

MINUTES OF THE
SANTA FE COUNTY
DEVELOPMENT REVIEW COMMITTEE

Santa Fe, New Mexico

December 19, 2013

This meeting of the Santa Fe County Development Review Committee (CDRC) was called to order by J.J. Gonzales on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

County Clerk Geraldine Salazar called which preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Juan José Gonzales, Chair
Susan Martin, Vice Chair
Phil Anaya
Dan Drobnis
Frank Katz
Manuel Roybal

Member(s) Excused:

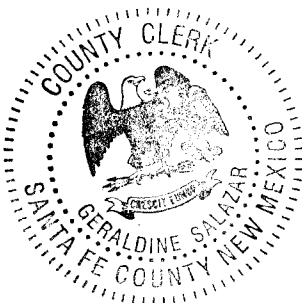
Maria DeAnda

Staff Present:

Rachel Brown, Assistant County Attorney
Vincente Archuleta, Development Review Specialist
Wayne Dalton, Building and Development Services Supervisor
Vicki Lucero, Building and Development Services Manager
Buster Patty, Fire Marshal
John M. Salazar, Development Review Specialist

IV. APPROVAL OF AGENDA

Upon motion by Member Katz and second by Member Martin the agenda was approved [6-0] as published.



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

CDRC MINUTES
PAGES: 21

I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of January, 2014 at 11:07:57 AM And Was Duly Recorded as Instrument # 1727939 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy _____ County Clerk, Santa Fe, NM

REC. CLERK RECORDED 1/17/2014

V. **APPROVAL OF MINUTES: October 17, 2013**

Member Anaya moved to approve the October minutes as submitted. Member Martin seconded and the motion passed by unanimous [6-0] voice vote.

VI. **OLD BUSINESS**

None was presented.

VII. **NEW BUSINESS**

- A. **CDRC CASE # APP 13-5320 Janet Eigner Appeal: Janet Eigner, Applicant, is appealing the Land Use Administrator's decision to approve a request for a home occupation business registration allowing a gunsmith business which conducts background checks, sells, services and repairs firearms. The property is located at 74 Verano Loop, in the Eldorado Subdivision, within Section 7, Township 15 North, Range 10 East, (Commission District 5).**
[Exhibit 1: Area residents' letters supporting appeal]

John Salazar presented the staff report as follows:

“On October 11, 2013, Mr. Steven Kaiser applied for a home occupation business registration. Mr. Kaiser was requesting permission for a gunsmithing business to service, repair and sell firearms. The Santa Fe County Fire Prevention Division along with the Growth Management Code Enforcement conducted reviews and inspections which resulted in each returning favorable reviews recommending approval.

“The Land Use Administrator reviewed the application as it relates to the Home Occupation requirements listed in the Land Development Code in Article III, Section 3. The Land Use Administrator has determined that the subject application conforms to Code requirements as follows: 3.2.1, Not more than six persons, other than members of a family residing on the premises shall be regularly engaged in work at the site of the home occupation; Mr. Kaiser is the only employee; 3.2.2, The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than 50 percent of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation; Mr. Kaiser is proposing to use 194 square feet of his 2290 square foot home; there will be no change to the outside appearance of the home as no sign will be posted on the property, the traffic will be minimal and all of the work takes place indoors; 3.2.4, Parking for employees and for customers or clients of the home occupation as required by Section 9 of this Article III shall be provided off the street; Mr. Kaiser has stated that he will have no other employees other than himself. Customers or clients who do come to the property will be by appointment only and will park in his driveway off of the

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COUNTY DEVELOPMENT REVIEW COMMITTEE
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road in front of his garage which will not be visible from Verano Loop. Growth Management policy is to allow an applicant up to eight appointments per day for a home occupation however Mr. Kaiser has stated that his appointments will be well under that number as most drop offs and pick-ups will most likely take place off site and the background checks are done via the internet; 3.2.5, No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area. All services are provided inside of the home where firearms that are being repaired or are for sale will be locked away safely. Since Mr. Kaiser is not selling ammunition nor does he fire the firearms on his property, the Land Use Administrator concluded that the business would not have a significant impact on adjacent properties.

