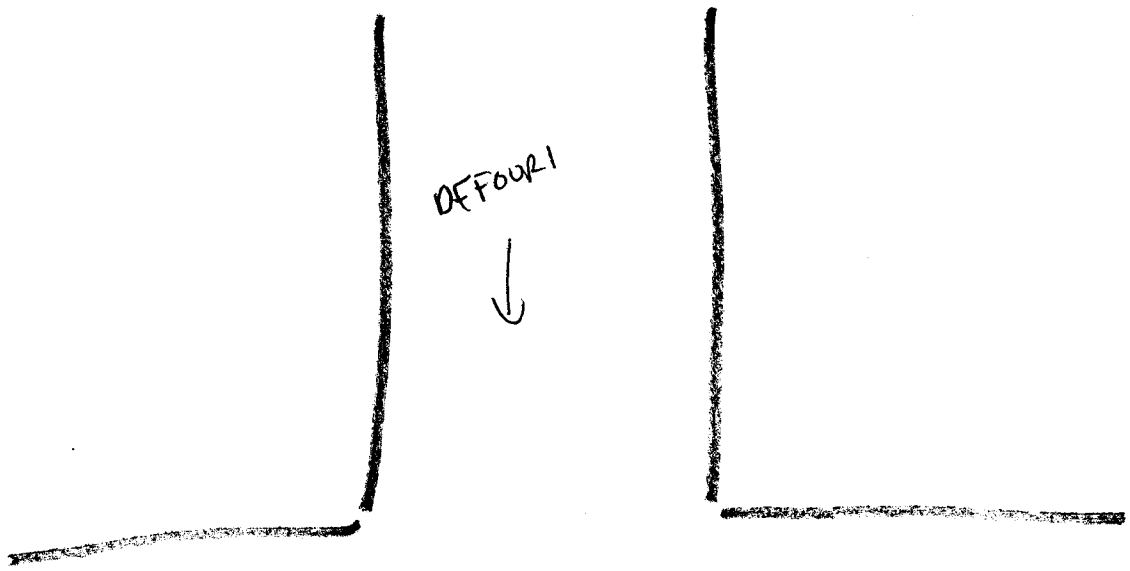
Exhibit "A"


