



# Agenda

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**BOARD OF ADJUSTMENT**  
**Tuesday, October 4, 2016 at 6:00 P.M.**  
**201 W Marcy Street, Santa Fe NM**  
**Peralta/Lamy Rooms**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES: Minutes of September 6, 2016**
- E. FINDINGS/CONCLUSIONS: Case #2016-53, 1549 S. St. Francis Drive Special Use Permit. Use Permit.**
- F. NEW BUSINESS**

- 1. **Case #2016-92. Appeal** by Ms. Francoise Garcia from the August 11, 2016 Decision of the Land Use Department to Issue Building Permit #16-1776 to Ms. Patricia Sherrin to Build a Fence at 1618 Brae Street (Zachary Shandler, Assistant City Attorney, Case Manager).
- 2. **Case #2016-93. 1601 S. St. Francis Drive Special Use Permit.** Victor Johnson Architect, agent for St. Bede's Episcopal Church, requests a Special Use Permit to construct a 4,000 square foot addition for use as an auditorium/sanctuary and social hall on 4.41+ acres. The property is zoned R-21 (Residential - 21 dwelling units per acre). (Dan Esquibel Case Manager).

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE COMMISSION**
- I. ADJOURNMENT**

**NOTES:**

New Mexico law requires the following administrative procedures be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearing before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings. Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) working days prior to meeting date.

**SUMMARY INDEX  
CITY OF SANTA FÉ  
BOARD OF ADJUSTMENT  
October 4, 2016**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGES</b>
A. ROLL CALL	Quorum	1
B. PLEDGE OF ALLEGIANCE	Recited	1
C. APPROVAL OF AGENDA	Approved as presented	1
D. APPROVAL OF MINUTES - September 6, 2016	Approved as presented	1
E. FINDINGS/CONCLUSIONS		
1. Case #2016-53, 1549 S. St. Francis Drive Special Use Permit	Approved as presented	2
F. NEW BUSINESS		
1. <u>Case #2016-92</u> Appeal of Building Permit #16-1776 for Fence at 1618 Brae Street	Postponed pending court action	2-9
2. <u>Case #2016-93</u> 1601 S. St. Francis Drive Special Use Permit for St. Bede's Episcopal Church for addition	Approved with conditions	10-17
G. STAFF COMMUNICATIONS	None	17
H. MATTERS FROM THE COMMISSION	None	17
I. ADJOURNMENT	Adjourned at 8:00 p.m.	18

**BOARD OF ADJUSTMENT**  
**Tuesday, October 4, 2016 at 6:00 P.M.**  
**201 W. Marcy St. Santa Fe, NM**  
**Peralta/Lamy Rooms**

**CALL TO ORDER**

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:14 p.m., on Tuesday, September 6, 2016, in the City Convention Center, Peralta and Lamy Rooms, 201 W. Marcy Street, Santa Fe, New Mexico.

**A. ROLL CALL**

**Members Present**

Gary Friedman, Chair  
Coleen Dearing  
Douglas Maahs  
Donna Reynolds  
Daniel H. Werwath

**Members Excused**

Rachel L. Winston, Vice-Chair  
Patricia Hawkins

**Others Present**

Dan Esquibel, Staff Liaison  
Zachary Shandler, Assistant City Attorney  
Carl Boaz, Stenographer for Melessia Helberg

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**C. APPROVAL OF AGENDA**

**Member Werwath moved to approve the agenda as published. Member Maahs seconded the motion and it passed by unanimous voice vote.**

**D. APPROVAL OF MINUTES: Minutes of September 6, 2016**

**Member Dearing moved to approve the minutes of September 6, 2016 as presented. Member Werwath seconded the motion and it passed by unanimous voice vote.**

**E. FINDINGS/CONCLUSIONS: Case #2016-53. 1549 S. St. Francis Drive Special Use Permit.**

[A copy of the Findings/Conclusions for Case #2016-53 are attached to these minutes as Exhibit 1.]

**Member Maahs moved to approve the Findings of Fact and Conclusions of Law for Case #2016-53 as presented. Member Reynolds seconded the motion and it passed by unanimous voice vote.**

**F. NEW BUSINESS**

1. **Case #2016-92. Appeal** by Ms. Françoise Garcia from the August 11, 2016 Decision of the Land Use Department to Issue Building Permit #16-1776 to Ms. Patricia Sherrin to build a fence at 1618 Brae Street (Zachary Shandler, Assistant City Attorney, Case Manager).

Mr. Shandler explained the appeal process. In the packet was a summary of the case and both parties were present. [The case summary is attached to these minutes as Exhibit 2.]

The parties have documents and testimony. The basis of her appeal is that corrugated metal is not an approved material. It may not be, but she will make statements. She also claimed the fence is built on her property so there is a civil case between the two parties that will be heard on Thursday before Judge Sena at the Magistrate Court. He would allow the appealing case to go further with testimony from the parties. He asked Ms. Garcia to give her testimony first.

Ms. Françoise Garcia, 1616 Brae Street, Santa Fe, New Mexico, was sworn. She said, "First of all, I appreciate the time because I know it is a small case but is very important to me. I have some pictures here and I will try to be brief. On June 25, Ms. Sherrin called me to see if we could meet about the fence between the two properties. I agreed to meet with her on Tuesday, the 28<sup>th</sup>. It is my day off. And I saw that she had moved the fence without talking to me - the one full [unintelligible] of the fence. She had cut two of the beautiful trees that were on my property. And she says she was going to build a fence with metal or whatever. And I just told her and I said, 'You know what? I have a partner. You need to talk to me and my partner together.' And she was basically going to get some pricing from Home Depot and I said, 'Well, get your pricing together; get all your plan together. And then when you have all these together, then maybe we can sit down. We can have a little meeting. And we can talk about it.'"

"On the weekend of July 4<sup>th</sup> there's a fence was built 2½ feet on my property side, which was corrugated metal. And I have little packages here for all of you so you can look at it and see if it is alright. Thank you."

[Ms. Garcia handed out her pictures to the Board. A copy of the pictures packet is attached to these minutes as Exhibit 3.]

"This bottom page is of the fence that is 2½ feet in from my property line. So when my husband confronted Ms. Sherrin and say, 'You know what? You build a fence. First, you don't have a permit. You

built it 2½ feet on our property. And she said she built it there because she needed to do like a drainage pond. And my husband told her, 'You know, you do it on your own property, not on my property.' So, at this point, she told my husband that I gave her permission to do what she wanted to do. So I leave it there. And she is the lady that you cannot talk to because she changes her mind every five minutes; she says things that are not true."

So I called the City and I asked them, you know, do they need to have the permit in order to get a fence built. And they told me yes. You need a permit. So I talked to Mike Purdy. And he told me, 'We're going to go red tag her for the fence. So she [sic] red-tagged her fence. And when you look on page 2, after she was red-tagged, however, she has a red tag that is placed [unintelligible] on the fence, she built a wood fence right next to the fence - she built another fence. I don't know what the rush was; what she was, but she built another fence. When I talked to Mike Purdy, when I got him on the phone, because nobody answered the phone at the City. They didn't do anything. After she kind of [to do?] the driveway, as shown on page 4, she was building... she was putting holes... on page three, way before she had the permit; way before the corrugated fence metal was moved.

And then, I called again the City and I said, "Isn't she supposed to have a permit before she builds anything? And they told me yes, she cannot build; she cannot dig holes; she cannot do anything until she has a permit on hand.

And she got a permit on the 8/12, I believe. And those pictures I took on 8/3 and you can see those holes have already been built for anticipation of a new fence.

I had to get a surveyor to come and survey the property because, for some reason, you know, she didn't believe she was on my property. So I got a surveyor. And then, on page 7, you can see all the space and those holes already have been built and some of my stakes were missing. They were removed from my property. And it is my property.

Prior to that, when she got the permit, I talked to Mike Rivera and it was a week after she got red-tagged. And I told Mike Rivera, 'What are you going to do about it because she got red-tagged. And that fence is still on my property. He said, 'Oh well, we will give her another week."

Twenty days later, she applied for permits. She applied for a permit on 7/22, or something like that, when she was red-tagged on the 7<sup>th</sup> of July. So I was a little upset to get this comment from the City. And I said, 'You know, those holes have been built; my stakes have been down and ... I talked to Greg Smith and I talked with Dominique Gonzales because I know she was going to move her forbidden fence where it was supposed to be. I talked to the [unintelligible] on this when he made a recommendation that the corrugated fence... and it's on the back page, I believe. But says that a corrugated fence is not an appropriate material for a fence and because of the visibility because when you go down Brae Street on the south side, there is a big glare. It is six feet high and 47½ feet long, so you can tell, it is not something that is small and it was reflecting, and is an eyesore - really bad. It talked with Dominique and she said that is not something she is going to approve. I went to Greg Smith at the same time and I said, 'Do you know why this lady is building a corrugated fence? It's very bad and it defers from the character of the neighborhood because the neighborhood on Brae Street is an old neighborhood that has wood and fences and chain links. And there

is no such thing as corrugated fence. And he told me that he would not sign on it. So Greg Smith didn't sign on it, Dominique Gonzales said she didn't sign on it. But Greg Smith signed on it.

So that's why I've got my appeal. And then after that before she got a permit on ... I guess it was on August 10<sup>th</sup>. I asked her how come the fence is done. You know, she doesn't have a permit. And Mike Rivera said, 'Well, I told her she could move the fence' - the one that was on my property. So she got a permit and she built the fence like in, I don't know. I mean it was built overnight."

"And, if you can see on page 11, you know, because she told this - she had to have it all painted like the nonreflective paint. As you see, when I look at the fence, the paint is already coming off. It looks like cardboard; it's already warped and the paint is already coming off."

"And then, when I went to talk with Mike Rivera, she said, 'Oh, she's okay. She's fine. So I finally got to talk to Joe Maestas - when she's a Councilor of .... and he say he is going to do a comprehensive inquiry in the City because he said, 'You shouldn't have to go to the City every day because nobody returned your phone calls.' And I was there every day. Even people tell me, 'What are you doing here?' And so I was just upset with the City, or some of the employees of the City treat me. They didn't ask me to see Sherrin to provide the survey. Yolanda Cortez told me, because I told her she built the fence into my property. And she said, 'Did you get a survey?' And I said, 'Yeah, I got a survey.' They used my survey to make her build her fence, which she should have done a survey - not me.

"And then, when you see the location of the fence... I think you have the little package right there that was on the package that Mr. Shandler had given you ... she had said that she would give the fence, you know, from the corner of the property and all the way ... I don't know, 52 feet or something like that, she was going to do. She had a drawing. Right now, there is a gap from the corner of the property to the tree - there is about 2½ feet that is empty space and then from the tree to the other side of the property there is like about 5 feet that is nothing - no fence, no nothing. And then the fence is very sharp. And then she went all the way to my fence and then she told Yolanda Cortez she would build a fence with wood. And at this time, all the wood piled up against my fence. And it's on page ... I'm sorry, I get a little nervous. I don't know if I have it here. But right now, all the wood is piled up. It's on page 8. If you see the bottom pictures, that's where the fence ends and that is my property unit. That is where my fence... I mean the original fence was built on my property. So there's about 10 inches there. So her fence right there ... If I remove that fence, then there is nothing. And it is still on my property because she piled up all that wood on my fence.

