



City of Española
Planning and Zoning Department
405 North Paseo de Oñate
Española, NM 87532
(505)747-6061

November 10, 2011

NAME (PLEASE PRINT)	PHONE NUMBER
Robert J Puddy	(505) 670-6585
Lou BAKER	927 loubaker@alum.mrt.edu
GRIZ GONZALEZ	670-2812
MARK Ruhlman	670-9911
Jake Brady	753-0042
CONNIE Valencia	753-5065
Jaime Valdez	747-3791
Nora J. Valdez	747-3791
ARIEL MERRINO	753-1456
Whitney Jones	753-2126
Margaret Ouarde	562-201-5806
Uthman	N/A
William Klebesadel	505 310 3070
Gerald Arroyo	907-8163
WALTER MARTINEZ	"
Lee Klebesadel	920-5880
J. Gianni Rubin	505-429-2911
Tony Rubin	505-429-0066
Darlene Carter	505-753-6073
Susie Norris	505-753-6271
Ross Chavez, Jr.	505-753-4311
Martine P. Martinez	505-747-8093
Jeff	505 920-3745

Planning & Zoning Commission Meeting

Thursday, November 10, 2011 – 6:00 pm
City Council Chambers, City Hall
405 N. Paseo de Oñate, Española, NM

I. Call to Order:

The meeting was called to order by Chairman Erle Wright at 6:04 pm with the following in attendance:

Commissioners: Erle Wright, Chairman
Richard Beaudoin
Amrit Khalsa
Anissa Martinez
Sunee Sandoval

Staff: Russell Naranjo, Planning Director
Larry Valdez, Planning Tech
Isabelle Martinez, Code Enforcement Officer
Desirae Medina, Addressor/GIS Tech

Commissioner
Absent: Laurie Koontz

Others: See Attached Sign in Sheet

II. Pledge of Allegiance:

Commissioner Sunee Sandoval led the Pledge of Allegiance.

III. Approval of Agenda:

Chairman Wright asked if there were any amendments to the agenda.

Planning Director, Russell Naranjo, informed the commission that Wal-Mart had agreed to mirror signage similar to the new Santa Fe store, and therefore, withdrew their application.

No additional changes were made.

Commissioner Khalsa moved to approve the agenda as amended.

Commissioner Martinez seconded the motion.

Motion Carried 5-0 vote.

- I. Call to Order
- II. Pledge of Allegiance
- III. Approval of Agenda
- IV. Public Concerns
- V. Old Business:

Removed from agenda

1. **Tabled Special Exception Request.** CMA Architectural Firm on behalf of Wal-Mart Store #2656 is requesting to replace an existing non-conforming pole sign in excess of the height and square footage criteria. The property is located at 1610 North Riverside Drive and is within the B-2, General Commercial District.
2. **Special Exception Request.** Tom Piposar, on behalf of Petsense L.L.C., is requesting a special exception to install approximately 48 square feet of signage on an existing nonconforming pole sign, in excess of the height and square footage criteria and in violation of Article IX, of the City of Española Development code. The property is located at 628 N. Riverside Drive, Suite A, and is within the B-2, General Commercial District.
3. **Special Review and Variance Request.** Robert Purdy and Carol Merriweather, on behalf of the "Crisis Center of Northern New Mexico," are

requesting a special review and variance request to place four (4) structures on approximately .68 acres for use as transitional homes for clients of the Crisis Center of Northern New Mexico. The property is located at 814 Fairview Lane, within the R-O-I, Residential, Office, Institutional District.

VI. Items for Consideration:

1. **Zoning Amendment.** Antonio and Connie Valencia, applicants, are requesting a zoning amendment of approximately .076 acres located at 410 Calle Borrego from an existing B-2, General Commercial zoning classification to R-1, Rural Residential District.
2. **Variance Request.** Antonio & Connie Valencia, property owners, are requesting a variance on lot size dimensions for proposed lot split survey totaling .076 acres on property located at 410 Calle Borrego. The property is zoned R-1, Rural Residential District.
3. **Variance Request.** Antonio & Connie Valencia, property owners, are requesting variance on front, side and rear setbacks for the proposed placement of a mobile home on a nonconforming lot located at 410 Calle Borrego. The property is zoned R-1, Rural Residential District.

- VII. Approval of Minutes
VIII. Matters from the Planning Commission
IX. Matters from the Planning Staff
X. Adjournment

IV. Public Concerns:

Chairman Wright asked if anyone had public concerns.

Ms. Margaret Velarde expressed that she had placed a call to Fire Chief Branch and left a message on his cell phone and office; however, he never returned her call. Ms. Velarde stated that she found it extremely unprofessional.

Chairman Wright answered that perhaps they, as a commission, could ask that he return Ms. Velarde's call.

Commissioner Beaudoin commented that the Fire Chief was on vacation.

V. Old Business:

- Removed from agenda
1. **Tabled Special Exception Request.** CMA Architectural Firm on behalf of Wal-Mart Store #2656 is requesting to replace an existing non-conforming pole sign in excess of the height and square footage criteria. The property is located at 1610 North Riverside Drive and is within the B-2, General Commercial District.
 2. **Special Exception Request.** Tom Piposar, on behalf of Petsense L.L.C., is requesting a special exception to install approximately 48 square feet of signage on an existing nonconforming pole sign, in excess of the height and square footage criteria and in violation of Article IX, of the City of Española Development code. The property is located at 628 N. Riverside Drive, Suite A, and is within the B-2, General Commercial District.

Mr. Valdez informed the commission that he had received an e-mail from Petsense regarding a new sign design, which he had provided to them.

Chairman Wright asked if there were any questions for staff.

There were none.

Mr. Jake Brady, for Petsense, stated that the e-mail with the new design was the result of the commission's suggestions and Mr. Piposar was opened to them. He concluded, "I hoped it was what you were envisioning."

Chairman Wright asked if there were any question for the applicant.

Commissioner Khlasa stated: "I like it." He then questioned if the pole would eventually be moved down.

Property owners Mark Ruhlman and Greg Gonzales answered that it was their intention to eventually lower the pole.

Chairman Wright asked if it would be acceptable to ask that no other variances be made until the pole is down in height.

Mr. Ruhlman answered, "Yes."

Chairman Wright moved to allow and accept the 16 square foot panel on the existing non-conforming sign with the condition that the other tenants in the complex also comply with a 16 square foot sized panel and the pole height come down to 16'.