STOP


STOP


STOP


STOP
WEIGHT LIMIT 10 TONS
DEFOURI STREET BRIDGE
PUBLIC MEETING NOTICE



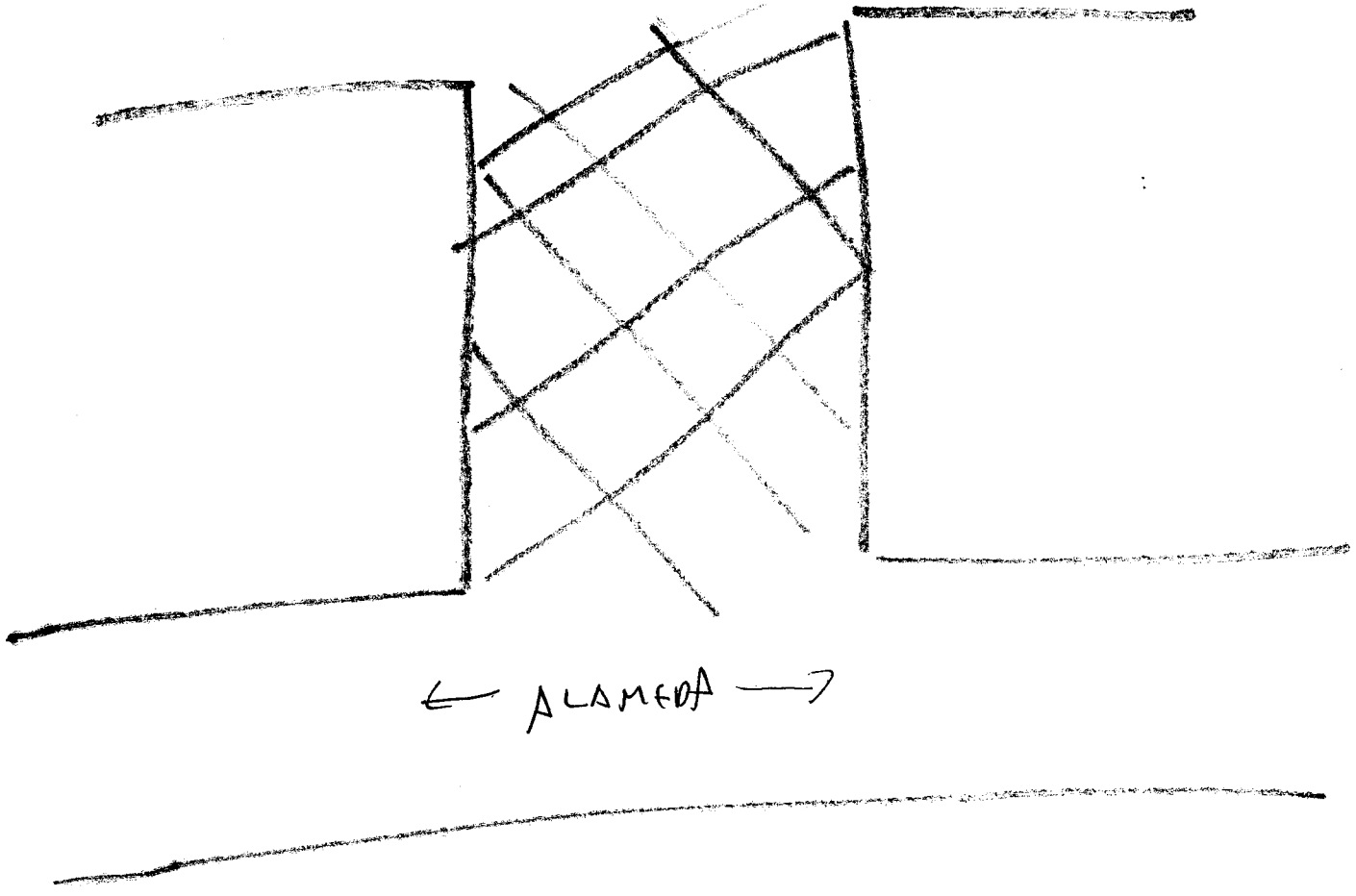


Exhibit "B"

Current Bridge	*Application*	*With Conditions*
~~Western~~ E. sidewalk- 4 feet	5 feet	5 feet
Western driving lane-12 feet	14 feet	14 feet
Eastern driving lane-12 feet	14 feet	14 feet
~~Eastern~~ W. sidewalk- 1' 9"	5 feet	0 feet
Side mounted rails	Top mounted rails—add 1' 5" to both sidewalks (3 feet total)	Side mounted rails
Total- approximately 30 feet	41 feet	33 feet

Exhibit "9"