So, I believe that a corrugated metal fence - that this corrugated fence and corrugated metal looks like cardboard. She wants to do it with cement and she used styrofoam. I don't know if you have a picture there of the styrofoam but I have one here that I can bring. And she was supposed to be on her side of the property.

[Ms. Garcia handed another small photo to the Board to see (not as an exhibit).]

She said, "And then she was supposed to put it not on the property line but on the side of her property. So I had the surveyor do another survey of the property. So some of the fence is on the property line and some of the fence is on her property. The fence is not even a straight line; it is so crooked. So I just want it

to have this fence removed. Or built a proper way. But, I don't know. I don't even want that fence. It is so ugly. And I have one of my tenants here that lives on Brae Street that can testify. and she came to give testimony.

Member Reynolds referred to page 1 of her packet that indicates this is the view on your property and it looks like the infrastructure of the fencing faces you.

Ms. Garcia said she took pictures of it from her property and the bottom picture was taken from her property. The top is from Ms. Sherrin's view.

Member Reynolds explained that she saw some flat boards and was asking if that is the view she sees from her property.

Ms. Garcia said it is.

Member Maahs said, if he understood correctly that this current fence is 2½ feet on Ms. Garcia's property.

Ms. Garcia clarified that that fence has been removed and now the fence is the painted one with some of it on the property line and some on Ms. Sherrin's side. The last letter is from the survey they did a few days ago showing that some of the fence is on the property line and some is on Ms. Sherrin's property because it is not a straight line.

Member Maahs said he didn't see the survey. He saw the July survey and he saw the letter that refers to it but no survey was attached to it.

Ms. Garcia said "I'm sorry. I don't know where it is. I did include a letter that I wrote, telling Ms. Sherrin that I was happy she had removed the fence. She was going to remove the fence. But it was very hard to talk to her, because every time, she was ... I don't know... she was ... I don't know. One day I came and talked to her about telling her that she dug the holes inside the property before; she had the holes around the property line and then to show you the character of Ms. Sherrin that you cannot talk to her, is that for the purpose that Ms. Sherrin usually pulled down her fence and showed me her yard, and the worker that was with me. That is not the first time that she needed to talk to ... I mean that you can't talk to her like neighbor to neighbor."

Member Dearing, for clarification, said Member Reynolds' question with that view on the first page, is what you looked at before they oved the fence over. "Are you still looking at the infrastructure on your side?"

Ms. Garcia said no. She handed out another small photo showing the current fence from her property.

Member Dearing reasoned that it was done right.

Ms. Garcia agreed.

Member Dearing said it looks like it is shown on page 12 from Ms. Garcia's side.

Ms. Garcia said that was not the page. She passed around the correct photo. The workmanship was not anything that had to do with it being on her property.

Member Werwath said he was understanding that what is on page 11 of her submittal in the three photographs taken apparently on August 18 that showed paint peeling from the corrugated metal. He asked, "Is that the current condition of the fence from your side?"

Ms. Garcia said, "Yes, sir. That is what it looks like."

Member Reynolds asked if it is now painted on both sides.

Ms. Garcia said, "Yes. I believe it is painted on her side, too."

Chair Friedman invited her witness to testify.

Ms. Priscilla Martínez, 1616A Brae Street, was sworn. She said "I lived there as construction was going on. I actually worked for Sherrin for a few days til it went up in the air. It was very hard to work with... I noticed as soon as she put up the fence that she was 2½ - 3 feet over. And my neighbors across the street said, 'You need to call Françoise Garcia.' And I said, 'It's a holiday.' I know I should have done it but at the time, I didn't. I called Françoise three days later. And I said, 'the fence ... there is a fence on your land. So after that ... since that time, Sherrin thought I had reported her to the City. So it was nothing but a nightmare. Every weekend, six of her female friends were gawking at me. They would slow down, looking like in my driveway. One was pretty frightful. She was a big girl - big lady. And they were just listening - they were mocking me. While they were building the fence, they were on Françoise's land they were working til nine-o'clock in the evening, pounding nails and sawing.

"They didn't give ... they didn't get it that I was in there in my home and they were doing it even on Sundays. And as Françoise said, the fence - if it gets blown by the wind, it's going to crash. When they first put up the fence ... They put up the fence; they took it down. And now it is up again. But the first one she put up, it attracted so much heat because it was chrome metal. I put cardboard on all my windows facing the north side because it was giving so much heat off that humongous fence. The harassment stopped because Françoise put in a letter to quit harassing me. Ms. Sherrin wrote me a letter when I was gone. She came into the property and left me a letter that she was sorry and she wanted to have peace and she paid me what she owed me. But the peace goes on when she feels like it. I just want peace in the neighborhood like I used to have. I am a quiet person. The fence goes on Françoise's land and what is up now is just ... it doesn't go with the neighborhood at all.

I went through a lot of stress this summer - miserable."

The Board had no questions for Ms. Martínez.



Ms. Patricia Sherrin, 1618 Brae Street, was sworn. She provided a handout with not enough for each Board member to have a copy.

She thanked the Board for hearing this. She said, "The two issues that I'll address to you guys are the permitting from the City. The first inspection is page 2 signed off, complete. The 2 issues are the corrugated fence and the Styrofoam. It's a new thing that ... the styrofoam is a new thing provided from Home Depot.

"It comes in two different bags and you mix it and it heats up. The inspectors came out and inspected and saw that it said it could withstand up to over 90 mph winds. That has been approved but it was a little bit of a question because it was new material.

"Originally, on the first meeting while Priscilla Martínez and her boyfriend Joe were working on my fence, removing the old fence that was entangled with old dead trees, rocks. There were some wagon wheels and old bike spokes used to hold it up. It was a really awful fence. But that fence metal cattle kind of fence, matches the other side of my house. So that's from talking with the inspectors. It is considered to be my fence because it matches around my house. So, in removing that, I was removing my own fence.

"On the day that we actually met on that Tuesday at 10:00, when Priscilla and Joe were removing that fence, we stood there. Françoise and I stood there and watched them working on the fence. She said to me, 'I have no money to be putting into any new fence.' And I said, I would like to be able to move the fence over two feet because of all the old rocks and dead trees - it is really hard to dig through this. We were really struggling because you can't use chain saws because the fence was intertwined within the trees. And at that point, she said, 'As long as you don't put the fence up against my windows.' And that was that.

"I said, 'I will pay for everything and you are going to be giving me the two feet in return.' Yes, I definitely know I should have put that in writing. And it is a very big lesson to me. So when I got red tagged and not allowed to do anything on it. I had bought the paint scraped there with the primer and paint ready to start working on it. So the metal fence sat there for a month while it was red-tagged. One of these pictures are incomplete. They are not painted - with wood slats that are going to be going on my side of it. When we got red-tagged back then, yes, the fence was half-way done and the metal was moving. I wasn't allowed to do any kind of work on it."

"When I got through the permitting process, which contained a lot of loophole - somebody who cordoned me for every little detail caused the permitting to last over a month to get that done. As soon as I got the new fence going in again - it's not complete. The wood slats still aren't put on. The screws that need to be screwed in. But I was told by I think the [??] supervisor - they've all been involved in it - told me to not do any more work until I come see you guys and get this taken care of.

"They, [unintelligible] forms are like the original inspector, his supervisor, I believe is Bobby and then another supervisor, Mike, have all been there. They've all looked down the line of the property line and stakes and they all agreed my fence is where it is supposed to be.

"And the very last page that I have, the last couple of pages that I have for you guys, is a friend of mine that built on the corner of Jay Street and Española - Espacitas - and her fence is completely unpainted and she has been finalized, permitted. Her permitting is done. There are no questions. Her installer didn't have to go back and paint it. I agreed to paint my fence on both sides, matching her adobe. I flipped the fence around. On the first page from Ms. Garcia, this bottom picture here - that is on my side. I had originally had the boards on her side but she said she didn't like it. So I flipped the whole thing. So now this wood - infrastructure stuff - Donna was asking about - is facing me. What is facing her is just straight, painted metal fencing. On my side, meeting all the codes and permitted."

#### Questions from the Board

Member Reynolds asked if she could confirm that it is painted on both sides.

Ms. Sherrin said yes. There is a couple on my side where the infrastructure, because of being stopped - when I got stopped from my second red tag here. There are areas that are not painted where the board was or something so there are all those little spots that need touched up. But on Françoise's side should really be painted. It was double painted. I really worked hard to make sure that we matched her adobe.

Member Reynolds asked if it was completed with wood.

Ms. Sherrin said no.

Member Reynolds asked if the gaps are going to be finished.

Ms. Sherrin said it will be finished. The permit says metal.

Member Reynolds asked if it would be corrugated.

Ms. Sherrin said yes. It will be painted but it was just stopped.

Member Dearing said, if she understood correctly, that the current fence is either on the property line or on Ms. Sherrin's property so it is not encroaching at this point.

Ms. Sherrin agreed and said three inspectors came and confirmed it.

There were no further questions of Ms. Sherrin. Chair Friedman asked s. Garcia if she had anything to add.

Ms. Garcia said, "First, when she got the fence moved, there was no agreement because I never allowed her to put the fence on my property. We filed a civil lawsuit at Magistrate Court because if I had agreed to that, we wouldn't be here. Regarding the inspectors, I want to tell you, I've been calling Mike Purdy; I've been calling Mike Rivera; I've been calling Bobby Padilla, which are the three inspectors. Which sometimes, I would get a call back but sometime I don't.

"So I have to go to the City at 8:00 in the morning. I finally got to tell Mr. Maestas when I called him and he said he was going to get an employee but why she didn't get fined again because she was building on the fence, even though they told her she had to stop working.

"The second is, when I talked to Mike Rivera, I asked him to meet with me at the property because I would like to show you some few things that are not right. He told me, 'This is not your permit. This is not your fence. And I don't have to meet with you.' So I got very frustrated. And yes, every time, I called the City. As a taxpayer, I think you know I'm entitled to call the City. I'm the property owner. I think I'm entitled to call the City. So this is not harassment; this is my rights. And this is something I feel like I didn't get from the City what I was hoping for. There were no agreements. When she talks about the fence, this is a civil matter. She is trespassing. The fence is very ugly and is very tacky. It is not even on a straight line. As you say, she removed my stakes that I paid for because I paid for a survey.

"She removed my stakes which she shouldn't have to remove it. Because, they put it there and that's for a reason. My husband offered a unicorn and it is gone. So there's a lot of things. I'm not going to go on and on or we would be here all night. But one thing I would like to ask is that my tenant Priscilla, wants things to be quiet."

Chair Friedman said that is not something this Board can address.

#### Action of the Board

Chair Friedman noted that in Mr. Shandler's memo, there are three suggested motions on page four.

Member Maahs wanted to revisit this because he kept hearing different stories He asked if the fence is in the correct place now.