Commissioner Sandoval seconded the motion.

Commissioner Beaudoin asked if the signs would be "grandfathered in" after a motion is made.

Chairman Wright answered that if a significant change would occur in one of the businesses or if a new business would enter the complex, then at that point the sign would need to meet the 16' height requirement and begin to move in the right direction.

Chairman Wright asked the commission if there was any further discussion or conditions.

None were made.

Motion Carried 5-0 vote.

3. *Special Review and Variance Request. Robert Purdy and Carol Merriweather, on behalf of the "Crisis Center of Northern New Mexico," are requesting a special review and variance request to place four (4) structures on approximately 0.68 acres for use as transitional homes for clients of the Crisis Center of Northern New Mexico. The property is located at 814 Fairview Lane, within the R-O-I, Residential, Office, Institutional District.*

Mr. Larry Valdez announced that he had received a certified letter authorizing Lou Baker to act on behalf of the Crisis Center of Northern New Mexico.

Mr. Valdez read all forms acknowledging authorization. All forms of authorization were submitted into the record.

Ms. Lou Baker introduced herself and stated that she was a certified planner and has over ten (10) years experience. She reiterated that she had a letter from the property owners that authorized her to serve on their behalf. She added that she also had a letter notifying the neighbors of an open house, that no one attended, which was held on Saturday, November 5, 2011, that she would like to submit into the record.

Ms. Baker submitted the letters to Chairman Wright.

Ms. Baker asked the commission if she could have 10-15 minutes to present new information.

Chairman Wright stated that he had no objections.

Ms. Baker acknowledged the Crisis Center of Northern New Mexico staff and pointed out that their applications #110018 and #110019 are for special use and variance. She presented that *Primera Vivienda* is a starter home or "first home,"

Ms. Baker read the objectives of Primera Vivienda, attached in record.

Ms. Baker continued to state that Crisis Center of Northern New Mexico is the property owner of 814 Fairview Lane, indicating the property to be tract-3, and explained that the property has never been subdivided and remains in its original lot size; however, the property to the east had been subdivided with parcels being as small as .19 acres. Ms. Baker presented a City of Española Zoning Map and indicated that in 1997 the property was zoned as R-O-I, Residential, Office, Institutional. She added that she was confused as to why their application was for a special review when there are no criteria for a special use. She questioned why they paid an application fee for non-existing criteria.

Ms. Baker proceeded with her presentation (*presentation has been submitted into record for viewing*) outlining the following:

- **The four (4) criteria needed for approval.** Ms. Baker examined the criteria, according to the Development Code, that needed to be met before approval could be made and expressed that the applicant has met the required criteria.
- **History of the application.** Ms. Baker reviewed the history of the application and the conditions of approval that were made within the staff report.
- **Open House invitations.** Ms. Baker stated that bilingual invitations were sent out for the November 5, 2011 open house.
- **Code requirements for notification.** Ms. Baker stated that property owners within 100' are required to be notified, and there are only 12 properties that fall within that distance. She pointed out that code indicates that those property owners, not tenants, house guests, sitters etc, must be notified by U.S. mail. She added that they were notified by certified mail, which code does not specify. She concluded that notification was also publicized in the local newspaper and a public notice sign was displayed on the property.
- **Development Review Team (DRT) meeting.** Ms. Baker stated that there was a section within the code that explains DRT and how department directors or their designee shall discuss and make recommendations, if any, for an application before it goes to commission. In the event that the directors or their designee cannot attend, the Planning Director shall serve as chair and if the DRT fails to respond within 30 days then the application shall be deemed to have been passed by the DRT without recommendation.
- **Comprehensive Plan.** Ms. Baker explained that the Comprehensive Plan was developed with community input and it demonstrates how the City of Española should develop. Ms. Baker stated that on Page 6.6, it states that the City will require 55 new housing units per year for the next 17 years to meet housing demands in the year 2020 and on page 6.7 it recommends how to achieve that goal.
- **Crisis Centers of Northern New Mexico Proposal.** Ms. Baker illustrated on a slide that the existing structures on the property have been vandalized and is in a derelict condition; therefore, it needs to be cleaned up and the applicant is proposing to do so with four (4) single family dwelling units.

Chairman Wright asked why the fifth proposed unit was not shown.

Ms. Baker stated this application was for four single family dwelling units and the fifth was the existing primary unit and will remain.

Ms. Baker continued with her presentation displaying images of the proposed floor plans, attached porches, landscaping, retention pond, and utility schematics.

- **Manufactured vs. Modular.** Ms. Baker stated that she had contacted HUD, NM CID, IBC, NEC, MFA and VA to clarify the difference between the two. She explained that a modular does not have a chassis nor does it arrive on its own wheels. A modular is also strictly regulated and lending is more difficult to acquire.
- **Economic Development.** Ms. Baker announced that this project will create jobs in the short and long term; the City will receive GRT and revenue from permit fees; and all homes purchased would be from local vendors. She concluded that there would also be workforce training and collaboration with the NM DWS workforce department and there would be NNMC involvement to assist families to transition into the workforce.
- **Power lines.** Ms. Baker stated that it would be too costly to move any power lines and added that the applicant has collaborated with Jemez on this project and may propose "turtle meters" that will allow for Jemez to read the meter remotely.
- **Outdoor lighting.** Ms. Baker expressed that the City of Española code is unclear as to what a "safe minimum" of outdoor lighting actually is; therefore, after researching surrounding cities and their codes regarding lighting, the applicant has agreed to Taos's light allowance, which is the stricter of the cities researched in order to comply with the night sky regulations.