“The Appellant submitted petitions to the County from various neighbors along Verano Street as well as other neighbors from around the community in person and via email in October and November which were taken into consideration by the Land Use Administrator while making a decision.

“The Appellant has stated that she along with her neighbors are appealing the County’s decision because gunsmithing is not an appropriate use for this area as they believe it is in opposition to their idea of a safe, peaceful residential neighborhood.”

Mr. Salazar said the appellant was advised that any person aggrieved by a decision of the Code Administrator under Section 2.3.1, Administrative Procedures, may file an appeal to the County Development Review Committee within five working days of the date of the Code Administrator’s decision. An application was submitted on November 8, 2013.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds no evidence that would justify overturning the Land Use Administrator’s decision to approving the home occupation, stated Mr. Salazar.

Ms. Brown advised the Committee that their decision is final; however, the decision can be appealed to the BCC.

Notice of the appeal was sent to property owners within 100 feet of Mr. Kaiser’s property, there was an ad in the legal section and the property was properly posted, stated Mr. Salazar.

Duly sworn, Dr. Janet Eigner, 6 Verano Drive, Eldorado, Santa Fe said there is a qualitative difference between a gunsmith business and home occupations. Citing County business regulation 110.03, Section 2.b as basis for the appeal, “...that the inspection of the business shall include but is not limited to the prevention of nuisance conditions and protection of health, safety and welfare of County residents and patrons to the proposed licensed business.” The regulation also states that the County Treasurer may refuse to issue a license to an applicant when the investigation reports conditions which are unfavorable to the issuance.

Dr. Eigner said the County's interpretation of the section was incorrect. The fire and land use inspectors did not take into account public health and mental health dangers that studies have cited related to having guns in the home – whether locked up or not.

Dr. Eigner said there are 38 households and 48 signatures to the petition. These are all neighbors of Mr. Kaiser opposing the home occupation license and urge him to find a commercial location for his business.

Dr. Eigner mentioned with irony that the ECIA is worried about chickens in the area but with “strangers, loss of property values or the guns’ of strangers.” She urged the CDRC to join the community in its desire to expand the letter of the law regarding health, safety and welfare by prohibiting gunsmiths in their neighborhood.

Member Katz commented that there could easily be a neighbor with 25 unlocked guns and lots of ammunition, which is legal. Dr. Eigner said it was clearly unwise to have unlocked guns but particularly it is the strangers accessing their densely populated neighborhood seeking a gunsmith that concerns the residents. She acknowledged the country's gun laws do not insure a family's safety.

Member Katz said the CDRC lacks a legal basis to tell the business owner he can't have a legal home occupation business.

Dr. Eigner said she had a “friendly” hour conversation with the business owner where she discussed her concerns. Stating she understood the legal basis to overturn the approval was lacking, she hoped the CDRC would initiate the steps necessary to change the regulations and laws and enforce protecting the health, safety and welfare of County residents.

Member Drobnis informed the participants that he was a resident of Eldorado and a member of the ECIA and it was his understanding the ECIA approved the home occupation permit.

Duly sworn, retired clinical psychologist Evelyn Gauthier, Verano Drive resident, said the County regulations focus on prevention. Clearly guns are dangerous and there is a large unknown of the people coming into the neighborhood to purchase guns. She mentioned the distance from the main road to reach Mr. Kaiser's home that traverses a densely populated area.

Duly sworn, Dr. Nancy Brennan, a Verano Loop resident, thanked the CDRC members for their service to the County. She repeated the stated purpose of the County Code is to protect the health, safety and welfare of County residents.

Dr. Brennan said that protection is being afforded to Mr. Kaiser and now was the time to protect the residents. Gun ownership is not the objection nor is home occupation; instead, it is a gun business that brings traffic into a residential area. She expressed concern that property values would decline especially if police are cruising the area. Mr. Kaiser's residence is at the end of the street and the business will generate unwanted traffic.

Dr. Brennan said she would not have purchased her Verano Loop home had there been a gun business on the street. She noted that the County lacks resources to monitor the traffic and safety of the residents in her neighborhood.