Mr. Shandler clarified his understanding that when the owner comes to the city for a permit, the Staff have to provide the site control and evidently Ms. Sherrin did to get the permits. Ms. Garcia submitted pictures and at the end is a letter from Mr. Armijo. So it is on the property line.

Member Maahs said in looking at the diagram from the original survey, it appeared to be east of the lot line so it sounded like an unresolved issue.

Mr. Shandler pointed out that Judge Sena is holding a hearing in two days and Mr. Armijo will be a witness.

Chair Friedman thought the best way to handle the appeal is based on the testimony.

**MOTION: Member Maahs moved in Case #2016-92, to postpone action on both issues until a final resolution is issued at the Magistrate Court. Member Dearing seconded the motion which passed by majority voice vote with all but Member Reynolds voting in favor.**

Mr. Shandler said the Board will not take action tonight. He will monitor those proceedings and, depending on what the judge says, will determine whether it comes back to this Board.

Ms. Sherrin and Ms. Garcia retrieved their photos and departed.

2. **Case #2016-93. 1601 S. St. Francis Drive Special Use Permit.** Victor Johnson Architect, agent for St. Bede's Episcopal church, requests a Special Use Permit to construct a 4,000 square foot addition for use as an auditorium/sanctuary and social hall on 4.41+ acres. The property is zoned R-21 (Residential - 21 dwelling units per acre). (Dan Esquibel, Case Manager).

Mr. Esquibel presented the Staff Report for this case.

A copy of Mr. Esquibel's report is attached to these minutes as Exhibit 4. Please refer to Exhibit 4 for details concerning this report.

Mr. Esquibel concluded that the applicant met all requirements and recommended approved subject to the conditions of approval and stood for questions.

The Board had no questions.

#### Applicant's Presentation

Present and sworn was Mr. Victor Johnson, P. O. Box 1866, Santa Fe. He introduced himself as the architect for the project. St. Bede's acquired this property in 1957 and built what is there in 1963. A building campaign in 1987 provided an education wing and now, they want to build a new sanctuary. The original structure was designed to be a social hall and children's education space. They now want to have a proper church. We have gone through the application process. They met several times with nearby neighbors and Mr. Johnson met with all DRT members regarding the streets, landscape, land use, and utilities. He stated that all five conditions in the staff report are acceptable to the applicant.

#### Public Hearing

Chair Friedman opened the public hearing and asked that all speakers be sworn together.

He asked first for those in favor the project to speak. There were none to speak in favor.

Mr. Karl Sommer, P.O. 2476, Santa Fe, New Mexico, spoke on behalf of his clients, Cha Foxhill Mabry and Hampton Mabry, immediate neighbors to the east. He sent a letter to the City and was told that the submittal would be included in the packet.

Chair Friedman confirmed that it was in front of the Board as a supplement to the packet.

Mr. Sommer said the Mabry's are the closest neighbors to the church. They were here at the meeting to make sure the church has a reasonable opportunity to make the best use of the property under the Code while preserving their quality of life so that what was built didn't interfere with their use and enjoyment of their own property. The Board of Adjustment has a broad standard to adjust the interests of the parties so no one is adversely affected by the conditions of the Code. That section is very clear about the conditions that could be imposed and the last criterion says, "You can impose any appropriate condition and safeguard in conformity with Chapter 14 that regulate the development and use of land." So the Board's discretion is broad and you must first ask if you have the authority to do this.

The members of the church had an ENN and he went to that ENN and told Mr. Johnson and members of the church their concerns. One was whether or not this property lies within the corridor district that has a height limit of 25'. At that meeting, Staff said that while the map showed this property inside the corridor, that the map was a mistake and it shouldn't have shown this property in the zoning district. After the meeting, he and Mr. Kames went and got the official zoning map.

That official zoning map was adopted in 2011. There was an earlier version in 2001 that showed this property within the corridor which was adopted in the 1980s. This map did not show this property in the district. There have been two Council actions that show it within the district. But in response to their inquiries and assertion that the official zoning map show this is in the district under two adoptions of the Code, Staff believed that was a mistake.

The Code today says that the Land Use Administrator can, in writing, when determining that there is a mistake in the map, direct that the mistake be corrected. That was done today and the Board got a copy of the memo from Mr. Smith.

The threshold question the Board must ask goes to its question of authority. Can the Board grant this special exception? It is a question for the Board because, if this property is in the district, the height limit is 25'. So the question is critical. Four feet is very different in looking across this property.

Mr. Sommer said he wanted to explore that mistake with the Board. He shared the iterations of the code on the subject. Staff attached the correction to the map and the area being considered is in the upper left hand corner of the district where St. Bede's is - and north of that area. That is the area this map changes.

He provided a hand out [attached to these minutes as Exhibit 5]. It first says pre 2001 and the map looks very similar to the map adopted in 1991. The supposed correction and this one are virtually identical in that corner. But the correction map has differences - there is no bump out. He raised that because he knew this map was done hastily and might not have looked at all of it. But it is different in material respects. He highlighted the area that doesn't include St. Bede's because the 600' stops at St. Michael's Drive. And in the other map, the language is very similar but the map is very different. He highlighted it for the Board. On the northern portion, it looks like a protractor at the end of the off-ramp and drew an arc on the corner of the property. That is what Staff said was a mistake. On all the other off-ramps, it is 600'. In 2001, the Council adopted a map showing it 600' from the end of that off ramp just like all the other off ramps. Staff now says this map in 2001 right here in this portion of the corner was also a mistake that we will correct.

Council adopted this map in 2001 for 600' of the ROW. But not from St. Michael's but ROW of the roadway. Mr. Shandler provided a digital official zoning map that Council adopted in 2011. And it shows the district within 600' of the ROW. And in 2011, when they adopted the Code, it said SCHC district encompasses the land within 600' of the edge of right-of-way of both sides of the following streets. So the mistake was in the original map in 1991. He submitted it was a mistake then and in 2001 and 2011 was corrected. In the last 15 years, it has been the same. That is important because zoning is a legislative matter and when a property owner wants their zoning change, they have to go to City Council and have a public hearing at the Council meeting.

But here, Staff said they are not going to follow the normal process because someone filed an application and would deal with it here. They said they would move the line 600' to the south today. He said that is not something that should be taken lightly. If Staff is wrong and Council intended to do what they did, this application doesn't comply and then it is not subject to the Board's approval at this meeting. He believed the original map was a mistake and the Council corrected that mistake on two occasions over the past fifteen years. So this application is not approvable.

It is incumbent on the neighbors perhaps to appeal that determination of Staff but it is for the Board to decide if that was a mistake - whether or not what was done today by Staff was appropriate. He submitted that it was not.

There are other issues with this application and the neighbors have the right to address the Board specifically on them. The Board saw the photographs regarding the height of the structure. It is 4' higher than the Code allows.

The Mabry's property is directly east. They have a wall and look up over the wall. So what is visible now is a portion of the cross and a street lamp above the wall. The church is between their view of the horizon and their wall. What is proposed will be in their view. The church must build within the height limitations. At the back is Exhibit C and the Board can see the poles Mr. Johnson put up. There are 3 of them and the middle one is the easternmost façade of the proposed sanctuary and he thought it was at 29'. He thought the outside poles are 24' and the middle is 29'. What was not shown in this view in Exhibit C, there will be light poles that are much closer than these to the neighboring property at 25' and will be incredibly visible to them.

So they would like it addressed with some conditions regarding landscaping in the view shown in exhibit C. The Mabry's are not saying it should be invisible but that the Board could impose conditions that would mitigate the view in such a way that the view will be obscured but far enough from them that it will not impinge on them - an effective screen of that area. Just beyond those trees will be a parking lot. They would ask for an offset of that view in a zig zag manner rather than up against the wall.

Mr. Sommer asked Ms. Mabry to explain what is visible from their back yard. Not terribly visible but is visible. Those lights will be incredibly visible. She has some ideas for the Board to consider.

Ms. Mabry, 1530 Calle Redondo, was sworn and said they have thought about how to make it a win-win situation with the lights. The architects proposed four new lights in the parking lot that she would see from their house. She suggested a different type of light - like what they have at Tomasitas where they have them in front at the height of a car. She showed a photo of that style. She believed it would save money rather than a huge light pole.

She stated that there are also motion-activated lights that could be put on the back of their wall. She showed two of them that cost about \$8 - halogen lights. She guessed they would be needed at Easter and Christmas but rarely at other times.

There are other light poles to consider. At Sanbusco are light poles at 12' and actually about 8' from the ground.

Ms. Mabry gave the two lights she brought to St. Bede's to try out. They would need electricity at their wall to use them.

Mr. Sommer showed a couple of other photos and explained them. One had a light pole that was 5' tall.

Chair Friedman asked how many light poles were there.

Mr. Sommer said there are two.

Ms. Mabry said that light pole is roughly 250' from their property.

Mr. Mabry was sworn and said he was a hospice chaplain but for 20 years was a parish priest in the Episcopal Church. They had an extensive remodeling and it wasn't the reason he left being a parish priest to be a chaplain but he was sympathetic to their cause. It can be difficult. He rejoiced in the success and growth of St. Bede's church that necessitates this new building. He said they belong at Church of the Holy Faith but attend various events at St. Bede's. They have good friends there so they don't want to be adversarial. But the Board could understand that they do have concerns with the impact of this project on their quality of life and they were concerned to minimize the adverse effects to their neighborhood. So they wanted some protections after the project was completed.

They did follow the rules. He asked the Board to see what can be done to address their concerns. If possible. If it can, they would have a win-win for the neighborhood and the church.

Mr. Sommer said the other conditions of approval are to have some reduced reflectivity and use more earthtone colors rather than metallic colors. He also pointed out that this plan would remove some Juniper trees. They are up against the boundary line and provide some existing screening. He didn't know they would need to be removed. He showed pictures to the Board.

At the bench he made some comments about the photos and clarified which were taken on the property.

In summary, Mr. Sommer believed the Board has the threshold issue. He believed this project is not subject to approval at this height. The letter stated what they would propose as conditions. He stood for questions.

Chair Friedman noted there are other people here to speak to the application.

Ms. Sara Villa Corduin, living right across from St. Bede's since 1981, was sworn. She said, "We have been very good neighbors with the church. We really like the area very much. The activity of the church is very busy and we enjoy that very much. We went to the very first meeting that was canceled. It was supposed to be at the library and it was canceled. We were already there and it was canceled without explanation. The second meeting that we got notification, we were not able to attend because we had a medical trip to Colorado. This one we appreciate the invitation to come. We do have several things that we would like to have but don't have them in writing like this presentation that Mr. Sommer gave. It was excellent. We would like some time because they are not just our concern but some other neighbors which are next to us. They were totally unaware of these meetings as we were - uninformed for those three times. And for that reason, we would like to have time to prepare our concerns.