- **Traffic.** Ms. Baker stated that the code requires that a traffic report be generated when a project exceeds 20 dwelling units, and this project only has four (4); however, the applicant has worked closely with NMDOT on SR 583 (Fairview Lane). Ms. Baker projected the average daily traffic count and continued to state that a typical family has two vehicles, which calculates an additional eight for this property. Ms. Baker informed the commission that she didn't have enough time to get the projection; however, if needed, it could be obtained, but the impact would be insignificant. She concluded that the new structures would comply with all 911 addressing requirements and no additional traffic signs would be needed.
- **Española Public Schools.** Ms. Baker stated that she had sent an e-mail to the Española Public Schools to inquire about the impact this project would have on their enrollment; but there was no response.
- **Fire Safety.** Ms. Baker stated that she had spoken with Chief Branch and he had informed her that a site visit was conducted and the project would possibly need a new fire hydrant and asked if they would consider one. Ms. Baker added, "Public safety is number one, so whatever the chief wants we will give it to him." This would also include that the structures comply with all fire code and be equipped with battery backed alarm systems.
- **Public Transportation.** Ms. Baker stated that the North Central Regional Transit District has a fixed route and the occupants would have to walk down Fairview Lane to catch transportation.
- **Solid Waste.** Ms. Baker explained that the occupants will submit an application along with all necessary documents and pay \$17.10 a month to receive weekly services. Ms. Baker stated that North Central Solid Waste has informed them that poly carts were currently unavailable; however, they are willing to build a trash bin.
- **Acéquia.** Ms. Baker stated that the Santa Cruz Irrigation District was aware of the project and announced that the property does have water rights that go back to 1963.

Chairman Wright asked where the proposed property was located on the map projected.

Ms. Baker stated that it was located on tract 140.

Chairman Wright replied: "Thank you."

Ms. Baker stated that the applicants have discussed a construction staging plan.

Ms. Baker projected an example of a construction staging plan.

Ms. Baker concluded her presentation stating that the commission was here tonight to determine if this application has answered the four (4) criteria. She questioned if there was precedence and what the variance approval rate was. Ms. Baker stated that Article X-454 (b) (3) identifies the appeal process (*Ms. Baker read Article X-454 (b) (3), which is included in the record*) Ms. Baker presented the commission with *Finding of Facts and Conclusion of Law (document submitted into record)*.

Chairman Wright stated that they could accept these; but they were from the applicant and not the commission's finding of facts.

Chairman Wright reviewed the document.

Chairman Wright asked Ms. Baker if she was asking the commission to sign the document because it displayed signature lines.

Ms. Baker answered, "No, it is just a sample, you do not need to accept it."

Chairman Wright stated that they would accept the document into record as their submittal; however, they would like to review it and give it to the attorney.

Chairman Wright asked if there were any questions from the commission.

Commissioner Khalsa commented that the Comprehensive Plan was not fact, but an opinion and is based on when it was written.

Ms. Baker agreed and added that the plan was dated and static. She also stated that only 1-2 municipalities have adopted their comprehensive plan as the ordinance, and although they are just guide books, a lot of time is put into their development.

Chairman Wright stated that the commission was familiar with the plan and is currently going through it thoroughly. He informed Ms. Baker that the City of Española has not reached the population outlined in the Comprehensive Plan.

Chairman Wright asked if there were other questions regarding the presentation because he would like to give the public their opportunity to speak.

Commissioner Martinez questioned the number of structures proposed stating that the DRT minutes referenced demolishing the existing structure and replacing it with a modular home. She asked Ms. Baker if the plans had changed.

Ms. Baker asked for a moment to review the application.

Ms. Baker answered that the applications submitted, #110018 and #110019 does not state that; however, they are asking for four (4) single family dwelling units and will work with staff to determine if the existing building was capable of being renovated. She clarified that this application was not for the primary, but only for the additional four (4) single family dwellings.

Chairman Wright asked what the size of the structures' footprint would be.

Mr. Robert Purdy, for Crisis Centers of Northern New Mexico, passed out drawings.

Ms. Baker stated that Mr. Purdy has reduced the size by 500 square feet.

Mr. Purdy affirmed that he had reduced it by 11 percent which would make the area more spacious and allow for the utilization of funds, such as the suggestion by Commissioner Khalsa, to stucco the homes entirely. Mr. Purdy stated that it was a good trade off.

Chairman Wright stated that he appreciated the presentation and was glad that the applicant had relooked at the proposal; he added that they had revisited the site and still had concerns with the structures only being 110' from the rear to the utility line.

Mr. Purdy replied that it is 134' from the rear.

Chairman Wright stated that the commission only does a site plan review for commercial property, but if it is drawn to scale, it looks tight. He recommended that it be looked at again.

Chairman Wright asked when the open house invitations were sent out.

Ms. Carol Merriweather, with Crisis Centers of Northern New Mexico, answered the afternoon of Monday, October 31, 2011.

Chairman Wright opened public hearing at 7:22 pm.

Chairman Wright asked who had something to say for public hearing.

Many hands were raised.

Mrs. Jeannie Rubin, 828 Fairview Lane, stated that she had been circulating a petition and has obtained 69 signatures (*the petition was submitted into record*). She added that the presentation by Ms. Baker bothered her and she still thought the safety issues had not been addressed. Mrs. Rubin submitted articles from the Rio Grande SUN to justify her safety concerns for the neighborhood. She questioned where the staff would be, and whether their vehicles were considered in the impact study. Mrs. Rubin questioned why therapists were needed if there were no concerns and commented that she was once a psycho therapist and three (3) months was not enough because the cycle of violence is never ending. She concluded that she has worries for the safety of her family.

Jaime Valdez, 826 Fairview Lane, stated that he was the closest to the proposed property and wanted to reiterate the safety issues. He expressed that their neighborhood is sandwiched with another agency and they are overwhelmed by crisis. He stated that he too was upset with the presentation because it made them seem like small home owners, but they have invested in their properties.

Ross Chavez, 811 Fairview Lane, addressed the commission and stated that he respected their position because he was once in their seat. He added that he has spoken with past commissioners and they cannot see how four (4) structures will fit on that property: it violates code. He stated that he had received his letter the day before the meeting and knew of another individual who also received it the day before. Mr. Chavez informed the commission that he had other comments to make on the presentation as well; however, he was going to wait until they were up again.

Gerald Armijo, neighbor residing to the west side, stated that the problem was his concern for his children and how this would affect them. He stated that the street is already congested with traffic and there is a lot of crime.

Darlene Carter, 702 Fairview Lane, stated that she lives next to the mobile home park and has seen terrible things there in the past two (2) years and she is continuously frightened by gun shots, howling and fighting. Ms. Carter explained that there was recently a murder on the street and police are always chasing people up and down Fairview Lane and at times the street closes completely.

Mrs. Rubin asked if the Fire Chief had visited the site because she questioned how he was going to get in there in case of a fire because it is really congested. She asked if they would have to access through her property.

Chairman Wright asked Mrs. Rubin if her property was to the east and asked if she had more than one ingress/egress.

Mrs. Rubin answered that her property gets very congested as well when they have visitors on the property.