Under oath, Joseph Eigner pointed out that selling liquor is a legal business but there are restrictions to where liquor can be sold in proximity to schools. He pointed out there are school busses and children all around this residential area.

Mr. Eigner mentioned a theft in the area where a safe with its contents was stolen. He suggested the same thing could happen to Mr. Kaiser.

Duly sworn, Ain Whistler, Verano Loop resident, said he could not support a commercial business within a residential area. He said the dynamics of Verano Loop should be considered and the increase of traffic is a setup for an unsafe situation.

Duly sworn, Richard Silva, stated he was Mr. Kaiser's neighbor and he fully supported this home occupation license. He offered that police presence is a good thing for the neighborhood and perhaps some of the residents will slow down because of that presence.

Returning to the podium, Dr. Eigner mentioned her sensitivity to the loss of human life and the importance of prevention. She read a letter from Craig Bowen a resident of Verano Drive who opposes the business.

Under oath, Steven Kaiser, applicant of the gunsmith home occupation permit, said he understands the County is obligated by law to approve his license which they did. He noted there were other dealers of firearms in Eldorado and that neighbors are not zoning officials. Mr. Kaiser said his business clearly fits the County's definition of a low-impact home occupation. He followed the regulations and believes his business license was rightfully approved.

In response to Member Katz's question, Mr. Kaiser said he met with Dr. Eigner and discussed the safety measures he would employ; the safe is bolted to cement, there are no advertisements for gun sales and no advertisements will include the home address, a separate business phone line is utilized that has no association with Verano Loop, and he offers a pick up and delivery service to all his clients to further limit traffic.

Mr. Kaiser confirmed that he will not keep loaded firearms on his property. The main purpose of his business is restoration, repair and appraisal of firearms. The sale of firearms is permitted under his ATF gunsmith license but that is not the primary purpose of his business, stated Mr. Kaiser.

That concluded the public input on this item and Chair Gonzales closed the public hearing portion.

Member Martin moved to uphold the Land Use Administrator's decision and deny the appeal. Member Anaya seconded and the motion passed by unanimous [6-0] voice vote.

B. Petitions from the Floor - None were presented.

C. Communications From the Committee

Chair Gonzales was recognized for his service to the County in his capacity as a CDRC member and chair. The Chair wished the members the best of luck.

Holiday wishes were shared.

D. Communications From the Attorney

Ms. Brown wished the members a happy holiday. She thanked Chair Gonzales and said it was honor to work with him.

E. Matters From the Land Use Staff

Ms. Lucero thanked Chair Gonzales for his 11 years of service on the CDRC.

F. Next CDRC Regular Meeting: January 16, 2013

VIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 5:00 p.m.

Approved by:

Daniel Drobnis, Chair
CDRC
Daniel Drobnis

ATTEST TO:

Geraldine Salazar
COUNTY CLERK

1/14/2014

Submitted by:

Karen Farrell
Karen Farrell, Wordswork

SEE CLERK RECORDED 2/17/2014

John M. Salazar



From: Janet Eigner <danceeigner@gmail.com>
Sent: Thursday, December 19, 2013 10:57 AM
To: John M. Salazar
Subject: Objection to Gunsmithing licensing for Steven Kaiser

from Nancy Brannin
2 Verano Lane
Eldorado
sent by Janet Eigner

12/19/2013

The issue is having a gun business in a residential neighborhood. A certain percentage of people who purchase guns are criminals who then use those guns to commit crimes. They commit crimes in areas where they are. If they are in our neighborhood they are more likely to commit crimes there than if they didn't come here to purchase their gun. They also have a great opportunity to case our neighborhood. There's a reason this area isn't zoned commercial, and we should keep it that way.

Asking for a variance to introduce guns into the neighborhood is **very different level of intrusion and potential danger** into our area.

There are **no precedents for a gunsmith** license being requested or granted in the history of ECIA minutes of open meetings since the beginning of the homeowners' association.

We want to **set a precedent** for safe Eldorado neighborhoods with a denial of this gunsmithing variance.