Ms. Dee Ana, 507 San Mateo was sworn. We spoke to several of our neighbors who had no idea this meeting was taking place today. And they were very distressed to find out that of those changes. So I spoke to several people today that had not been aware of this meeting and we feel that their quality of livelihood would be affected by the proposed changes. One of them actually left a message with the phone number available. I believe she probably didn't reach anybody but she said she was going to leave a message. I also left a message, requesting a rescheduling of this meeting so that these neighbors could attend and be prepared enough to provide written comments as the neighbors were able to do. So at this time, I would request a rescheduling of the opportunity for public comment. Is that something that you are authorized to agree to right now?

Chair Friedman said the Board will take that up as well as the other issues before them. The Board can choose to postpone a decision if they so please.

Ms. Ana said, "There are issues of age and disability, as well. So we would seek accommodations and counsel, having more time to provide written comments in that regard. There are significant health concerns, the increased traffic would impact our health. It would impact our privacy. Apparently, they propose to put in parking spaces directly across from our bedrooms and our kitchen and they would be much closer to our home than previously, angled straight at us. And also, their new entrance or exit creates an intersection with San Mateo right in front of our home. And as people delay to get in or out of the parking lots, the extra exhaust, the noise, the loss of privacy - all of these things are significant. I think it is undeniable that it would affect the traffic. As far as I could tell, there are proposed changes in the future to San Mateo Road, right of way is requested. I don't understand that. I would like some time to understand what that means. If nothing else, I think it's reasonable to have a traffic study done and see how that would impact the neighborhood."

There were no further speakers from the public regarding this case and the public hearing was closed.



## Board Discussion

Member Werwath wanted to hear from Staff on the administrative decision to correct the mistake on the map.

Mr. Esquibel said this issue was brought up during our work in progress. We did look at the issues. The review process after that included review of the ordinance by the City Clerk and work by GIS who drafted the original digital maps. We disclosed that to the City Attorney who also reviewed it.

The final decision is in the handout Staff provided on the page after the colored map. That includes the original map they found to be still intact. They could find no reason why it was pushed up. They went into archives. The Staff has the right to correct map errors and they have corrected it to reflect what was approved in that ordinance. In terms of zoning review, he didn't know if the attorney wanted to comment but he provided a detailed analysis.

The second part is traffic. He understood that the second speakers were concerned with the driveway. Mr. John Romero looked at the improvements for San Mateo and the applicant worked with Mr. Romero on it. There is an area of church property for a sidewalk and part of it City Staff wanted moved back so we don't have to rebuild the sidewalk when San Mateo is improved. So the sidewalk would be in conjunction with those improvements. There is not enough traffic to warrant a traffic study.

Regarding lighting and landscaping, this Board can make conditions to mitigate some of the issues. The tree locations are not a big impact from the church. They want to really work with all neighbors with places for parking, landscaping as needed. Staff did not include a photometric requirement.

The requests could easily be done by the church and made as requirements by the Board. The reduction of pole lights could also be imposed by this Board.

Member Werwath said that answered some questions he had not asked yet. But the lighting falls within the Code - things like bollard lighting.

Mr. Esquibel agreed. Bollard lights do. That is a lesser issue of glare than with pole-mounted lights. Pole lights are subject to the Night Sky Ordinance that does not want to use lights for security. We can't tell them no if they come in with appropriate lighting in the parking lot and doorways. If they meet the standard City Staff will approve them.

Mr. Johnson clarified that the metal roof is not galvanized but painted. They have done a computer photometric analysis of the parking lot and it shows no spillover of light. The poles are 25' high in the analysis and the closest pole is 65' from the property line. The quartz fixtures go directly outward but they would use shielded lights and they have removed paring from the east boundary line and show currently six pine trees in a zig zag pattern along that boundary.

Member Werwath asked if it would have no light spill to the neighbors.

Mr. Johnson agreed. No light would leave the site.

Member Dearing asked to clarify the roof matte finish and wanted to know what color.

Mr. Johnson said they haven't chosen the color but no one is talking about red or silver.

Member Dearing asked if Mr. Johnson had no objection that is in the memo.

Mr. Johnson said he had Mr. Sommer's letter. There are a number of things he would object to. He would like to be able to choose a roof color. When he was at the neighbor's house, they talked about a tan roof and that is more aggressive than a sky blue color. They have not selected color but it won't be black - it will be a mid-range color.

Member Dearing asked about the parking lot and lights shining directly to their house.

Mr. Johnson explained that the parking lot sits on high ground and have dropped it 4' for existing grade and will put in a sidewalk and plantings and have the berm 3' high and with the parking lot down 4' from the berm and with landscaping, neighbors will see cars less than they do now.

Member Dearing asked Mr. Johnson what his feeling was about a height of 25' instead of 29'.

Mr. Johnson said the special use permit is for a 31' height and no structures will be that high. The cross is 55' feet high. The highest point at the ridge is 30' but it drops down to 24'.

Member Werwath asked what the maximum acceptable height in an R-5 zone is adjacent to this property.

Mr. Esquibel said it is 35'.

Mr. Sommer asked if they could use 20' poles and assure that no light would leave the site so that standing in the back yard of a neighbor that no light would be visible from that location.

Mr. Johnson said the photometric analysis shows a cut off at the property line. It is possible to see the source of the light but we are talking about the amount of light on the ground.

Member Dearing asked about timing the light.

Mr. Johnson said the lights will be on during periods of use and not at other times. It is for safety in walking. It is on a clock timer, not on a motion detector.

Member Dearing asked if the light would be on every night.

Mr. Johnson said that is up to the church but they are not on all night long.

Chair Friedman asked if they intend to keep the lights of when the church is not in use.

Mr. Johnson said it certainly is an option.

Chair Friedman asked that lights be incorporated into the motion.

**MOTION: Member Werwath moved in Case #2016-93, 1601 S. St. Francis Drive, to approve the Special Use Permit with staff conditions and additional commitments by the applicant not to use red, black or silver color for the roof; that only the parking lot be lighted and lights be only on during times of active use. Member Maahs seconded the motion and requested a friendly amendment to follow the landscaping screening plan submitted by Mr. Sommer.**

Member Werwath didn't know if he agreed to the specificity of the species of the tree.

Mr. Esquibel asked if the motion could incorporate evergreen species for off season that it could be whatever the applicant approves.

**Member Maahs noted in item #3, that landscape screening doesn't request a type of evergreen but is evergreen.**

Member Werwath agreed

*on the roof to non-reflective.* *OF*

Member Dearing asked for a friendly amendment to finish the ~~item~~ Member Werwath accepted it as friendly.

**Member Reynolds seconded the amended motion and it passed by unanimous voice vote.**

Mr. Sommer provided the photos as exhibits [attached to these minutes as Exhibit 6.]

Ms. Ana was asking to speak again and was denied but her objection was noted for the record.

#### **G. STAFF COMMUNICATIONS**

There were no Staff communications.

#### **H. MATTERS FROM THE COMMISSION**

There were no matters from the Board.

## I. ADJOURNMENT

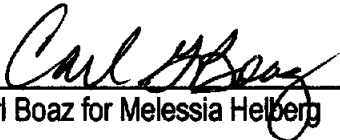
Having completed the agenda and with no further business to come before the Board, the meeting was adjourned at approximately 8:00 p.m.

Approved by.



Gary Friedman, Chair

Submitted by:



Carl Boaz for Melessia Helberg

Board of Adjustment  
October 4, 2016

**EXHIBIT 1**

**City of Santa Fe  
Board of Adjustment  
Findings of Fact and Conclusions of Law**

**Case # 2016-53—1549 S. St. Francis Drive Special Use Permit  
Owner/Applicant's Name—Secondary Learning Center**

THIS MATTER came before the Board of Adjustment (Board) for hearing on September 6, 2016 (Hearing) upon the application (Application) of Secondary Learning Center (Applicant). The Applicant seeks a special use permit for a school use on 0.64+/- acres at 1549 S. St. Francis Drive. The property is zoned C-1 PUD (General Office/Planned Unit Development).

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

**FINDINGS OF FACT**

1. The Board heard reports from staff and received testimony and evidence from the Applicant. No members of the public interested in the matter spoke at the hearing.
2. Pursuant to Code §14-2.4(C)(2) the Board has the authority to hear and decide applications for special use permits as provided in Code §§14-3.6 (Special Use Permits) and 14-6 (Permitted Uses).
3. Pursuant to Code §14-3.6(B) the Board has the authority to hear and decide applications for special use permits in accordance with applicable provisions of Chapter 14; to decide questions that are involved in determining whether special use permits should be granted; and to grant special use permits with such conditions and safeguards as appropriate under Chapter 14; or to deny special use permits when not in harmony with the intent and purpose of Code Chapter 14.
4. Pursuant to Code Table 14-6-1.1, an applicant operating a school in a commercial district, if located within 200 feet of residentially zoned property, must apply for a special use permit.
5. The school at 1549 S. St. Francis Drive is within 200 feet of residentially zoned property.
6. Therefore, a special use permit is required for the project.
7. Code Section 14-3.1(F)(2)(a)(viii) requires an ENN for special use permits and Code Section 14-3.1(F)(4)-(6) establishes procedures for the ENN, including:
  - (a) Compliance with the notice requirements of Code Section 14-3.1(H) [Section 14-3.1(F)(4)];
  - (b) Timing for the ENN meeting and the principles underlying its conduct [Section 14-3.1(F)(5)]; and
  - (c) Guidelines for the conduct of the ENN meeting [Section 14-3.1(F)(6)].
8. Notice was properly given in accordance with the notice requirements of Code Section 14-3.1(H)(1)(a)-(d).
9. An ENN meeting was held on March 10, 2016 at the Santa Fe Public Library Main Branch.

10. The ENN meeting was attended by the Applicant, City staff, and approximately two other interested parties, and the discussion followed the guidelines set out in Code Section 14-3.1(F)(6).
11. Code Section 14-3.6(C) sets out the procedures to be followed prior to the grant by the Board of a special use permit, including:
  - (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [Section 14-3.6(C)(1)];
  - (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [Section 14-3.6(C)(2)]; and
  - (c) That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [Section 14-3.6(C)(3)].
12. Code Section 14-3.6(D)(1) sets out certain findings that the Board must make to grant a special use permit, including:
  - (a) That the Board has the authority to grant a special use permit for the Project [Section 14-3.6(D)(1)(a)]; *Section 14-2.4(C) grants the Board the authority under the section of Chapter 14 described to grant a special use permit.*
  - (b) That granting a special use permit for the Project does not adversely affect the public interest [Section 14-3.6(D)(1)(b)]; *The proposed special use permit application complies with minimum standards for Chapter 14.*
  - (c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [Section 14-3.6(D)(1)(c)].
    - i. *The school has already been operating in this C-1 PUD district and the issues of concern at the Early Neighborhood Notification meeting were only about children playing in the parking lot and condominium insurance. The Applicant has stated the school will be changing its policy about children playing in the parking lot.*
    - ii. *Although the project site backs up to residential development, the limited scale of the school and the limited extent of outdoor activity areas make it unlikely that school operations will be incompatible with the adjacent residential uses.*
    - iii. *The existing architectural characteristic of the building is similar in style to those on the premises and surrounding buildings on adjoining properties.*
13. Code Section 14-3.6(D)(2) authorizes the Board to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
14. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
15. Board staff provided the Board with a report (Staff Report) evaluating the factors relevant to the proposed special use permit and recommending approval by the Board of such special use permit, subject to the conditions set out in the Staff Report (the Conditions).
16. The Staff has no objection to Applicant's request for a condition that student enrollment be limited to a maximum of thirty-one (31) students.