Ms. Nora Valdez, 826 Fairview Lane, asked Ms. Merriweather how long she was planning on staying on as director to the project because project directors change from project to project. She expressed that there was nothing domestic about domestic violence and she had moved here to get away from violence. She concluded that in ten (10) years, neither Ms. Merriweather nor the architects would be here, but they would.

Mr. Chavez approached the projection and stated that there was only an 8' distance between the modular home and the dwelling to the east side.

Chairman Wright stated that the required setbacks are 5' and the applicant is proposing 8'.

Mr. Chavez stated: "Okay, I stand corrected."

Chairman Wright stated that he would like to get some answers to the neighbor's questions.

Ms. Baker stated that she had gone through the code with a fine tooth comb and the project has been done in compliance with the code, as it was referenced in the presentation. She included that all parking would comply as well. The applicant did its due diligence, per code: they posted, published and informed the neighborhood. She expressed that she did not see the neighbors as being insignificant and that is why they were there, to not diminish their concerns. She stated that the applicant has safety measures in place; however, safety is not guaranteed to anyone. Ms. Baker expressed that DRT requires that these agencies review the application, but public safety was not at the table. Ms. Baker apologized to Ms. Carter for the condition she lives in and stated that she wishes that public safety could get a handle on it. She also suggested that they bring their public safety concerns to the City Manager and/or start a neighborhood watch program.

Ms. Baker stated that she had a conversation with Fire Chief Branch and he was familiar with the site, but she was unsure if he had visited it. Ms. Baker pointed to the properties to the east of the property and stated that they have a narrow driveway, structures and no fire hydrant: she questioned how a fire fighter fights there. She added that Chief Branch stated that there would be some conditions and requirements, which she had already mentioned in her presentation. Ms. Baker commented that what they had failed to discuss was that Chief Branch had asked if they would be willing to consider designing and building a driveway that would allow for a big truck, such as a fire truck. The driveway would require being hard-surfaced and have a hammerhead on the property, as shown in the drawings. This would enable for a fire to be fought from the street, just like any substandard street. The applicant will work to meet the standards to allow a fire truck.

Chairman Wright asked Mrs. Rubin if her questions had been answered.

Mrs. Rubin explained that the tiny narrow road was her property and it was like that because the house was built in the 1940s, but that is why we now have ordinances to prevent these types of roads from being created. She stated that the law specifies one unit per lot, so have one unit, but not all four (4): she added that maybe it would be okay for one family. She restated that it was very congested and that the depreciation of their property value had not been talked about, not to mention social issues. She cited that 80 percent of domestic violence victims abuse drugs and /or alcohol. She stated that the applicant is saying that these families would only be there temporarily, but this wasn't something they wanted in their neighborhood and the 69 signatures are verifiable, if it was just looked at.

Ms. Valdez stated that her invitation was sent out on November 3, 2011, just a couple of days before the open house.

Mrs. Rubin explained that her letter was received at 6 o'clock that evening, and if the open house had been longer than an hour or if she was provided with sufficient time, such as a ten (10) day notice, she would have attended.

Mr. Armijo stated he on the other hand, never received a letter or an invite; otherwise he would have been there because he lives right next door. He concluded that there was no communication at all.

Chairman Wright closed the public hearing at 7:51 pm.

Chairman Wright stated that he sees that a lot size variance is required here, and criteria needs to be met, the commission also realizes that the City of Española is a land locked city and housing units at some point need to be increased. He pointed out that the density of the neighborhood is not out of line with what this application is asking for. He added that Crisis Center of Northern New Mexico is the rightful owner and they have the same rights as the neighbors; the proposed structures are not mobile homes, but modular homes with permanent foundations. He expressed that he had concerns with the utilities, but that was not for this body to decide. Chairman Wright concluded that he was a bit disappointed that they had chosen to xeriscape when they have water rights and the acéquia right there.

Ms. Baker replied they would like to utilize the acéquia; however, due to the drought, they were looking to be water conservative and use the water on the property to irrigate.

Chairman Wright stated that he had a personal goal to preserve the acéquia; nevertheless, it is not in the code. Chairman Wright also made an observation that previously the project was for five (5) modular homes and now they were looking at four (4) modular homes.

Commissioner Khalsa asked if they would be remodeling the existing house.

Mr. Purdy answered that they were still in the process, but they are hoping to remodel.

Ms. Baker added that it was premature to answer that question, until they spoke with engineers and staff, particularly Mr. Joe Duran, building inspector. A cost analysis would also need to be conducted, but the house does enhance the street with its original characteristics, and it would be worth preserving along with the interior; however, it has been vandalized and therefore needs to be analyzed in conjunction with staff.

Chairman Wright requested clarification on how many modular homes were now being requested.

Mr. Naranjo answered that the initial application was for four (4) additional structures to be placed on the property and demolish the existing structure and replace it with a modular home. So, there is confusion as to what we are looking at this moment. It appears that now we are looking at four (4) in the back, but should the main house be destroyed, then the applicant would need to come back and hear for the fifth structure.

Commissioner Khalsa asked if they were able to remodel, would they need to come back before the commission.

Mr. Naranjo answered that he would need to look into it a bit more.

Ms. Velarde expressed that she was under the impression that only one unit per acre was law and they are proposing five (5), this area is too congested, the holidays are approaching which means holiday parties and it will cause additional traffic and congestion. Ms. Velarde further stated that she was unsure if anyone has actually seen a HUD project, but it was not pretty. Ms. Velarde concluded that she had spoken with Councilor Cecilia Lujan and the City Manager regarding this project and they had no idea about the proposal.

Chairman Wright responded that councilors cannot talk about the case, in the event that it goes before them for an appeal, the City Manager, however, could hear the case.

Ms. Velarde stated that after the meeting in September it was rumored that this project would get approved.

Chairman Wright explained that it is one dwelling per lot, and in an R-1, Rural Residential District, an acre is considered a lot, but in the case of an R-O-I, 6500 square feet is the minimum lot size, so it is possible to get six (6) lots out of an acre and have six (6) dwellings.

Ms. Rubin asked, "Then why are we here?"

Chairman Wright answered that the public was here because they had a right to hear the case. The applicant is not requesting a lot split or dividing the property, like Ms. Rubin's property which has been split and now has additional structures. They are proposing to have more than one dwelling unit on the lot and that is a violation of the code.