Guns are a public health issue. Tens of thousands of 00 Americans are killed annually with firearms.

In a study published by the American Journal of Medicine,

Reported in the US edition of the Guardian newspaper, doctors studied the rate of gun ownership to firearms deaths and the relationship of gun deaths related to mental illness.

Data from 27 developed countries, using gun ownership figures from the Small Arms Survey and deaths from the World Health Organisation, the National Center for Health Statistics and others. They also looked at crime rates compiled by the United Nations for an indication.

More guns meant more deaths, they found. "The gun ownership rate was a strong and independent predictor of firearm death. There was a significant correlation between guns per head per country and the rate of firearm-related deaths with Japan being on one end of the spectrum and the US being on the other. This argues against the notion of more guns translating into less crime.

High rates of mental illness in any country, on the other hand, did not predict more gun deaths.

"Although correlation is not the same as causation, it seems conceivable that abundant gun availability facilitates firearm-related deaths. Conversely, high crime rates may instigate widespread anxiety and fear, thereby motivating people to arm themselves and give rise to increased gun ownership, which, in turn, increases availability. The resulting vicious cycle could, bit by bit, lead to the polarized status that is now the case with the US," the doctors write.

"Regardless of exact cause and effect, the current study debunks the widely quoted hypothesis that countries with higher gun ownership are safer than those with low gun ownership."

Thanks for helping us keep our neighborhood safe!

SEC CLERK RECORDED 01/17/2014

John M. Salazar

From: Janet Eigner <danceeigner@gmail.com>
Sent: Thursday, December 19, 2013 11:06 AM
To: John M. Salazar
Subject: Don't give Mr. Kaiser a gunsmith license in Eldorado

From Janet Eigner

Licensed psychologist, (MO) retired

Licensed Clinical Counselor Emerita, (NM) ret.

We residents of Verano Loop and associated Verano streets very much appreciate the relative safety and quiet of our neighborhood and do NOT want Steven Kaiser to establish a home Gunsmith business at 74 Verano Loop to sell and repair guns and license gunowners.

We understand that many occupants own guns in Eldorado. That is a person's individual right. We understand and can live with many kinds of businesses allowed by the ECIA Covenant and its variances, but a gunsmithing business is a qualitative difference from these other businesses. We know from so many respected studies that there are many more homicides and accidental deaths in homes that have guns.

Even if Mr. Kaiser does most of his business by mail order, It is not safe and appropriate to add a home business from which Mr. Kaiser can sell all manner of guns, repair all manner of guns, and do background checks of strangers who come seeking a federal gun license. Gun repair and proliferation is NOT an appropriate business for any residential Eldorado neighborhood, specifically not ours. We urge Mr. Kaiser to set up his business in a commercial area where neighbors and their children do not live and walk the streets.

We do not want to add any additional risks to life and limb, knowing that any person can hide his or her capacity to become upset, mentally disturbed and destructive in a hair's breath. There's no way to absolutely predict how emotionally mature an applicant for a gun or rifle may be. Mr. Kaiser can do a quick FBI/ATF background check, to eliminate the most officially recorded felons and those disturbed enough to have their hospitalizations recorded.

BUT we know how many gun-related homicides and suicides are committed by the people who slip through loopholes because the licensed gun agent has missed the paranoia, anger management problems and/or sociopathy or psychopathy of a person who knows how to hide a troubled self. Please do not add any gun-toting strangers to our residential neighborhood, people coming to drop off or pick up a repaired gun, or to purchase a gun from Mr. Kaiser.