10. The ENN meeting was attended by the Applicant, City staff, and approximately two other interested parties, and the discussion followed the guidelines set out in Code Section 14-3.1(F)(6).
11. Code Section 14-3.6(C) sets out the procedures to be followed prior to the grant by the Board of a special use permit, including:
  - (a) Approval of a site plan and other site development drawings necessary to demonstrate that the Project can be accomplished in conformance with applicable Code standards [Section 14-3.6(C)(1)];
  - (b) Submittal of an application indicating the Code section under which the special use permit is sought and stating the grounds on which it is requested [Section 14-3.6(C)(2)]; and
  - (c) That a special use permit is limited to the specific use and intensity granted, requiring a new or amended special use permit if the use is changed or intensified [Section 14-3.6(C)(3)].
12. Code Section 14-3.6(D)(1) sets out certain findings that the Board must make to grant a special use permit, including:
  - (a) That the Board has the authority to grant a special use permit for the Project [Section 14-3.6(D)(1)(a)]; *Section 14-2.4(C) grants the Board the authority under the section of Chapter 14 described to grant a special use permit.*
  - (b) That granting a special use permit for the Project does not adversely affect the public interest [Section 14-3.6(D)(1)(b)]; *The proposed special use permit application complies with minimum standards for Chapter 14.*
  - (c) That the Project is compatible with and adaptable to adjacent properties and other properties in the vicinity of the Project [Section 14-3.6(D)(1)(c)].
    - i. *The school has already been operating in this C-1 PUD district and the issues of concern at the Early Neighborhood Notification meeting were only about children playing in the parking lot and condominium insurance. The Applicant has stated the school will be changing its policy about children playing in the parking lot.*
    - ii. *Although the project site backs up to residential development, the limited scale of the school and the limited extent of outdoor activity areas make it unlikely that school operations will be incompatible with the adjacent residential uses.*
    - iii. *The existing architectural characteristic of the building is similar in style to those on the premises and surrounding buildings on adjoining properties.*
13. Code Section 14-3.6(D)(2) authorizes the Board to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
14. The Applicant submitted a site plan and an application indicating the Code section under which the special use permit was being sought and stating the grounds for the request.
15. Board staff provided the Board with a report (Staff Report) evaluating the factors relevant to the proposed special use permit and recommending approval by the Board of such special use permit, subject to the conditions set out in the Staff Report (the Conditions).
16. The Staff has no objection to Applicant's request for a condition that student enrollment be limited to a maximum of thirty-one (31) students.



17. The Applicant has no objection to a condition limiting student parking to two spaces.

**CONCLUSIONS OF LAW**

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Board CONCLUDES as follows:

1. The Board has the power and authority under Code §§14-2.4(C)(2) and 14-3.6(B) and Code §14-7.2(F) to grant the special use permit applied for in this request.
2. The special use permit was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
3. The ENN meeting complied with the requirements established under the Code.
4. The granting of the special use permit will not adversely affect the public interest.
5. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project.
6. The special use permit granted herewith is granted for the specific use of the Property and intensity applied for and no change of use or more intense use shall be allowed unless approved by the Board under a new or amended special use permit or as otherwise permitted by applicable Code.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_ DAY OF \_\_\_\_, 2016 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:**

1. That the special use permit is approved as applied for, subject to the Conditions presented in Staff's report, as well the conditions: (a) that student enrollment shall be limited to a maximum of thirty-one (31) students and (b) student parking shall be limited to two spaces.
2. The special use permit granted herewith shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Board, subject to any right of the Applicant under applicable Code to request an extension of such time or (b) it ceases for any reason for a period of three hundred and sixty five (365) days.

\_\_\_\_\_  
Gary Friedman  
Chair

\_\_\_\_\_  
Date:

FILED WITH THE CITY CLERK:

\_\_\_\_\_  
Yolanda Y. Vigil  
City Clerk

\_\_\_\_\_  
Date:

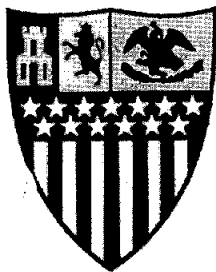
APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

\_\_\_\_\_  
Date:

Board of Adjustment  
October 4, 2016

## **EXHIBIT 2**



# City of Santa Fe, New Mexico

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

www.santafenm.gov

*Javier M. Gonzales, Mayor*

## Councilors:

Signe I. Lindell, Mayor Pro Tem, Dist. 1  
Renee Villarreal, Dist. 1  
Peter N. Ives, Dist. 2  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Mike Harris, Dist. 4

## Memorandum

To: Members of the Board of Adjustment

From: Zachary Shandler 38  
Assistant City Attorney

Re: Appeal by Ms. Francoise Garcia from the August 11, 2016 Decision of the Land Use Department to Issue Building Permit #16-1776 to Ms. Patricia Sherrin to Build a Fence at 1618 Brae Street.  
Case #2016-92.

Date: September 28, 2016 for the October 4, 2016 Meeting of the Board of Adjustment

### The Appeal

On August 18, 2016, Ms. Francoise Garcia (Appellant) filed a Verified Appeal Petition (Petition) appealing the August 11, 2016 issuance by the Land Use Department (LUD) of Building Permit No. 16-1776 to Ms. Patricia Sherrin ("Respondent") for the construction of a fence at 1618 Brae Street. (Property). The Petition included signatures from fifteen neighbors. (Petition attached as **Exhibit A**; BP No. 16-1776 attached as **Exhibit B**).

### The Property

1618 Brae Street is zoned R-5 (Residential, 5 dwelling units per acre) and is several blocks off Cerrillos Road near Santa Cruz Drive and Navajo Drive. Ms. Garcia recently purchased a residential building at 1616 Brae Street and Ms. Sherrin recently purchased a residential building at 1618 Brae Street.

### History of the Case

- Up until 2016, the two properties were separated by a chainlink wire fence with brown aluminum lattice pieces.
- Sometime in July 2016, Ms. Sherrin decided to tear down most of the fence.
- Ms. Sherrin constructed a new fence made of corrugated metal. This was done without a permit.
- The Land Use Department placed a red-tag on the fence, but let it remain (pending submittal of a permit).
- Ms. Garcia alleged that Ms. Sherrin built the fence on Ms. Garcia's property and tore down several of Ms. Garcia's trees.
- On July 16, 2016, Armijo Surveys provided a written survey of the property line for Ms. Garcia and put in stakes/tape for the property line. (Attached as **Exhibit C**).
- On July 22, 2016, Ms. Sherrin submitted a building permit for the fence.

- On July 28, 2016, the Land Use Department made a written comment as part of the permitting process that corrugated metal was not an approved material. (Attached as **Exhibit D**).
- On August 5, 2016, the Land Use Department made a written comment as part of the permitting process that it would approve the corrugated metal if both sides were painted with non-reflective paint (and the color had to match the colors of the adjacent buildings). (Attached as **Exhibit E**).
- On August 5, 2016, the Land Use Department made a written comment as part of the permitting process that the fence would have to be built on Ms. Sherrin's property. (Attached as **Exhibit E**).
- Ms. Sherrin accepted these conditions.
- On August 11, 2016, the Land Use Department issued Building Permit No. 16-1776. (Attached as **Exhibit F**).
- Ms. Sherrin moved the corrugated fence approximately one foot to the west.
- Ms. Sherrin painted it with a non-reflective brown color.
- Ms. Sherrin left a portion of the old chainlink fence up in the back of the property.
- Ms. Sherrin left a small opening in the front of the property between a tree and the fence.
- On August 15, 2016, the Land Use Department inspected and approved the installation of the fence. (Attached as **Exhibit G**).
- On August 18, 2016, Ms. Garcia filed an appeal of the issuance of Building Permit No. 16-1776.
- On August 25, 2016, Ms. Garcia filed a civil lawsuit against Ms. Sherrin in State Magistrate Court for trespass and asked for money damages. (Attached as **Exhibit H**).

#### Basis of Appeal

Ms. Garcia has claimed that corrugated metal is not an approved material for fences.

Ms. Garcia has claimed that Ms. Sherrin still has built the fence on Ms. Garcia's property.

#### Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if:

- (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA<sup>1</sup> (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

#### General Claims.

The general rule is that when a neighbor files a lawsuit against another neighbor, the City will freeze its administrative action and wait for the Court's ruling on the case. The Board of Adjustment has this option. However, this situation may be unique because Ms. Garcia's lawsuit deals with the property line issue (i.e. trespass across the property line). It is unlikely the Magistrate Court will also tackle whether corrugated metal is an approval material for fences under City Code. It may serve judicial economy for the Board of Adjustment to handle the corrugated metal issue, but let the Magistrate Court handle the property line dispute.

**Issue #1— Ms. Garcia has claimed that corrugated metal is not an approved material for fences.**

<sup>1</sup> Section 3-21-8 B. NMSA 1978 provides in pertinent part: "Any aggrieved person...affected by a decision of an administrative...commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. ..."

City Code Section 14-8.5 is the "Walls and Fences" Ordinance. It mainly governs the height of walls and fences. It does not govern the materials used in fences. Section 14-8.5(A)(3) does note that "additional regulations may apply to walls and fences, including Section 14-5.2 (Historic Districts), Section 14-5.4(A)(4) (South Central Highway Corridor Overlay District Standards) and Section 14-71.(F) (Visibility at Driveways and Yards)." 1618 Brae Street is not within one of these overlay districts and it does not impair access to the street.

City Code Section 14-8.4 is the "Landscape and Site Design" Ordinance. City Code Section 14-8.4(J) states: "[f]or any project to which this Subsection 14-8.4(J) applies, publicly visible walls and fences shall be wrought iron or simulated wrought iron, wood or simulated wood, cedar pole, adobe, split-faced concrete block, stone, stuccoed or rectangular mesh wire on wooden posts in combination with vines or other climbing plant material."

This list does not include corrugated metal. This would seem to support Ms. Garcia's position.

However, Subsection 14-8.4(J), only applies to subdivision plats applications, master plans applications, commercial buildings permit applications and multi-family housing building permits applications. City Code Section 14-8.4(B)(3) states: "[t]he requirements of this Section 14-8.4 other than [water harvesting]... do not apply to ... applications for new or modified single-family dwelling units...."

Therefore, it appears that Section 14-8.4(J) does not apply to single-family dwelling units like Ms. Sherrin's property. This means there is not a prohibition at single family dwelling unit locations on corrugated metal as a fence material. This supports Ms. Sherrin's position.

City staff does review applications for fence permits for life and safety issues under the International Building Code provisions. In this case, city officials felt the corrugated material was a life and safety issue because the reflection of the sun could harm a driver's ability to see on Brae Street. Once Ms. Sherrin agreed to paint the metal with a non-reflective brown color, City staff was willing to issue Building Permit No. 16-1776.