Mrs. Rubin stated that her lot split was before the code, but it should be followed now.

Chairman Wright explained that property owners are allowed to submit for a variance for situations just like this and are required to meet the criteria.

Mr. Naranjo stated that he and Planning Technician, Larry Valdez, have been looking at every angle and have talked it through and it appears that the intent was to have a total of five (5) structures. What is out there now is in existence and so the application is only for the additional four (4) structures, the application is not to place a fifth. They would keep the existing and add the four (4) structures.

Chairman Wright asked if there was a favorable motion to consider and if the commission was specifying the number of dwellings allowed at this point.

Mr. Naranjo answered that at this point, if the existing one is inhabitable, then they will not be allowed another one. This application would be for four (4) dwellings, not five (5) and if the existing goes away, then there will be four (4) and not five (5). Mr. Naranjo asked, "Does that make sense?"

Chairman Wright replied, "No."

Mr. Naranjo explained that if the existing structure needed to be demolished then they will not be allowed for a fifth, but if it could be renovated and the additional four (4) are approved there would be five (5) structures.

Commissioner Khalsa stated, "It looks like you are going to remodel."

Chairman Wright asked what the will of the commission was at this point. He stated that he understood the concerns and found it unfortunate that the open house didn't go up. He emphasized that this was not a low income housing project that could just get dropped, but it was an outreach for people that needed help. In his opinion the density is not out of line with the neighborhood and expressed that the acéquia is a part of our culture and the children should learn about it, not to mention it is a part of what makes this property great for integrating families into the community. This outreach needs a place to do this project and it is an appropriate use for an R-O-I zone. The project is different and does not quite fit the code and that is why it needed a special review; to get a public review and to hear and discuss it with the neighbors. It was staff who chose to do it this way and there should not have been a fee, but that is not something the commission can overturn. Chairman Wright suggested cleaning up the application form, but public information was the goal. He concluded that this project would be a real benefit, rather than abandoned buildings, and as a resident of the City, he would rather the property have a valid use. This is a benefit to our own citizens and to the people we know or will know at some point.

Chairman Wright stated that he would like to consider favorable approval.

Commissioner Martinez asked Mr. Purdy and Ms. Merriweather if they could reduce the number of structures to three (3).

Ms. Merriweather answer that all HUD applications have been submitted with the request for four (4), and at this time they cannot change it; however, if the house is inhabitable then there would only be four (4), but they hope the house can be saved.

Chairman Wright clarified that employees will not be located on the property, only the residents. He also stressed that these were not perpetrators and they were the victims.

Commissioner Sandoval asked how long the families were allowed to stay.

Mr. Purdy answered no longer than 18 months.

Commissioner Sandoval asked, "Then what?"

Mr. Purdy replied that they had additional assistance, but at that point they should be able to transition.

Commissioner Sandoval asked if it was possible that the dwellings could be vacant for a year until the next victim occupies it. She questioned if so, would they be doing the upkeep.

Mr. Purdy stated that a HUD agreement is for a 20 year minimum and the property needs to be maintained and they are provided with funding to sustain it, so they will do it.

Ms. Velarde questioned how many victims go back to their offenders, she commented that they get slapped around, forgive them and go back. She added, "Victims will never be productive to society."

Mrs. Rubin stated that there were no answers to their questions and the applicant has shown no proof or shown anything in writing from Jemez or the Fire Chief.

Chairman Wright declared that public hearing had been closed, but he was allowing this, so it could be heard.

Mrs. Rubin expressed that she felt as if she was not being heard and would like to hear from the rest of the commissioners.

Mr. Armijo asked about the victims and their safety when they walk down to Walgreens. "Where is their safety," he asked.

Chairman Wright stated that he was going to cut the discussion off because a decision needed to be made and it has already gone on for two hours. He asked to hear from other commissioners.

Commissioner Khalsa stated that he thought it was a good project, and was embarrassed that he was agreeing with Robert Trapp, but he could not get past the 69 neighbors and that no one has come forward to support the project. He stated, "We may be short sighted, but this could be a unanimous disapproval."

Commissioner Sandoval expressed that she was torn because she believed it was a good project and the victims did need assistance; unfortunately, she was with Commissioner Khalsa, the neighbors had spoken. She stated that the applicant could have gotten the community more involved by going door-to-door and handing out fliers. She concluded that more communication was needed: "Last month we sat here with the same people and they wanted to communicate."

Ms. Baker questioned the 69 signatures and asked who these people were.

Chairman Wright answered that he had not yet gone through them thoroughly, but there were duplicates, also there were signatures from tenants and entire families; however, that was their right.

Ms. Baker conveyed that they did as the code asked and followed the letter of law, and if there was more that they could have done, they would have done it.

Commissioner Khalsa recommended that it be taken before the council, because they are the elected officials and they, the commission, were only volunteers. He then stated that he would like to hear from Commissioner Beaudoin.

Commissioner Beaudoin explained, "As a commissioner, it is our function to basically be like an umpire to a baseball game, call to the rules given: in this instance all requirements have been met and exceeded." He was concerned that there was still disconnect between the concept of a crisis center and their needs and the neighbors and theirs. He expressed that he was observing "a lack of heart," and if there was a wrong being done it was their job as neighbors to take a stand: these people are not just victims in bad relationships, but victims of bad neighborhoods and this one is uniquely challenged as being R-O-I, which is "the baseball field." He stated that the group has demonstrated overtime that they are willing to comply and exceed. Commissioner Beaudoin stated, "The outreach is not only their responsibility." He added that the 69 signatures are 69 neighbors saying "We do not want you to be our neighbor; we understand you need us, but we don't know you." He expressed, "There is a bigger problem than what us as a commission can address." Commissioner Beaudoin concluded, "We are encompassed by a set of rules, it may be detrimental to the neighborhood...but, our job is simply to look at the rules and see if it is fair and in the rules, acceptance of the neighbors is not in the rules."

Commissioner Martinez stated that she was saddened by this case and hoped it would do well; however, it did not matter if they would approve it or deny it tonight because someone would leave happy and the other sad. She explained that whatever action would be taken, more than likely it would be taken to the city council level and it could even reach district court, which would result in attorney and court fees, but it depended on how far they wanted to take it. Commissioner Martinez concluded that they try to have people compromise and reach a happy medium, and had hoped that it would work out for the positive, but it didn't seem like it was going to happen and consequently, a higher power may need to decide.