Janet B. Eigner
danceeigner@gmail.com
www.eignerdanceswithwords.com
Santa Fe, NM

REC CLERK RECORDED 01/17/2014

John M. Salazar

From: Janet Eigner <danceeigner@gmail.com>
Sent: Thursday, December 19, 2013 12:19 PM
To: Ann Maes; John M. Salazar
Subject: Re: sent an email...

hi ann, yes, send your comment to :

jmsalazar@co.santa-fe.nm.us

BUT I SO HOPE YOU CAN MAKE IT...AND HERE'S THE PART I HOPED YOU WOULD SAY; PLEASE ADD IT TO YOUR EMAIL: **** (Ann Maes):** We expect that most buyers of guns coming into our neighborhood would be using guns for legitimate purposes, but we can expect some people to have illegal purposes in mind, like theft. We don't want them casing our neighborhood with loaded guns. Other countries that have stricter, tighter gun laws than ours have far fewer homicides. [[Continue to next paragraph]]

**** (Ann):** Families in our neighborhood have school children who are picked up and dropped off by school buses. We don't want strangers driving into our neighborhood and exposing our children to potentially irrational gun buyers.


We know of one safe on 97 Verano Loop that was picked up and stolen with all of its contents inside. The homeowner reported that when he purchased the safe, it took three hefty men to load it into his home. He was at home during the robbery, working at his home business and didn't hear the thieves. The safe was never recovered. What if thieves heard of Mr. Kaiser's home business and stole his safe with all of his gun inventory inside? We want to eliminate that possibility in our neighborhood.

On Thu, Dec 19, 2013 at 11:41 AM, Ann Maes <ann_maes@yahoo.com> wrote:

ERIC ORBI RECORDS 5/17/2014

In case I can't make it today, I am doing my best to send an email. Do you know who is the best person to send my comments to? I put you on the email as a 'blind copy'.

I also posted on facebook, there are some neighbors I am friends with.

Ann 

There is geometry in the humming of the strings

... there is music in the spacing of the spheres.

Pythagoras

--

Janet B. Eigner

danceeigner@gmail.com

www.eignerdanceswithwords.com

Santa Fe, NM

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MAY 17 2014

John M. Salazar

From: craigjbowen@aol.com
Sent: Thursday, December 19, 2013 12:41 PM
To: John M. Salazar
Subject: business/gunsmith (dis)approval 4 Steven Kaiser 74 Verano Loop

To J.M. Salazar,

Ma'am or Sir (whichever applies?),

My name is Craig Bowen. I live at 5 Verano Dr. , across the street from Janet & Joe Eigner. I do not know Steven Kaiser, but do oppose his request to have a gunsmithing business at his home on Verano Loop. I have lived on Verano Dr. since December 1990.

At one point, 15 years ago, my next door neighbor, David Yount, was a Sheriff for S.F. County. One morning, I heard the doorbell, and answered it. It was David with his 2 small children. He asked, quickly, if I could watch them, while he went across the street to confront a neighbor, who had a gun, and was shooting it, outdoors, across the street from me. I took the kids into my home, and waited for a hopefully successful outcome.

That house was directly across the street from me, where the Janet and Joe Eigner now reside. That gun activity was entirely too close to me, and I remember the fear that overcame me, as if it was just a short while ago.

I am not trying to insinuate that Mr. Kaiser is anything close to that type of person. I assume that he has the proper knowledge of firearms, and their workings, and simply wants to start a business for himself. As long as he has the proper credentials, I see nothing wrong with owning a business of this type. I am VERY OPPOSED to it being operated in a relatively crime free neighborhood, such as Eldorado. We have a lot of kids living in the Verano Loop area.

In late October, for Halloween, Verano Loop is a haven for Trick-or-Treaters. We residents have to have a very cool, clear head if we need to be driving on Verano during the onslaught of children. Any rational adult, who may be traveling to Mr. Kaiser's on that night, would probably realize the need for cautious driving. Unfortunately, all adults are not rational, as can be seen (on a national scale) in the increasing number of fatal shootings continuing to grow.

I am in favor of Mr. Kaiser being able to operate his business in a proper COMMERCIAL setting, NOT in a residential one.

Thank You for your time,

Craig Bowen

REC'D
CLERK
RECORDED
11/17/2013

John M. Salazar

From: Janet Eigner <danceeigner@gmail.com>
Sent: Thursday, December 19, 2013 12:56 PM
To: John M. Salazar; John M. Salazar
Subject: text of appeal for volunteer committee to hear appeal

Hi John, please pass this along to each volunteer committee member before the hearing today:

Hello, I'm Dr. Evelyn Gauthier. I live at 4 Verano Court. I am a licensed psychologist for the last three decades and withyears of experience helping clients understand and act constructively with their human nature.