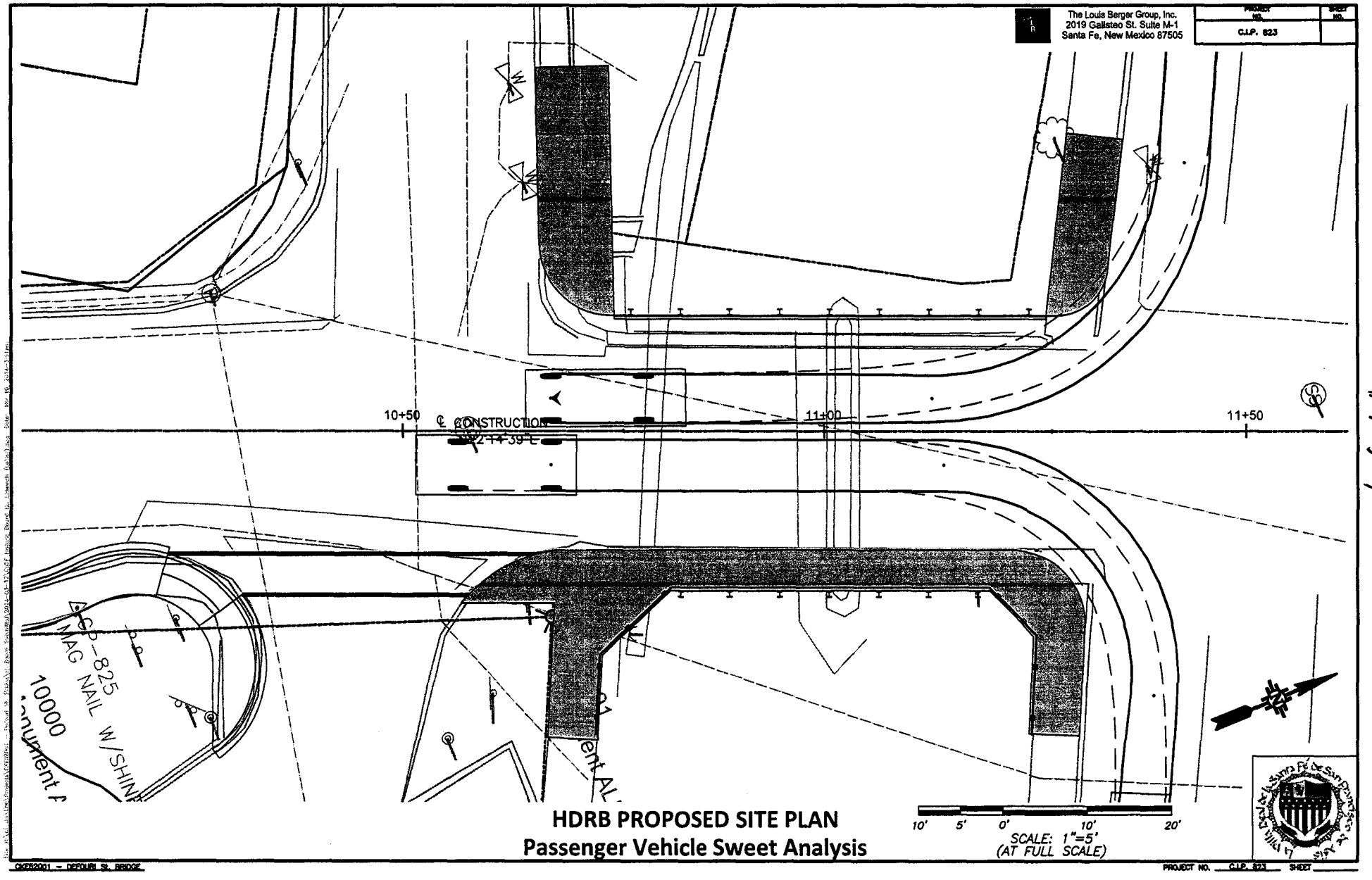
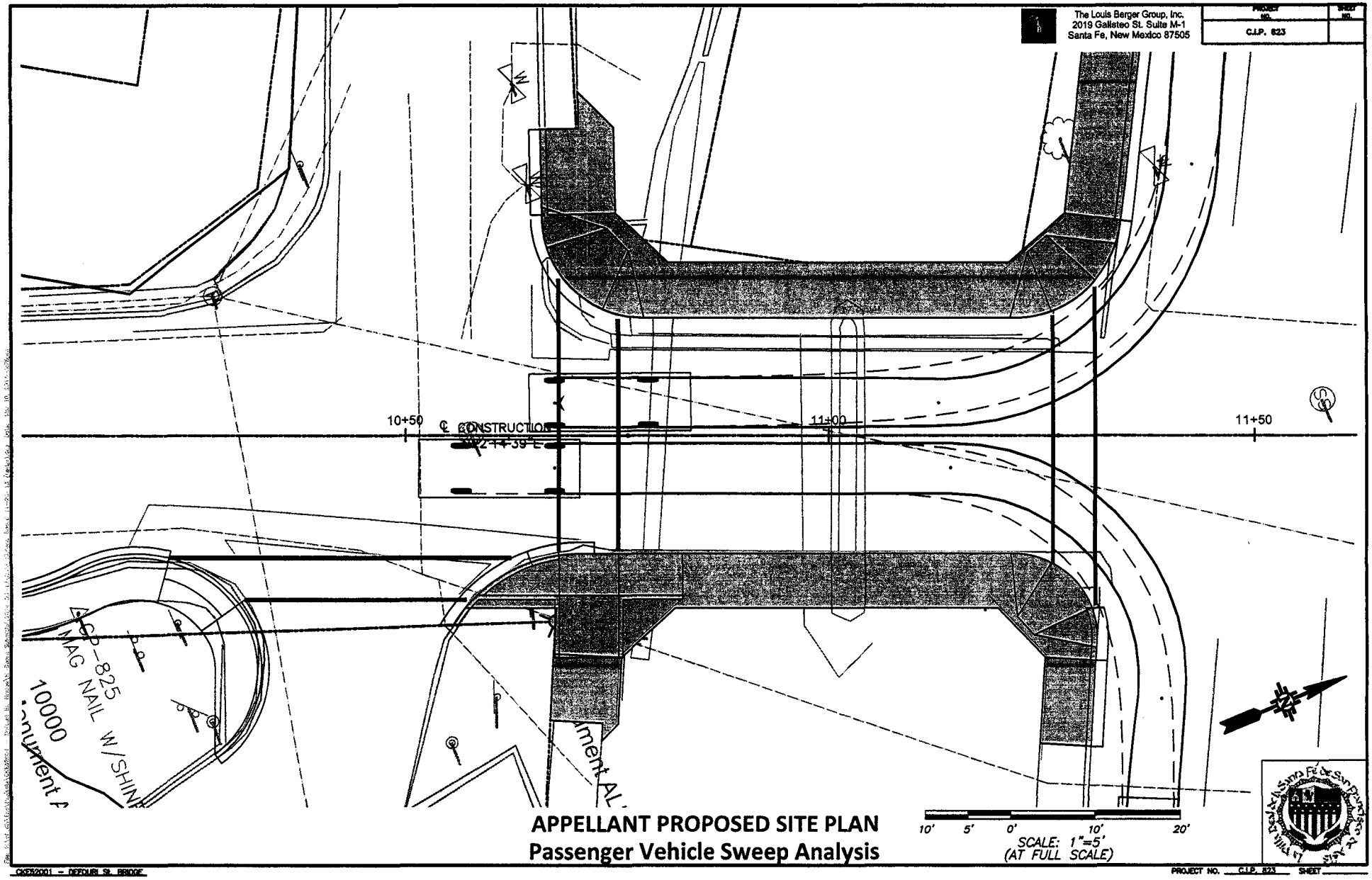
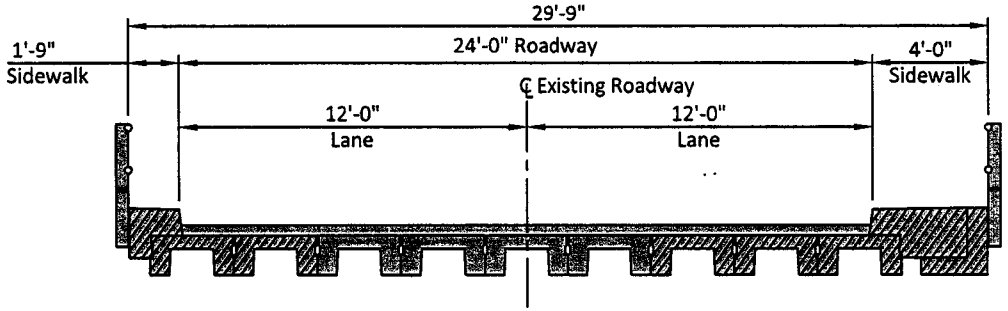