Therefore, Claim #1 does not fall within any of the three bases for appeal cited above and should be denied.

Please note, Ms. Garcia remains concerned about issues of equity. (Attached as **Exhibits I, J, K**). She is concerned the paint is poor quality and is already chipping away. She, and fifteen other neighbors, are concerned the fence looks ugly and will detract from the property values in the neighborhood. It is unclear at this time whether Ms. Sherrin is planning to use the corrugated metal as a short-term solution or whether Ms. Sherrin is planning in the next 12 months to replace it with a more traditional fence. Since the parties are at odds, City staff has not been able to see if there is room for a resolution between the parties.

**Issue #2— Ms. Garcia has claimed that Ms. Sherrin still has built the fence on Ms. Garcia's property.**

On July 16, 2016, Armijo Surveys provided a written survey of the property line for Ms. Garcia and put in stakes/tape for the property line. (Attached as **Exhibit C**). City staff anticipates that Ms. Garcia will present photographs showing where she believes Ms. Sherrin's current fence still crosses the property line. City staff anticipates that Ms. Garcia will also raise issue with the lack of quality of Ms. Sherrin's application in providing a site location for fence. (Attached as **Exhibit L**). That being said, according to the Magistrate Court's website, Ms. Garcia filed a lawsuit on August 25, 2016, regarding trespass and requesting money damages. According to Magistrate Court's website, Ms. Sherrin filed a written response (a/k/a Answer) on September 13, 2016. According to Magistrate Court's website, Judge Donita Sena has scheduled a pre-trial conference between Ms. Garcia and Ms. Sherrin for Thursday, October 6,

2016. When City staff scheduled the Board of Adjustment meeting, staff did not know Judge Sena would be setting up a hearing during the same week as your meeting.

Therefore, it would be prudent to defer to the Magistrate Court on handling on Claim #2 (or at least postpone tackling the property issue until after monitoring the results of the pre-trial conference).

### **Conclusion**

Based upon the foregoing, Appellant has failed to state a valid basis for appeal under Code §14-3.17(A)(2) for Claim #1.

### **Motions**

Option #1—I move to dismiss the appeal on the fence material on grounds the Land Use Department's issuance of the building permit was consistent with Chapter 14. I move to postpone action on the issue of the property line until the Board's meeting immediately following the final resolution of the Magistrate Court case.

Option #2—I move to grant Ms. Garcia's appeal on the fence material on grounds the Land Use Department's issuance of the building permit was not consistent with Chapter 14 and therefore the fence must be removed. I move to postpone action on the issue of the property line until the Board's meeting immediately following the final resolution of the Magistrate Court case.

Option #3—I move to postpone action on both issues in Ms. Garcia's appeal until the Board's meeting immediately following the final resolution of the Magistrate Court case.



LUD Use Only

Time Filed: 9:23AM  
Fee paid: \$100.00  
Receipt attached: ☒(date stamp)  
**RECEIVED**

AUG 18 2016

Land Use Dept.  
*gg*Case # 2016-92  
**VERIFIED APPEAL**  
**PETITION**

**\*\*Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3.17(D) SFCC 2001 for the procedure.\*\***

**Appellant Information**

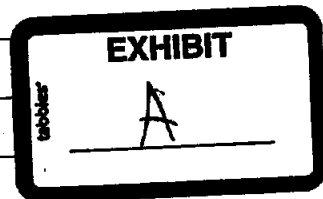
Name: GARCIA FRANCOISE  
Last First M.I.  
Address: 1616 BRAE ST #B  
Street Address Suite/Unit #  
Santa Fe NY 87505  
City State ZIP Code  
Phone: (505) 577-3983 E-mail Address: \_\_\_\_\_  
Additional Appellant Names: \_\_\_\_\_

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both**Agent Authorization (if applicable)**

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

**Subject of Appeal**

Project Name: 1618 BRAE ST FENCES  
Applicant or Owner Name: \_\_\_\_\_  
Location of Subject Site: 1618 BRAE ST  
Case Number: 1600001776 Permit Number (if applicable): \_\_\_\_\_

**Final Action Appealed:**☒ Issuance of Building Permit☐ Other Final Determination of LUD DirectorFinal Action of Board or Commission (specify): ☐ Planning Commission ☐ Board of Adjustment ☐ BCD-DRC ☐ HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

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

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

Corrugated metal is not an approved material for fence  
see attached document from City of Santa Fe  
Drawing are not acceptable ~~from~~ from neighbor  
petition

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

Site plans doesnot show fence location! It is separating 2  
properties

### Description of Harm

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

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

Reduce property values - out of character of the neighborhood  
eye sore - Source of heat. if painted it will faded and  
cracked. Set with styrofoam. No cement - need to find out  
who will enforce it. It is already.

## Explain the Basis for Appeal

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

Please detail the basis for Appeal here (be specific):  
 Patricia built a fence on my property without consent or permit from myself or city. She kept on working on her fence even though she was red tagged. The fence reflects heat and it's an eye soap. Should not be allowed for fence. Fence panels already install and peeling of mail

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

**Appellant Signature:**

Date: 08/18/16

**Agent Signature:**

Date: \_\_\_\_\_

[illegible]

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

**Petitioner/s:**

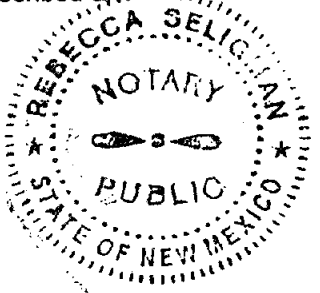
  
Signature

**Signature**

Françoise Garcia  
Print Name

**Print Name**

Subscribed and sworn to before me this 18<sup>th</sup> day of AUGUST, 2016



Rebecca Delizma  
NOTARY PUBLIC

**My commission expires:**

10-26-19



Case # 1600001776.

Attention Brea St residents and land owners:

Patricia Sherrin that resides at 1618 Brea St has put up an ugly corrugated metal fence, without a city permit. It has been there for a month now and it looks terrible.

she cut my trees - Removed original fence and cross property line. I started this petition to have the fence removed immediately. It is an eyesore. It detracts from the neighborhoods environment, takes away the character of the original neighborhood, and lowers property values.

This should not be allowed to happen, and the city should force the removal of the metal fence. A wooden or coyote fence would be more appropriate.

Patricia went to the city and applied for a permit after the fence was red tagged. She was granted the permit for the fence as long as she paints it and adds an anti-reflective chemical which may have ingredients that may be harmful to the environment.

I am appealing the city's permit. If you could please sign this petition to show your support it would be greatly appreciated. Thank you.

Name:	Signature:	Address & Phone number:
Jeff Enman	[Signature]	1433 Santa Cruz, Santa Fe, NM 87505
Jimmy Chavez	[Signature]	1619 Brea
Frank Armijo	[Signature]	1820 Brea St
817 Padden	[Signature]	1622 Brea St
Erick Druva	[Signature]	1625 Brea
Ronald Martinez	[Signature]	1616 Brea St
Allen Wood	[Signature]	1618 Brea St

Attention Brea St residents and land owners:

Patricia Sherrin that resides at 1618 Brea St has put up an ugly corrugated metal fence, without a city permit has been there for a month now and it looks terrible.

*She cut my trees - Removed original fence and cross property line*  
I started this petition to have the fence removed immediately. It is an eyesore. It detracts from the neighborhoods environment, takes away the character of the original neighborhood, and lowers property values.

This should not be allowed to happen, and the city should force the removal of the metal fence. A wooden or coyote fence would be more appropriate.

Patricia went to the city and applied for a permit after the fence was red tagged. She was granted the permit for the fence as long as she paints it and adds an anti-reflective chemical which may have ingredients that may be harmful to the environment.

I am appealing the city's permit. If you could please sign this petition to show your support it would be greatly appreciated. Thank you.

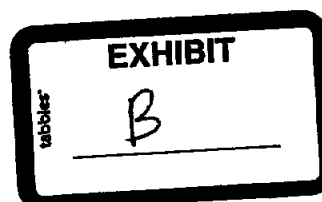
Name:	Signature:	Address & Phone number:
LAURA GONZALEZ	<i>Laura Gonzalez</i>	1616 Brea St. Apt B Santa NM 87505
Francoise Garcia	<i>Francoise Garcia</i>	1616 Brea St Apt B. Santa R. NM 87505.
Hugo Espinoza	<i>Hugo Espinoza</i>	1611 1/2 Brea St
Sam Rodriguez	<i>Sam Rodriguez</i>	1611 Brea St.
Genevieve Rodriguez	<i>Genevieve Rodriguez</i>	
William Sinabinos	<i>William Sinabinos</i>	1616-C BREA ST.
Elena Vigil	<i>Elena Vigil</i>	1617 BREA ST
Murchai Burns		1612 Brea St
Dennis Brown	<i>Dennis Brown</i>	1612 Brea St #2

BP200I01

City of Santa Fe  
Application Inquiry

9/27/16  
15:32:27

Application number . . . . . : 16 00001776  
Application status, date . . . : PERMIT ISSUED 8/11/16 Exp  
Property . . . . . : 1618 BRAE ST  
UPC Code . . . . . : 1-053-097-016-526- -  
County Assessor Acct Num . . . :  
Subdivision . . . . . :  
Zoning . . . . . : R5 RESIDENTIAL 5DU  
Application type . . . . . : FENC FENCES/WALLS  
Application date . . . . . : 7/22/16  
Tenant number, name . . . . . : LOT 13, BLK 2,  
Master plan number, rev'wd by: JDR  
Estimated valuation . . . . . : 3500  
Total square footage . . . . . : 0  
Public building . . . . . : NO  
Work description, qty . . . . . :  
Pin number . . . . . : 243184  
Application desc . . . . . : 3'/6' high corrugated metal fence on front & sid  
Press Enter to continue.  
F3=Exit F5=Land inq F7=Appl names F8=Tracking inq F9=Bond inquiry F10=Fees  
F11=Receipts F12=Cancel F13=Val calcs F14=Misc info F24=More keys



BP301I01

City of Santa Fe  
Structure Inquiry

9/27/16  
15:33:13

UPC Code . . . . . : 1-053-097-016-526- -  
Property address . . . . . : 1618 BRAE ST  
SANTA FE NM 87501  
Appl, structure nbr . . . . . : 16 00001776 000 000  
Struc status, date, CO'd . . : APPROVED 8/11/16 0/00/00  
Structure description . . . : 3'/6' CORRUGATED FENCE ON FRONT AND SIDE

Description	Alphabetic Entry	Numeric Entry
CONSTRUCTION TYPE	TYPE V-B	
OCCUPANCY TYPE	RES. OCCUPANCIES/PERM	
FENCE TYPE	UPDATE	
ELEVATOR FLAG	NO ELEVATOR	
STANDPIPES FLAG	NO	
FLOOD ZONE	MIN. FLOODING/OUTSIDE 500	
ANNEXATION PHASE	X	
REQ VISIB AT INTERSECTION	N	
DRIVEWAY VISIBILITY	Y	