Our concerns relate specifically to the County Regulations, Title XI, Business Regulations, Chapter 110.03, General Licensing and Regulations, section (2) (b):

"The purpose for the inspection may include, but is not limited to the prevention of nuisance conditions and protection of health, safety and welfare of county residents and patrons to the proposed licensed business."

Eldorado is a safe, peaceful community and many people choose to live here because of this. Our crime rate is significantly below the city of Santa Fe and the state of New Mexico. One source estimates the chance of being a victim of a violent crime in Eldorado is 1 in 541. However, the chance of being a victim of a property crime is 1 in 92. We do experience our share of break-ins and burglaries.

Our street, Verano Loop and the various small side streets off the Loop, is a long thoroughfare. We'd like to point out that if one turns off the nearest main street, which is Monte Alto, and continues on to Mr. Kaiser's location, they will drive 1.2 miles and pass 68 houses.

REC'D CLERK RECORDED 11/17/2014

We believe that having a gunsmithing business in a private home in a densely populated residential area threatens the health, safety, and welfare of our residents in the following ways:

1. The frequency of customers coming to our neighborhood. While the agreement is that no more than one customer would arrive per day, our Eldorado officials have clearly acknowledged their inability to monitor this traffic. While the business owner may do his best to limit customer traffic, there is no way to control customers arriving on their own, even if they are turned away that day.

2. **in understanding that the actual nature of customers seeking to purchase guns is unknown** While most potential customers are likely to be law-abiding citizens using their weapons for legal purposes, there is no way to guarantee this. Two categories of potential customers particularly worry us. First, the criminal element who may be planning to use the weapons in the commission of a crime. Once this business becomes known as a source of weapons to criminals in our area, it is likely that the word will spread and even more such people will visit the business. This makes our neighborhood more vulnerable to drawing the attention of criminals for property crimes

The second category of potential customers are the mentally unstable. Most of the people who commit violent crimes - whether domestic, random, or mass attacks - are very difficult to identify before the event. **As a licensed psychologist, I've read the careful research studies that that prove/show, over and over, that this is the case.**

Again, increasing the probability of having such people in our neighborhood increases the chance that we might become targeted in a disturbed mind. While both the criminal element and the mentally unstable element of customers may be minuscule, the risk of even one such person driving through our streets armed with a gun is unacceptable. If this business sold boxing equipment or even archery weapons it would be much less objectionable. The very nature of firearms is that they are fast and lethal tools. ANY risk of the presence of this business increasing the possibility of a firearm being used in our neighborhood is unacceptable and unnecessary.

SEC CLERK RECORDED 01/17/2014

3. The presence of an inventory of firearms in a private home increases the risk of burglary. No matter how well the guns are secured, they will provide a temptation. Even if thieves are unsuccessful, they are still coming to our community.

Even someone licensed to do background checks, and sell guns, as Mr. Kaiser has applied to do, can't reliably screen out disturbed people who plan homicides, much less mass murders. Mr. Kaiser himself said this to Dr. Eigner in her friendly, hour-long conversation at his home a few weeks ago. Most of the decade's mass shootings (which have increased this year and last) were committed by men who weren't or hadn't been receiving mental health treatment. Why would we want to have people who feel the need to have guns and ammunition (so easy to buy at Walmart, etc.) come into our neighborhood and pick up a gun from Mr. Kaiser and load it?

A commercial gun business is qualitatively different from almost any other business that's fine to have in a residential neighborhood: businesses sell art, crafts, homemade cosmetics and creams, do carpentry, etc; all of these businesses are acceptable and safe. Mr. Kaiser needs to locate his business in a strictly commercial neighborhood.

SEE CLERK RECORDED 01/17/2014

** (Nancy Brannin, 2 Verano Lane:) Mr. Kaiser has told our homeowner's association that he has and hopes to continue and build a relationship with the county and city police departments, repairing their guns. Mr. Kaiser's business invites extra traffic from doing gun business with the SF police, having extra police cars driving down Verano Loop, isn't good for **home values**: selling houses or buying houses...our neighborhood begins to look like we're already crime-ridden and need help from the police, rather than the quiet, safe neighborhood we are. We hope to keep it this way.