Chairman Wright agreed that the goal was to achieve a compromise and hear concerns, which are valid concerns; however, the lack of fire protection and impact on traffic is not what is being reported. Chairman Wright stated that it was time to make a decision and he saw no use for a table. Chairman Wright asked, "What is the pleasure of the commission?"

Chairman Wright questioned staff if they could make conditions to a variance.

Mr. Naranjo replied, "No, not on a variance."

Ms. Baker stated that they would work with the Mayordomo and perhaps use the acéquia to do a park on the property.

Chairman Wright stated that the issue was whether to allow four (4) additional structures and asked, "What is the will of the commission?"

Commissioner Sandoval made a motion to deny the special review.

Commissioner Khalsa seconded the motion.

Motion carried with a 3-2 vote, with Chairman Wright and Commissioner Beaudoin voting against the motion.

Chairman Wright informed the applicant that they had 30 days to submit an appeal and advised all parties involved to cooperate with one another before they go before the City Council.

Mr. Naranjo corrected Chairman Wright by stating that it was actually 15 working days.

Ms. Baker stated that with the City being closed for tomorrow's holiday, they would file first thing Monday morning.

VI. Items for consideration:

1. **Zoning Amendment.** Antonio and Connie Valencia, applicants, are requesting a zoning amendment of approximately .076 acres located at 410 Calle Borrego from an existing B-2, General Commercial zoning classification to R-1, Rural Residential District.

2. **Variance Request.** Antonio & Connie Valencia, property owners, are requesting a variance on lot size dimensions for proposed lot split survey totaling .076 acres on property located at 410 Calle Borrego. The property is zoned R-1, Rural Residential District.
3. **Variance Request.** Antonio & Connie Valencia, property owners, are requesting variance on front, side and rear setbacks for the proposed placement of a mobile home on a nonconforming lot located at 410 Calle Borrego. The property is zoned R-1, Rural Residential District.

Mr. Valdez read the staff report at 8:42 pm as follows:

1. **Zoning Amendment: Antonio and Connie Valencia, applicants, are requesting a zoning amendment of approximately .076 acres located at 410 Calle Borrego from an existing B-2, General Commercial zoning classification to R-1, Rural Residential District.**

Recommendations:

This request has been reviewed by the DRT Committee. Minutes of the meeting are not included in your packets due to scheduling. The DRT Committee utilized the recommended criteria in its recommendation of approval for this request. Staff is also in agreement with the request for rezone of this property.

Executive Summary:

This request is addressed in the City of Española, Official Development Code, Section 154; Amendment to the Official Zoning Map review criteria which state the following:

During the course of the review of any request for an amendment to the Official Zoning Map, the DRT shall utilize the following criteria in formulating a recommendation to the Planning Commission and the Planning Commission shall make findings to reflect the following criteria in making its recommendation of approval, conditional approval or denial to the City Council and the City Council shall make findings to reflect the following criteria in its approval, conditional approval or denial:

- (1) *The request substantially conforms to the Comprehensive Plan and shall not be materially detrimental to the health, safety and general welfare of the City of Española. A request for amendment to the Comprehensive Plan shall, if necessary be submitted, processed, heard and decided upon concurrently with the request for amendment to the Official Zoning Map.*
- (2) *The requested zoning shall be reviewed considering the available development potential in the proposed district.*
- (3) *Consideration shall be given to the existing and programmed capacity of on-site and off-site public services and facilities including, but not limited to, water, sanitary, sewer, electricity, gas, storm sewer, streets, sidewalks, traffic control, parks, fire and police to adequately serve the property should a rezoning result in any increase of the intensity of use of the property.*
- (4) *The establishment, maintenance or operation of uses applied for will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working adjacent to or within the proximity of the subject property.*
- (5) *The existing zoning must be shown to be inappropriate for one or more of the following reasons:*
 - a. *It was established in error;*
 - b. *Changed conditions warrant the rezoning; or*
 - c. *A different zone is more likely to meet goals contained in the Comprehensive Plan.*
- (6) *The proposed zoning will not result in spot zoning or strip zoning as defined in Article I of this Ordinance unless one or more of the following criteria are met:*
 - a. *Granting such zoning accomplishes the policy and intent of the Comprehensive Plan;*
 - b. *Unique characteristics specific to the site exist; or*
 - c. *The zoning serves as an appropriate transition between land uses of higher and lower intensity.*
 - d. *In addition to the Zoning Map Review Criteria specified in Section 154, additional mandatory criteria have been established by recent New Mexico case law:*
 - A) *Applicants burden of proof. Since the community and neighbors have an interest in stability of land use and zoning, the applicant must provide a sound justification for the change. The burden of proof is on the applicant to show why the change should be made, not on the city to show why the change should not be made.*

- B) Consistency with adopted plans. A proposed re-zoning "shall not be in significant conflict" with the comprehensive plan or other adopted City plans.
- C) Existing Zoning is inappropriate – Applicant must demonstrate;
 - 1) There was an error when the existing Zone was created
 - 2) Changed neighborhood or community conditions justify the change
 - 3) A different use category is more advantageous to the community even though 1 or 2 above do not apply.

Evaluation:

The Planning Commission makes a recommendation to the City Council for rezoning applications and the City Council makes the final determination for approval or denial.

Summary:

As stated before in previous requests for rezone in this area, in 1976, the City of Española placed into practice its first official zoning map. The map was created by a contracted engineer with an attempt at addressing future growth patterns. The concept was one that had not been studied but a mere steering tool for future land use growth patterns. Within the area of North Riverside Drive, the thought was that the area along the main corridor would lend itself to commercial development. In existence today, are several residential structures and properties that the City recognizes as legal non-conforming uses. Such is the case of the applicant. This property has been used before for residential purposes, as evident by the pump house located on the lot which remains there today. At this time, staff can support the zoning amendment as presented due to the continuous use as residential. It is clear that there may have been an error in the original zoning of this property and that a change in land use patterns has taken place. A different use category would be more advantageous to the community. In the future, this department anticipates additional requests of this very nature due to the attempt of the original zoning map addressing future growth patterns. It is not legal for the City to down zone existing properties and therefore will be handling each one on a case by case basis.

Comments:

At this time staff has not received any comments from adjoining property owners or neighborhood groups.