The Louis Berger Group, Inc.
2019 Galisteo St. Suite M-1
Santa Fe, New Mexico 87505
PROJECT NO.
C.I.P. 823
SHEET NO.
10+50
℄ CONSTRUCTION
11+00
11+50
10'
5'
0'
10'
20'
SCALE: 1"=5'
(AT FULL SCALE)
HDRB PROPOSED SITE PLAN
Passenger Vehicle Sweet Analysis
GR252001 – DEPOT ST. BRIDGE
PROJECT NO. C.I.P. 823
SHEET

Exhibit "10"

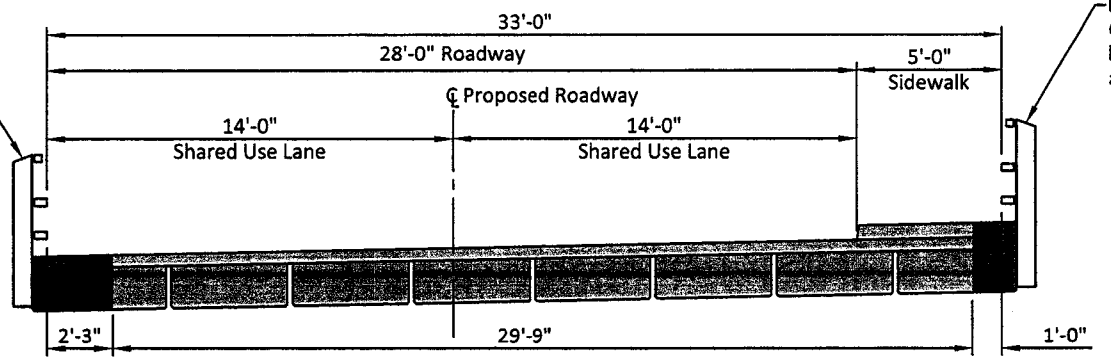


APPELLANT PROPOSED SITE PLAN
Passenger Vehicle Sweep Analysis

DeFouri Street Bridge



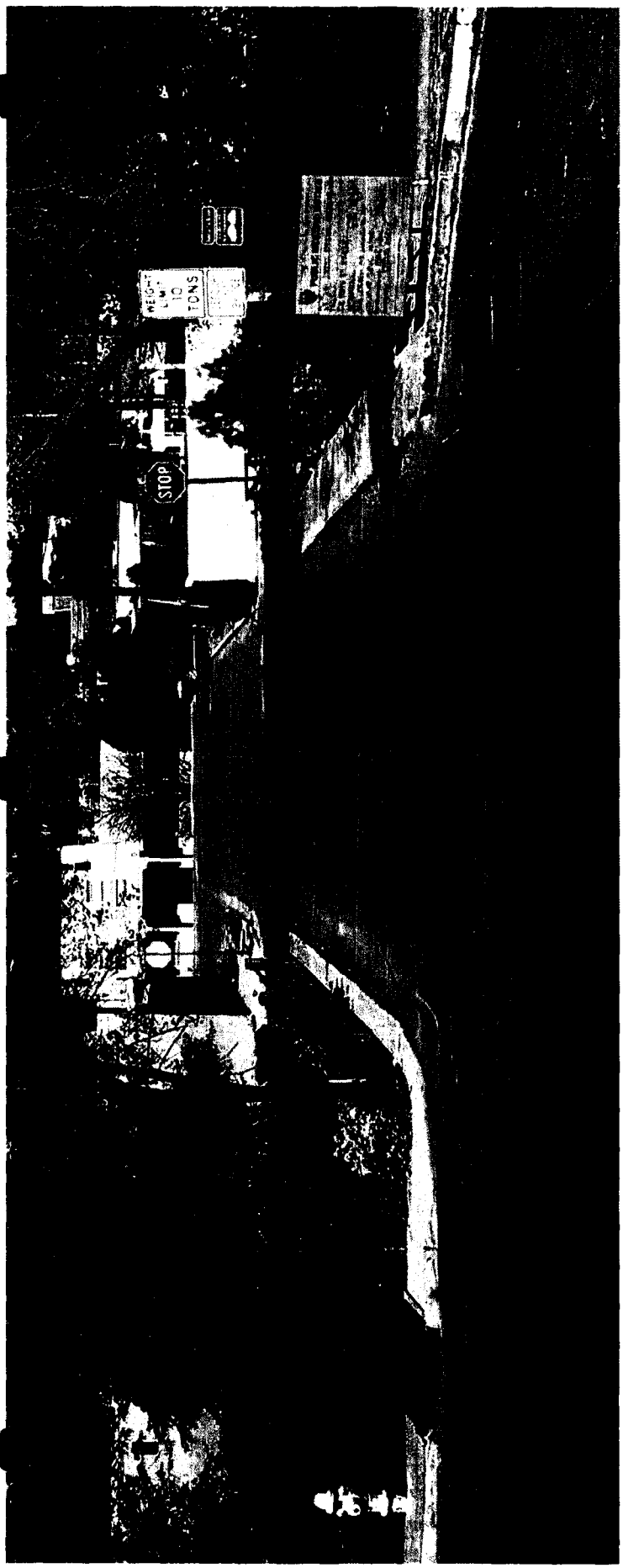
Existing Bridge Section



Violation of City Code Section 14-9.2-1, which requires sidewalk on both sides. Crash-tested side mounted bridge rail for pedestrians and vehicles, does not exist.