+

Press Enter to continue.  
F3=Exit F5=Land inquiry F12=Cancel

BRAE STREET  
ASPHALT ROADWAY

CONCRETE CURB

$R1-N70^{\circ}39'00''E\ 107.63'$

1" IRON PIPE  
STAKE FOUND

2" IRON FENCE  
POSTS

2.0'

$105.56'\ N11^{\circ}17'49''W-R1$

CORRUGATED METAL FENCE PANELS  
ATTACHED TO IRON FENCE POSTS

1616 BRAE STREET  
PLAT BOOK 580,  
PAGE 043,  
DOC. NO. 1367,518

DATA LABELED  
R1-DATA IS TAKEN  
FROM THE RECORD SURVEY  
OF THE SUBJECT PROPERTY  
NOTED HEREON

2.8'

CHAINLINK WIRE  
FENCE WITH IRON  
FENCE POSTS

TREE  
TRUNK

TREE  
TRUNK

SCALE:  
1"=15'

1" IRON PIPE  
STAKE FOUND

CHAINLINK  
WIRE FENCE

$108.79'\ S71^{\circ}12'24''W-R1$

## Asbuilt Survey of Existing Conditions on a portion of 1616 Brae Street

### SURVEY NOTES

1. THIS 2016 ASBUILT SURVEY IS BASED ON THE PRIOR RECORD BOUNDARY SURVEY OF 1616 BRAE STREET FILED IN SANTA FE COUNTY CLERK PLAT BOOK 580, PAGE 043.
2. THE BASIS OF BEARING FOR THIS 2016 SURVEY IS THE INVERSE BETWEEN THE TWO SURVEY MONUMENTS FOUND ON THE WESTERLY LOT LINE OF THE SUBJECT PROPERTY.
3. THIS ASBUILT SURVEY SHOWS THE EXISTING CONDITIONS ALONG THE WESTERLY LOT LINE OF THE SUBJECT PROPERTY ON JULY 13, 2016.

*Paul A. Armijo* July 16, 2016

ASBUILT SURVEY PREPARED BY  
PAUL A. ARMIJO NPS NO. 13604

EXHIBIT

tabbies

C

BP251I03

City of Santa Fe  
Application Tracking Individual Step Inquiry

8/05/16  
16:28:48

Application . . . . . : 16 00001776  
Address . . . . . : 1618 BRAE ST  
Application type . . . . . : FENCES/WALLS  
Revision/Path/Step/Seq/Agency: A 01 00 ZON2 ZONING2  
Required step, approval code : Y AP APPROVED  
Date submitted, resulted . . : 7/22/16 7/28/16  
Status code . . . . . : AP APPROVED  
Reviewed by . . . . . : DTG DOMINIC T. GONZALES  
Org cmpl date, revised . . . : 7/27/16 7/27/16  
Copies of plans . . . . . :

Comments

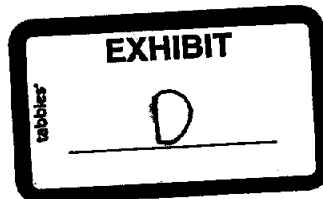
T/S: 07/28/2016 08:13 AM DOMINICGON -----  
Zoning: fence replacement.  
Corrections: Corrugated metal is not an approved material fo  
r fence. Also site plan needs to show fence location.  
T/S: 08/05/2016 11:06 AM DOMINICGON -----

Print	Date
	7/28/16
	7/28/16
	7/28/16
	7/28/16
	8/05/16

More...

Press Enter to continue.  
F3=Exit F8=In/Out Status

F12=Cancel F14=Action log inq



BP251I03

City of Santa Fe  
Application Tracking Individual Step Inquiry

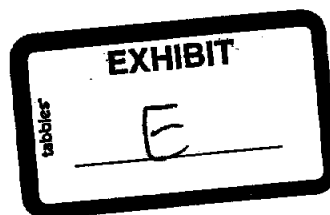
8/17/16  
08:25:14

Application . . . . . : 16 00001776  
Address . . . . . : 1618 BRAE ST  
Application type . . . . . : FENCES/WALLS  
Revision/Path/Step/Seq/Agency: A 01 00 ZON2 ZONING2  
Required step, approval code : Y AP APPROVED  
Date submitted, resulted . . : 7/22/16 7/28/16  
Status code . . . . . : AP APPROVED  
Reviewed by . . . . . : DTG DOMINIC T. GONZALES  
Org cmpl date, revised . . . : 7/27/16 7/27/16  
Copies of plans . . . . . :

Comments	Print	Date
T/S: 08/05/2016 11:06 AM DOMINICGON -----		8/05/16
Approved per Greg Smith with condition that "both sides of fence to be painted non-reflective paint colors to match existing colors on buildings."		8/05/16
Also fencing must be maintained on property of applicant.		8/05/16
		8/05/16
		Bottom

Press Enter to continue.  
F3=Exit F8=In/Out Status

F12=Cancel F14=Action log inq



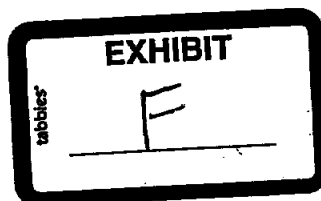
BP401I01

City of Santa Fe  
Permit Inquiry

9/27/16  
15:33:18

UPC Code . . . . . : 1-053-097-016-526- -  
Property address . . . . . : 1618 BRAE ST  
Application, str, pmt nbr . . : 16 00001776 000 000 BLDR 00  
Application type . . . . . : FENCES/WALLS  
Permit type . . . . . : BUILDING PERMIT RESIDENTIAL  
Permit status, date . . . . . : PERMIT PRINTED 8/11/16  
Issue date by . . . . . : 8/11/16 RICHARDTRU  
Expiration date . . . . . : 8/11/17  
Reissue date by . . . . . :  
Permit value . . . . . : 3500  
Permit square footage . . . . : 0  
Property owner . . . . . : SHERRIN, PATRICIA  
Contractor . . . . . : HOMEOWNER  
Additional permit desc . . . :  
Phone interface number . . . : 1258854  
Permit pin number . . . . . : 1258854  
Last maintained by . . . . . : RICHARDTRU 8/11/16 11:31:21

F3=Exit F5=Land inq F6=Sub-contractors F8=Permit fees F9=Req'd insp  
F12=Cancel





BP502I01

City of Santa Fe  
Inspection Inquiry

9/27/16  
15:32:51

UPC Code . . . . . : 1-053-097-016-526- -  
Property address . . . . . : 1618 BRAE ST  
Appl, structure nbr . . . . . : 16 00001776 000 000  
Permit type, seq nbr . . . . . : BLDR 00 BUILDING PERMIT RESIDENTIAL  
Inspection type, seq nbr . . . . . : F001 0001 FOOTING  
Inspection status, date . . . . . : INSPECTION COMPLETED 8/15/16  
Requested date, time, by . . . . . : 8/15/16 VRU  
Override date, time, by . . . . . :  
User ID to request, result : VRU MICHAELRIV  
Phone interface number . . . . . : 3692034  
Inspector assigned . . . . . : MJR MICHAEL RIVERA  
Results status, date . . . . . : APPROVED 8/15/16  
Final inspection flag . . . . . : N  
Penalty amount . . . . . : .00  
Inspection request comments  
VOICE MESSAGE LEFT

Bottom

Press Enter to continue.

F3=Exit F5=Land inq F7=Insp result comments F12=Cancel



**Francoise Garcia, Plaintiff(s)**

**v.**

**Patricia Sherrin, Defendant(s)**

**CASE DETAIL**

M-49-CV-201600897	Sena, Donita O	08/25/2016	SANTA FE Magistrate
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**PARTIES TO THIS CASE**

D	Defendant	1	SHERRIN PATRICIA
P	Plaintiff	1	GARCIA FRANCOISE

**CIVIL COMPLAINT DETAIL**

08/25/2016	1	OPN: COMPLAINT
------------	---	----------------

1	Debt and Money Due
---	--------------------

GARCIA FRANCOISE	P	1
SHERRIN PATRICIA	D	1

**HEARINGS FOR THIS CASE**

10/06/2016	10:30 AM	Pre-Trial Hearing	Sena, Donita O	SANTA FE	Courtroom 2
------------	----------	-------------------	----------------	----------	-------------

**REGISTER OF ACTIONS ACTIVITY**

09/14/2016	NTC: OF HEARING Pre trial set for 10/6		
09/13/2016	ANS: TO CIVIL COMPLAINT FILED	D	1
08/29/2016	RET: SUMMONS SERVED		
08/25/2016	SUMMONS ISSUED	D	1
08/25/2016	MISCELLANEOUS ENTRY Interpreter Form: No Interpreter Needed		
08/25/2016	OPN: GENERAL CIVIL COMPLAINT FILED		

**JUDGE ASSIGNMENT HISTORY**

08/25/2016	Sena, Donita O	1	INITIAL ASSIGNMENT
------------	----------------	---	--------------------



Patricia Sheeran  
1612 Elm St  
Santa Fe, NM 87505



July 23<sup>rd</sup>, 2016.

Patricia

After our telephone conversation on July the 20<sup>th</sup> My husband and I decided that we will not sell our parcel of property.

I am however very pleased that you decided to remove the corrugated metal fence this weekend from my property.

As you know, you are required to get a building permit from the city that will meet code and guidelines of the city of Santa Fe.

Meanwhile, I would like the original fence (chain link) to be put in place ~~before~~ beyond my property line defined by Armitage's survey.

A Corrugated metal fence will not meet MY criteria on the neighborhood on the city of Santa Fe. It will take away the character of the old neighborhood.

A wood, coyote or chainlink fence would be a much better option.

A hot fence engender a source of heat that make my tenants home very hot and uncomfortable due to the reflection of the metal.

I am getting together the mixed bills for the materials and expenses that occurred due to the lack

OR No communication beforehand, before the building of the fence.

I will keep trying to keep the neighborhood original as it will increase our well being as well as the property values.

Hope we can work together

Sincerely,

Francoise Garcia

August 9<sup>th</sup> 2016.



Jollanda.

I appreciate the time that you took for talking to me yesterday even though it was a little after 5:00 pm.

Enclosed is the survey that had been done by Armijo Surveys and also pictures. As you can see - the fence was build very fast, very tacky inside my property line.

Also Patricia Sherrin (the lady that built the fence) did not have a permit from the city.

Prior to that she had removed the existing fence and cut 2 of my trees without consulting with me.

The fence is a safety hazard. ~~The~~ The foundations are unstable (she used styro foam) and wood, metal sticks out on my side of the property with very rough edges.

Also it is very hot, it reflects heat through the apartment, as we recorded the temperature of 119° degrees inside the adobe house.

Thank you for your consideration.

Françoise Garcia

September 13<sup>th</sup> - 2016

Françoise Garcia  
1616 Brac St # B.  
Santa Fe, NM 87505  
505-577-3983.



Mr. Zachary Shandler  
City of Santa Fe.

Mr Shandler:

First, I would like to Thank you for meeting with me this morning.