Exhibits:

- 1. Aerial photos of project location.
 - 2. Legal descriptions of properties.
 - 3. Copy of P & Z Application.
2. **Variance Request: Antonio and Connie Valencia, property owners, are requesting variance on front, side and rear setbacks for the proposed placement of a mobile home on a nonconforming lot located at 410 Calle Borrego. The property is zoned R-1, Rural Residential District.**

Recommendations:

As is the case in any request for deviation from the Development Code, this office cannot recommend approval. Each request is approved or denied based on its own merits.

Executive Summary:

In accordance with the City of Española, Development Code, Resolution 2004-20, **Site Development Requirements, Single Family Residential Districts, Table 1** states:

R-1 Districts:	Proposed:
Lot Area: 43,560 square feet	3,327 square feet
Lot Width: 100 feet	22.75 and 33.87 feet
Setbacks: 50' Front 50' Rear 25' Sides	5' Front 6' rear 10 and 5' sides
Lot Coverage: 35%	24%
No. of Dwelling Units per lot: (1) One	(1) One

In reviewing this variance request, the Planning Commission shall determine whether all of the following Section has been met in making a determination of approval, conditional approval or denial.

Sec.156. Variance review criteria

- (a) The practical difficulty or unnecessary hardship is inherent to the lot and is peculiar because of size, shape, topography or some other characteristic of the lot which differentiates it from other lots in the vicinity or in the district. The hardship created should not be self-imposed.
- (b) The practical difficulty or hardship created is caused by a strict interpretation of the provisions of this Ordinance, is not self-imposed and is not generally shared by other lots in the vicinity or the district.

- (c) *The granting of the requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which is possessed by others in the vicinity.*
- (d) *The granting of the variance sought will not be contrary to the purpose or intent of this Ordinance, or injurious to property within 100 feet or otherwise detrimental to the general health, safety or general welfare of the community.*

Should any request for variance not meet all four of the above listed criteria, the Planning Commission shall deny the request.

Summary:

The request for variance on setbacks is being reviewed for the placement of a mobile home on a proposed lot located at 410 Calle Borrego. This lot is in review for zoning amendment and variance on lot size.

The applicant has indicated the mobile home would be used as a rental. In proposing the placement of the mobile home, the applicant has stated they are willing to place a privacy fence around the property for the purpose of screening and privacy. The north, east and west boundary fence will be 5 to 6 feet in height. The south boundary will be 4 feet in height.

Water and wastewater are available in the immediate area.

Conditions of approval:

Should approval be granted to allow the placement of the mobile home on this property, the following will be considered as a condition of approval:

- 1. *The privacy fence must be installed as proposed. North, East and West; 5 to 6 feet. South, 4 feet.*
- 2. *Water and waste water utilities from the City of Española must be utilized.*

Comments:

At this time staff has not received any comments from adjoining property owners or neighborhood groups.

Exhibits:

- 4. *Site plan of proposed request.*
 - 5. *Aerial photo of project location.*
 - 6. *Copy of Variance application.*
3. **Variance Request: Antonio and Connie Valencia, property owners, are requesting variance on lot size dimensions for a proposed lot split survey totaling .076 acres on property located at 410 Calle Borrego. The property is zoned R-1, Rural Residential District.**

Recommendations:

As is the case in any request for deviation from the Development Code, this office cannot recommend approval. Each request is approved or denied based on its own merits.

Executive Summary:

In accordance with the City of Española, Development Code, Resolution 2004-20, Site Development Requirements, Single Family Residential Districts, Table 1:

R-1 Districts:	Proposed:
Lot Area: 43,560 square feet	3,327 square feet
Lot Width: 100 feet	22.75 and 33.87 feet

In reviewing this variance request, the Planning Commission shall determine whether all of the following Section has been met in making a determination of approval, conditional approval or denial.

Sec.156. Variance review criteria

- (e) *The practical difficulty or unnecessary hardship is inherent to the lot and is peculiar because of size, shape, topography or some other characteristic of the lot which differentiates it from other lots in the vicinity or in the district. The hardship created should not be self-imposed.*
- (f) *The practical difficulty or hardship created is caused by a strict interpretation of the provisions of this Ordinance, is not self-imposed and is not generally shared by other lots in the vicinity or the district.*
- (g) *The granting of the requested variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which is possessed by others in the vicinity.*
- (h) *The granting of the variance sought will not be contrary to the purpose or intent of this Ordinance, or injurious to property within 100 feet or otherwise detrimental to the general health, safety or general welfare of the community.*

Should any request for variance not meet all four of the above listed criteria, the Planning Commission shall deny the request.

Summary:

The request for variance on lot size dimensions is being reviewed on a proposed lot split, when combined with the original lot, totals approximately 3,327 square feet. The applicants have requested a zoning amendment, previously heard, on this lot located at 410 Calle Borrego. The original square foot amount on the property is 2,047 square feet (.047 acres) with a lot being added 1,279 square feet (.029 acres) for a total of 3,327 square feet.

In reviewing the documentation provided for this request, the surveyor, Ralph Alarid, references a plat of survey prepared in May 1981 and recorded December 1992 for the original lot. Approval by the City of Española is not indicated.

The minimum lot size requirements for an R-1 Zoning District are 43,560 square feet.

Comments:

At this time staff has not received any comments from adjoining property owners or neighborhood groups.

Exhibits:

7. *Site plan of proposed request.*
8. *Aerial photo of project location.*
9. *Copy of Variance application.*

Chairman Wright asked if there were any questions for staff.

Commissioner Beaudoin asked what the current width of the roadway and easement was on Calle Borrego.

Mr. Naranjo answered that standard width is 22'; however, these were pueblo roadways, so he didn't have a definite answer.

Commissioner Beaudoin asked if it was 22' and asked if the roadway and sewer were both on pueblo land or were they private.

Mr. Naranjo explained that it was standard size, but it was pueblo land.

Mrs. Connie Valencia, applicant, confirmed that the property to the south and a small portion to the east was pueblo and most of Calle Borrego were non-conforming lots built on easements. She stated that when she served as City Clerk she had discussed purchasing a waterline, as a community, and having the City install it. She added that she has spoken with Governor Lovato (Ohkay Owingeh) about possibly leasing the property to the east, so that they may clean it, because people use it for drinking and drug use. She concluded that she would like to see it get fenced up and landscaped to look nicer.

Mr. Naranjo stated that it looked like the width was 14' on Calle Borrego and tapered down to 12', but he did not know what the width of the easement was on paper.