Not Feasible: Crash-tested side mounted bridge rail for pedestrians and vehicles, does not exist.

HDBR Proposed Bridge Section



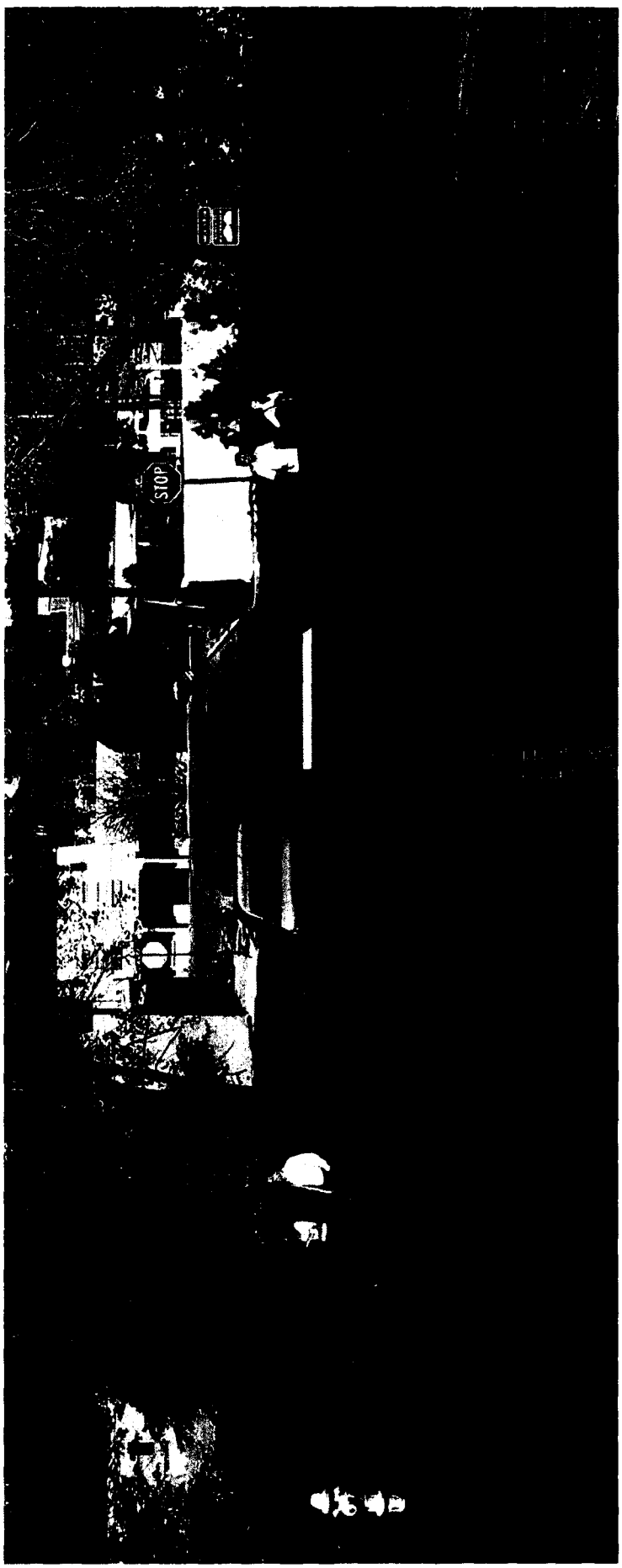


Exhibit "11"

Really Rust 22A-14

City of Santa Fe, New Mexico

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

David Coss, *Mayor*

Councilors:
Rebecca Wurzburger, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Chris Calvert, Dist. 1
Peter N. Ives, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Bill Dimas, Dist. 4
Ronald S. Trujillo, Dist. 4

Memorandum

To: Members of the Governing Body

From: Kelley Brennan, Interim City Attorney
Zachary Shandler, Assistant City Attorney