The business manager at Eldorado, responsible for enforcing compliance of the Eldorado codes, already told Janet Eigner that there's no time or manpower to adequately supervise traffic into or out of Eldorado or Verano Loop.

** (Ann Maes, 56 Verano Loop): We expect that most buyers of guns coming into our neighborhood would be using guns for legitimate purposes, but we can expect some people to have illegal purposes in mind, like theft. We don't want them casing our neighborhood with loaded guns. Other countries that have stricter, tighter gun laws than ours have far fewer homicides. [[Continue to next paragraph]]

Families in our neighborhood have school children who are picked up and dropped off by school buses. We don't want strangers driving into our neighborhood and exposing our children to potentially irrational gun buyers.

We know of one safe on 97 Verano Loop that was picked up and stolen with all of its contents inside. The homeowner reported that when

he purchased the safe, it took three hefty men to load it into his home. He was at home during the robbery, working at his home business and didn't hear the thieves. The safe was never recovered. What if thieves heard of Mr. Kaiser's home business and stole his safe with all of his gun inventory inside? We want to eliminate that possibility in our neighborhood.

** (Dr. Janet Eigner, 6 Verano Drive): Here's what the County Regulations state in TITLE XI, BUSINESS REGULATIONS, Chapter 110.03, GENERAL LICENSING AND REGULATIONS, section (2) (b) :

The purpose for the inspection may include, but is not limited to the prevention of nuisance conditions and protection of health, safety and welfare of county residents and patrons to the proposed licensed business. The county treasurer may refuse to issue a license to an applicant when the investigation reports conditions which are unfavorable to the issuance.

Our issue is not with this wording itself, but the County's

interpretation of this wording. The Fire inspectors and the County home inspection decided that because Mr. Kaiser has a safe to lock up his firearms and only does business in a specified percentage of his home, among the many other safety issues they did inspect, that he is qualified to be licensed. This interpretation doesn't take into account the **public health and mental health dangers that many studies have cited relating to having guns in the home, whether locked up or not.**

And Sec. 110.04 (C) states:

If the land use administrator determines that restrictions or limitations should be placed on the licensed activity in order to protect the health, safety or welfare of the citizens, he or she may impose requirements or conditions on the issuance of the registration or license, which shall reasonably be related to the concerns for the health, safety or welfare of the citizens of the county.

No matter what restrictions the land use administrator places on Mr. Kaiser's gunsmith license, we 38 households and 48 signators to the petition, living on the Verano Streets in Eldorado, Mr. Kaiser's neighbors, urge you to tell him to find a strictly commercial location for his business. Otherwise, you of the County Development Review Committee — **aren't taking into full account the reasonable concerns for the health, safety and welfare of our neighborhood in the written definitions and specifications of safety, welfare and health and in the inspections carried out by your Growth Management Division's Building and Development staff, including the Fire inspection.**

The more guns in a neighborhood mean more useless deaths. The more people coming into the neighborhood to buy guns adds to this neighborhood's risks. The more police cars in the neighborhood can mean lower property values. (People are being sued for the enormous threat of having big, bad chickens in Eldorado, but guns aren't worried about as an unacceptable, commercial enterprise in a residential neighborhood?)

If you volunteers who are generous in your service to Santa Fe County can join in our community spirit and goal of leaping over the regulation's letter-of-the-law definition of health, safety and welfare, you could set a precedent by expanding the definition of safety, health and welfare for all future gunsmith licenses. By honoring the SPIRIT of the regulation, you

2025 RELEASE UNDER E.O. 14176

would insure that gunsmiths only apply to your **commercial** business section. We urge you to reject Mr. Kaiser's application for a **residential** gunsmith license.

Thank you !

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Janet B. Eigner
danceeigner@gmail.com
www.eignerdanceswithwords.com
Santa Fe, NM

REC CLERK RECORDED 8/17/2014