Commissioner Beaudoin asked if there was a current survey on the two pieces of property.

Mr. Naranjo replied, "Yes, there is."

Commissioner Martinez asked staff how many feet from the centerline of SR 68 (North Riverside Drive) out was considered B-2.

Mr. Valdez stated that it varies on Riverside Drive, but it looked like 450' in this area.

Commissioner Khalsa asked if this was a result of a mortgage issue.

Mr. Naranjo stated, "This is not," the applicant was looking to place a mobile home on the property; however, it is not allowed in a B-2 and the property could not possibly be used as B-2.

Commissioner Martinez stated that the property is 625' from SR 68 (N. Riverside Drive).

Mr. Naranjo added that the B-2 zone was 300' beyond that.

Commissioner Martinez asked if this would be considered "spot zoning."

Commissioner Khalsa asked how they were to get past it not being a one acre lot.

Mr. Naranjo stated that it was a non-conforming lot and variances were required. He added that by law it was allowed to be a lot of record.

Mrs. Valencia stated that her parents were elderly and she and her brother were the primary caretakers and it would be easier to care for them if they were close by.

Commissioner Martinez stated that she thought it was a rental.

Mrs. Valencia replied that it is for a primary residence.

Commissioner Martinez explained that the DRT minutes stated that the mobile home would be a rental.

Mrs. Valencia confirmed that she and her husband would be residing there.

Commissioner Martinez thanked Mrs. Valencia for the clarification.

Commissioner Beaudoin asked, "Did you say you were going to live on the lot?"

Mrs. Valencia replied, "Yes."

Commissioner Martinez asked how close she would be living next to her parents.

Mrs. Valencia stated that they were across the street.

Commissioner Martinez asked if that was Calle Borrego or SR 68 (N. Riverside Drive).

Mrs. Valencia answered that it was across the pueblo street. She explained that she was hoping to move their mobile home there and purchase another piece from Mr. James and then fence the entire area.

Chairman Wright stated that he was concerned with the in perpetuity, but it was okay.

Commissioner Beaudoin asked if the application was for three (3) different variances.

Mr. Naranjo stated that staff looks at this as starting with a lot of record: there is a non-conforming lot and it tacked on another piece; however, you still have a legal non-conforming lot of record, therefore, the variance for lot size dimension is not needed.

Commissioner Sandoval asked why the mobile home was stated as being a rental in DRT. "Why was that in there and where did it come from?"

Mr. Naranjo explained that staff goes off of what information is given to them during the application process, and if it has changed, then it has changed, unless it was misinterpreted, but he did not know.

Mrs. Valencia replied that it was always her intention to occupy the structure and she had discussed that with Larry and it was never her intention to rent it out.

Chairman Wright stated that the variance for lot size dimension would be removed.

Commissioner Khalsa made a motion to approve the zoning amendment of 410 Calle Borrego from B-2 to R-1.

Commissioner Beaudoin seconded the motion.

Commissioner Sandoval asked if they approved to go from B-2 to R-1 and in five (5) years could they submit a request to go back to a B-2.

Mrs. Valencia stated that once it was zoned residential it would stay residential.

Commissioner Khalsa stated that a variance is forever.

Chairman Wright explained that if they would request another variance there would have to be a lot consolidation. He questioned if there was any further discussion.

None was made.

Motion carried 5-0 vote.

Commissioner Khalsa made a motion to approve the request for a variance on setbacks.

Commissioner Sandoval seconded the motion.

Motion carried 3-2 vote, with Chairman Wright and Commissioner Beaudoin voting against the motion for approval.

VII. Approval of Minutes, October 13, 2011:

At 9:12 pm Commissioner Martinez motioned to approve the minutes with the following revisions:

- Page 15, fourth paragraph: property owner should be Piposor, not "Bizarre"
- Middle of page 22: "outraged" is one word
- Middle of page 4: questioned if there should be a colon
- Page 6 is missing a period after "Khalsa seconded"
- Page 7 needs a space after the summary
- Page 14, after the time 7:34, change "was" to "were"
- Page 18, change "man" to "men"

Commissioner Khalsa seconded the motion.

The motion carried by a 5-0 vote.

VIII. Matters from the Planning Commission:

Commissioner Beaudoin commented that the maps that were redone to show the property owners was helpful and requested them for the next hearings as well.

Commissioner Martinez asked if there was a way to request that DRT be properly represented. She expressed her concern that in the minutes for the September DRT there were no Public Safety or Fire representatives.

Mr. Valdez stated that an invite is sent out to them for each DRT meeting.

Commissioner Khalsa suggested copying the invites to the City Manger, Mayor and Council.

Mr. Valdez stated that there has been talk about different ways to handle DRT.

Commissioner Martinez expressed that it is a routine meeting and they should already know that one will be held.

Commissioner Sandoval shared that when she was at El Paragua, there was a car accident and explained that when a person comes out of El Parasol and unto SR 76, oncoming traffic cannot be seen due to El Paragua's handicapped parking in the front.

Commissioner Martinez stated that it was not a city, but state road and questioned if it was right-of-way or did it belong to the Atencios.

Mr. Naranjo answered that they could look at the right-of-way easement, but that parking has always been funky and he didn't know for certain.

Commissioner Sandoval concluded that there is always so much traffic to El Parasol, due to their great food, and this is just a bad accident waiting to happen.

Commissioner Khalsa informed the staff that the Red Door Coffee House erected a new sign and suggested it be looked at.

Commissioner Beaudoin asked if code enforcement position was being retired.

Mr. Naranjo answered that it was not retiring, but Isabelle Martinez was, and the City would be advertising for the position.

Commissioner Beaudoin stated that Calle Borrego is in about 50 violations and they need to be notified and given the opportunity to clean it up and file fines if they do not comply.

Mr. Naranjo stated that neighborhood canvassing is done, but we can make a note to look at Calle Borrego.

Commissioner Beaudoin expressed that they should be required to clean up before they get approval on a request.

IX. Matters from the Planning Staff:

Mr. Naranjo complimented the commission for a job well done and well received comments. He added that this month's workshop also went well.

X. Adjournment:

Commissioner Khalsa moved to adjourn the meeting.

Chairman Wright seconded the motion.

Motion carried 5-0 vote, meeting adjourned at 9:32 pm.



Chairman Signature

12 January 2012
Date



Secretary Signature

12/9/2011
Date