Re: Appeal of the City of Santa Fe Public Works Department from the December 10, 2013 and January 14, 2014 Decisions of the Historic Districts Review Board in Case #H-13-076A Designating the Defouri Street Bridge as Contributing and Case #H-13-076B Approving the Demolition of the Bridge with Conditions Limiting the Width of the Replacement Structure Case No. 2014-08

Date: March 6, 2014 for March 12, 2014 Meeting of the Governing Body

I. THE APPEAL

On January 27, 2014 the City of Santa Fe Department of Public Works (Appellant) filed a Verified Appeal Petition (Petition) appealing the December 10, 2013 decision (the Status Decision) of the Historic Districts Review Board (HDRB) designating the Defouri Street Bridge (Bridge) as "contributing" and the HDRB's January 14, 2014 decision (the Design Decision) approving the Appellant's application (Application) to demolish the 30-foot-wide Bridge and construct a new bridge (the New Bridge) in its place (the Project), but with conditions altering the Appellant's proposed design for the New Bridge (the Original Design) to reduce its width by 8 feet from 41 feet to approximately 33 feet. A copy of the Petition is attached as Exhibit A.

II. HISTORY OF THE CASE

The Bridge is located in the Westside-Guadalupe Historic District (District), crossing the Santa Fe River one block west of Guadalupe Street at the north end of Defouri Street where it intersects the Alameda. The Bridge is approximately 30 feet wide, with two 12-foot-wide lanes, an approximately 4-foot-wide sidewalk on the east side and an approximately 1 foot- 9 inch-wide sidewalk on the west side and side-mounted railings. Appellant's Original Design includes two

Exhibit "12"

14-foot-wide shared-use lanes with a five-foot-wide sidewalk on each side and outer (a/k/a top mounted) railings designed to sustain vehicle impact.

The Appellant applied for HDRB review of the Bridge's status pursuant to Santa Fe City Code (Code) §14-5.2(C)(2)(c)(i). The HDRB held a status hearing on December 10, 2013 (the Status Hearing). HDRB staff provided the HDRB with a report (the Status Staff Report) briefly describing the Bridge and its history and recommending that the HDRB designate it as "noncontributing", finding that it did not meet the Code definition of a "Contributing Structure". In making the recommendation HDRB staff considered the Bridge's "*...disparate elements – hand-assembled rock supports and precast concrete beams...*," concluding that they did "*...not make for a 'historic' bridge.*" A copy of the Status Staff Report is attached as Exhibit B. The HDRB disagreed with HDRB staff and instead voted at the conclusion of the Status Hearing to designate the Bridge as "contributing". The minutes of the Status Hearing indicate as reasons for the status designation that the Bridge established and maintained the character of the neighborhood through its scale and size and was 54 years old. A copy of the minutes of Status Hearing is attached as Exhibit C. Findings of Fact and Conclusions of Law embodying the Decision were adopted by the HDRB on January 14, 2012 (Status Findings). The Status Findings (Item #14-0029) are attached as Exhibit D.

The HDRB postponed review of the Project at the December 10, 2013 meeting as the Appellant had not requested the exceptions required to permit the demolition of a contributing structure and to replace the Bridge after demolition with new material (collectively, the Exceptions). The HDRB held a hearing on the Original Design and the Exceptions on January 14, 2014 (the Design Hearing). HDRB staff provided the HDRB with a report (the Design Staff Report) briefly describing the Project and recommending that the HDRB approve the Exceptions and the Project. A copy of the Design Staff Report is attached as Exhibit E. The HDRB approved the Exceptions and the Project at the Design Hearing, subject to the conditions that the Original Design be modified to reduce its width by 8 feet by having a sidewalk on only one side, saving 5 feet in width, and by placing the railings flush (a/k/a side mounted) with the edge, saving an additional 3 feet in width (the Conditions). A copy of the minutes of the Design Hearing is attached as Exhibit F. Findings of Fact and Conclusions of Law embodying the Design Decision were adopted by the HDRB on January 28, 2014 (Design Findings). The Design Findings (Item #14-0052) are attached as Exhibit G.

The chart below illustrates the differences between the Bridge, and the New Bridge as reflected in the Application and as modified by the Conditions:

Current Bridge	***Application***	***With Conditions***
Western sidewalk- 4 feet	5 feet	5 feet
Western driving lane-12 feet	14 feet	14 feet
Eastern driving lane-12 feet	14 feet	14 feet
Eastern sidewalk- 1' 9''	5 feet	0 feet
Side mounted rails	Top mounted rails—add 1' 5'' to both sidewalks (3 feet total)	Side mounted rails
Total- approximately 30 feet	41 feet	33 feet

III. BASIS OF APPEAL

A. The Status Decision. The Appellant claims that the HDRB erred in designating the Bridge as contributing for the following reasons:

1. There was no data offered at the Status Hearing to support the historic significance of the Bridge;
2. The Cultural Resource Survey Report (CRSR) dated July 2013 prepared for the Appellant by Stephen S. Post, Cordelia T. Snow and Gerry Raymond identified no archeological resources and recommended the Bridge as not eligible to the National Register of Historic Places;
3. The City's Archeological Review Committee and State Historic Preservation Office (SHPO) concurred with the findings of the CRSR;
4. HDRB staff concluded that the Bridge does not meet the Code definition of "Contributing Structure"; and
5. The Status Decision did not comply with Code §14-5.2(C)(2)(b)(ii), which provides that "*[a] change in status or the designation of status shall be based upon an evaluation of data provided through survey or other relevant sources of information and the definitions of "significant", "contributing" or "noncontributing'.*"

B. The Design Decision. The Appellant claims that the HDRB erred in reducing the width of the Original Design by imposing the Conditions for the following reasons:

1. The Design Decision violates City Code, which requires two sidewalks that are at least 5-foot-wide under SFCC 1987, Section 14-9.2-1 (Illustration Table);
2. The Design Decision violates the Americans with Disabilities Act (ADA) and Public Rights-of-Way Accessibility Guidelines (PROWAG), which prohibit decreasing accessibility below the requirements for new construction in effect at the time and except historic facilities only when SHPO or the federal Advisory Council on Historic Preservation (ACHP) determine that compliance would threaten or destroy historically significant features of a qualified historic facility;
3. The ADA requires a minimum sidewalk width of 4 feet.
4. Code §14-9.2(B(3) provides that "*...in the case of city street projects, the governing body, may consider and approve innovative street designs that are not included among the street types and street sections shown in this Section 14-9.2 that provide adequate pedestrian and bicycle facilities...*" In accordance with this provision, only the Governing Body has the authority to modify the street design required by Code for city street projects. The HDRB does not have this authority.
5. If an Innovative Street Design is approved by the Governing Body and the 5-foot-wide sidewalks are reduced in width to 4 feet, then the New Bridge will be 2 feet narrower and this means the parties' original dispute over 8 feet (33 feet v. 41 feet) has become a dispute over 6 feet (33 feet v. 39 feet).
6. The Project is time-sensitive. The City entered into an agreement with NM DOT for $150,000 from the State with a required $50,000 City match (75% State; 25%

City). Appellant must spend a total of $200,000 on design by June 30, 2014 to demonstrate that it has met the City's match obligation under the agreement. After that, the State will reimburse the City $150,000.

7. Appellanthas spent $110,000 on design to date and is eligible to be reimbursed $82,500 from the state (75% of $110,000). If design is delayed further and the remaining $90,000 isn't spent by June 30 then approximately $67,500 (75% of $90,000) in remaining State funds are at risk. Appellant is seeking an extension to accommodate any delay, but the extension may be subject to approval by both NM DOT and the NM Department of Finance and Administration Local Government Division, which may not occur before June 30 and is not certain.

IV. RELIEF SOUGHT

The Appellant asks the Governing Body to grant its appeal and designate the Bridge as noncontributing and to approve the Project in accordance with the Application.

V. ISSUES RAISED BY THE APPEAL; ANALYSIS

A. The Status Decision.

Code §14-12.1 defines "contributing structure" as "*[a] structure, located in a historic district, approximately fifty years old or older that helps to establish and maintain the character of that historic district. Although a contributing structure is not unique in itself, it adds to the historic associations or historic architectural design qualities that are significant for a district. The contributing structure may have had minor alterations, but its integrity remains.*"

A "noncontributing structure" is "*[a] structure, located in an H district, that is less than fifty years old or that does not exhibit sufficient historic integrity to establish and maintain the character of the H District.*"

A "structure" is defined as "*[a]nything that is constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground...*"

The Bridge is a structure, is located in the District and is generally fifty years old or older.

Appellant's argument: The Status Staff Report describes the Bridge in its current form as a superstructure comprised of precast concrete channel beams bolted together to support an asphalt-surfaced deck resting on a substructure of a masonry cutwater pier and masonry abutments. The current superstructure, constructed in approximately 1959, appears to have replaced an earlier timber deck. As a result of the disparate spanning technologies between the superstructure and the substructure, HDRB staff did not believe that the Bridge had sufficient integrity to qualify as contributing. In addition, HDRB staff did not believe that the Bridge helps establish or maintain the character of the District. The character of the District is outlined in Code §14-5.2(I)(1), entitled "District Standards", which apply to the "*...exterior features of buildings and other structures subject to public view from any public street...*" These standards address exterior wall materials; the color of buildings; roof form, slope, and shape; solar and

other energy collecting and conserving technologies; the screening of equipment; wall and fence materials; greenhouses; porches and portals; and the location of parking for commercial and multi-family residential buildings. Because none of these character-defining standards for the District can be applied to the Bridge, HDRB staff did not believe that the Bridge can be described as establishing or maintaining the character of the District.

HDRB's argument: HDRB, in addressing the question of District character, pointed to testimony at the Status Hearing as establishing that the District is small, has slow speeds on its streets and is an intimate, walking and talking neighborhood. Code §14-5.2(D)(9)(e) addresses scale as a general design standard applied to all the historic districts, but applies it only to buildings. "Building" is defined in Code §14-12.1 as "*[a] structure or parts of a structure covered and connected by a permanent roof and intended for shelter, housing or enclosure.*" Thus the general design standard relating to scale does not apply to the Bridge. However, the HDRB found that the small scale of the Bridge helped maintain the character of the District.

B. The Design Decision.

The difference between the Bridge being designated as "contributing" and "noncontributing" is that contributing status required the Appellant to meet the exception criteria for the Exceptions and to reestablish the streetscape after demolition, i.e., to conform the New Bridge to the visual character of the streetscape.

"Streetscape is defined in Code §14-12.1 as "*[t]he visual character of a street or section of a street as defined by topography; the pattern of structures and open space; building and wall setbacks; street design; architectural design; and heights, widths and proportions of structures, fixtures and graphics.*" HDRB staff believed that the construction of the New Bridge in place of the Bridge reestablished the streetscape and recommended that the HDRB approve the Project.

Code § 14-9.2(B)(3) states: "To better achieve the intent of this Section 14-9.2, a land use board, or, in the case of city street projects, the governing body, may consider and approve innovative street designs that are not included among the street types and street sections shown or described in this Section 14-9.2 that provide adequate pedestrian and bicycle facilities, as well as necessary transit facilities." In accordance with this Code provision, only the Governing Body has the authority to approve an Innovative Street Design for a city street project like the Project. No variance or additional approval is required when approved by the Governing Body.

Code §14-3.14(G) requires the HDRB, in determining whether a request for demolition in a historic district should be approved or denied, to consider (1) whether the structure is of historical importance; (2) whether it is an essential part of a unique street section or block front and whether that street section or block front will be reestablished by a proposed structure; and (3) the state of repair and structural stability of the structure.

Appellant's argument: Appellant argues that the Conditions violate §14-9.2-1Code requirements (Illustration Table), including ADA requirements prohibiting decreasing accessibility below the requirements for new construction in effect at the time, except for historic facilities when SHPO or the ACHP determine that compliance would threaten or destroy historically significant

features of a qualified historic facility. However, SHPO did not make such a determination; in fact, SHPO concurred with the findings of the CRSR that the Bridge was not eligible for the National Register of Historic Places. In addition, since the HDRB approved the Bridge for demolition, compliance with ADA requirements cannot threaten or destroy historically significant features.

Thus SHPO does not need to re-review the Project to see if the ADA sidewalk requirements can be modified in order to protect the historic qualities of the Bridge, because the HDRB has approved the demolition of the Bridge notwithstanding its designation as contributing. (SHPO would have to re-review the Project only if the Bridge was to remain and was being re-furbished.)

HDRB's argument: The HDRB granted the Appellant's requests for the Exceptions and to demolish the Bridge, subject to the Conditions, which, by narrowing the Original Design to proportions more like those of the Bridge, were intended to reestablish the streetscape. The HDRB concluded that a narrower bridge was more consistent with the neighborhood.

VI. CONCLUSION

A. The Status Decision.

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure, it should grant the Appellant's appeal as to status and designate the Bridge as noncontributing and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure, it should deny the Appellant's appeal as to status and let stand the Status Decision designating the Bridge as contributing and adopt the Status Findings as its own.

B1. The Design Decision (if Bridge does not meet the definition of a contributing structure).

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure and thus concludes that the HDRB erred in requiring Exceptions and erred in imposing the Conditions, it should grant the Appellant's appeal and approve the Application as submitted and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure and concludes that the HDRB erred in requiring Exceptions, but did not err in imposing the Conditions, it should deny the Appellant's appeal and adopt the HDRB's Design Findings as its own.

- If the Governing Body concludes that the Bridge does not meet the definition of a contributing structure and thus concludes that the HDRB erred in requiring the

Exceptions and erred in imposing the Conditions, but wishes to approve an Innovative Street Design reducing the width of both sidewalks from 5 feet to 4 feet it should find that such a reduction provides that adequate pedestrian facilities in accordance with the ADA and grant the Appellant's appeal and approve the Application, modified to reflect the approved Innovative Street Design and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

B2. The Design Decision (if Bridge does meet the definition of a contributing structure).

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure and thus concludes that the HDRB was correct in requiring Exceptions and did not err in imposing the Conditions, it should deny the Appellant's appeal and adopt the HDRB's Design Findings as its own.

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure and thus concludes that the HDRB was correct in requiring Exceptions, but erred imposing the Conditions, it should grant the Appellant's appeal and approve the Application as submitted and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.

- If the Governing Body concludes that the Bridge does meet the definition of a contributing structure and thus concludes that the HDRB was correct in requiring Exceptions, but erred imposing the Conditions, and wishes to approve an Innovative Street Design reducing the width of both sidewalks from 5 feet to 4 feet it should find that such a reduction provides adequate pedestrian facilities in accordance with the ADA and grant the Appellant's appeal and approve the Application, modified to reflect the approved Innovative Street Design and direct staff to draft Findings of Fact and Conclusions of Law embodying its decision.