We talk about what would be a good solution for the outcome of the fence on Brac St.

After talking with my partner, we agree that building a common fence is not the solution, as we feel that Mrs Sherrin cannot be trusted with such a fence.

We agree that the existing fence (corrugated painted metal) is taking value off the property and take off from the unique, old character of the neighborhood. We would like such fence to be removed and replaced by a wood fence in a timely matter. (It took just 2 days each for Mrs Sherrin to build both fences)

The fence needs to be build on Mrs Sherrin side of the property line and need to be finished in front from the tree or stone wall and in back to the wall. I appreciate your consideration.

Thank

Sincerely

Françoise Garcia.



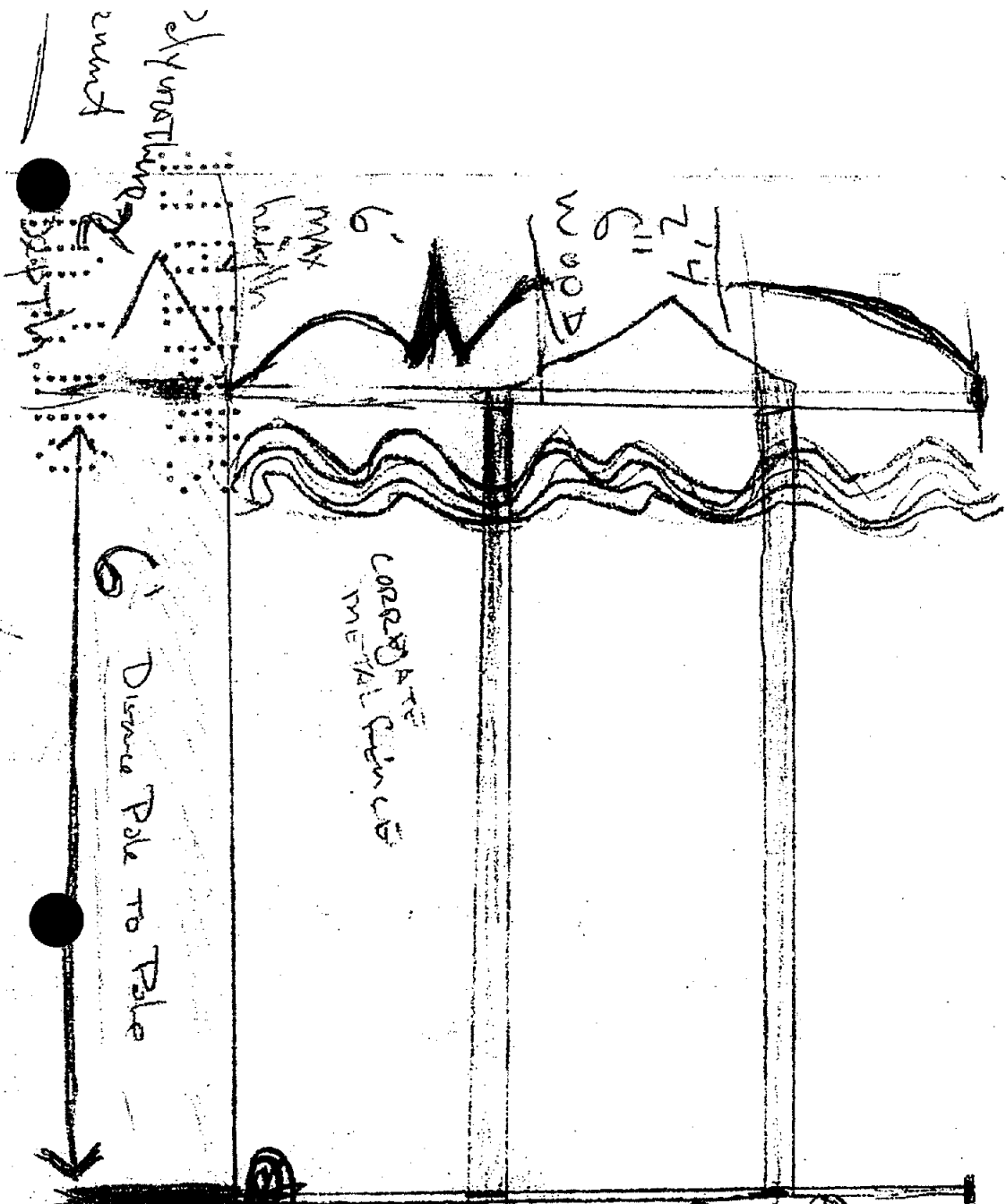
Side Fence  
Runs N to S  
53.5 ft long  
Film Tree  
N.E. Corner  
To Old  
Chain Link Fence

535 ft long

Elm Tree  
N.E. Corner  
To Old  
Chain Link Fence

ft foot from  
BAG + BACK

3" STEEL Plate



Board of Adjustment  
October 4, 2016

## **EXHIBIT 3**





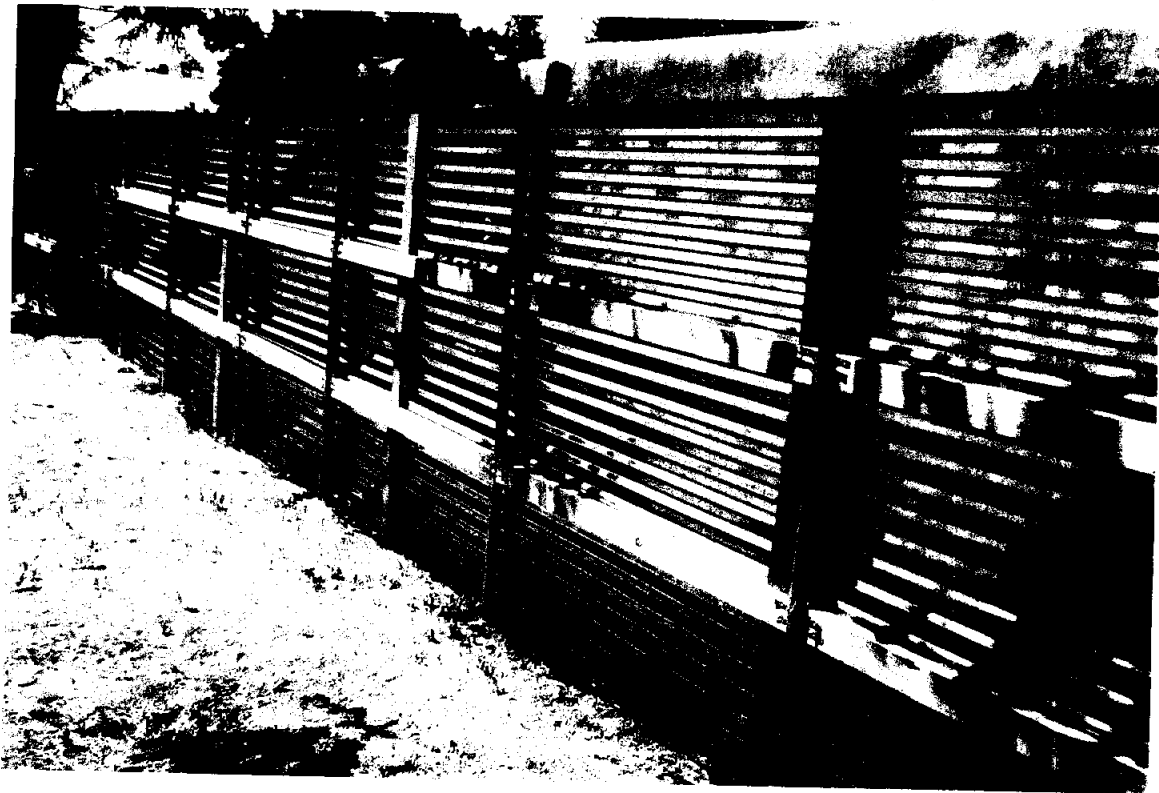
Brae St

1616

Properly showing the 2 trees



From hill near 1616 of  
July weekend.  
1618 view



My view 1616



07/09



07/10



07/13



02/03

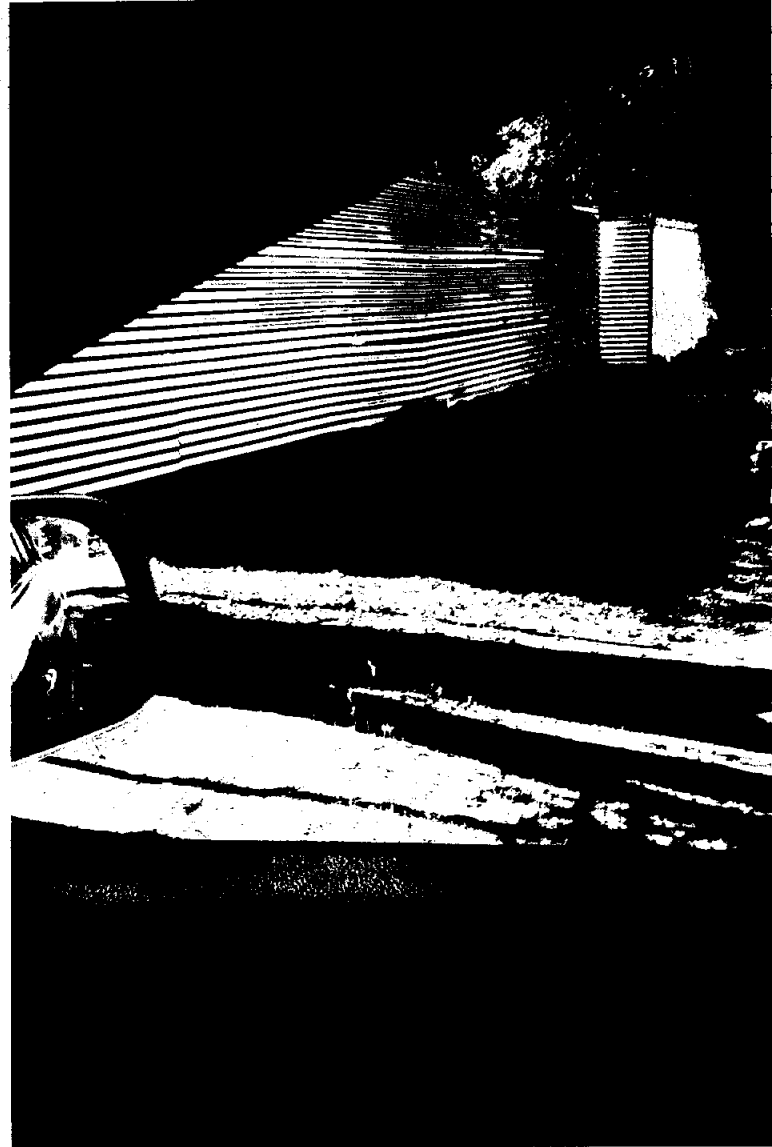


02/03



02/04

P93



08/08 work done after being Red tag To stop work 08/08



7/13

174

Keep on building fence to the top of the hill  
being Red tag. Call city several times



fence built after Red tag

PVC pipe and wood pile  
up on my fence

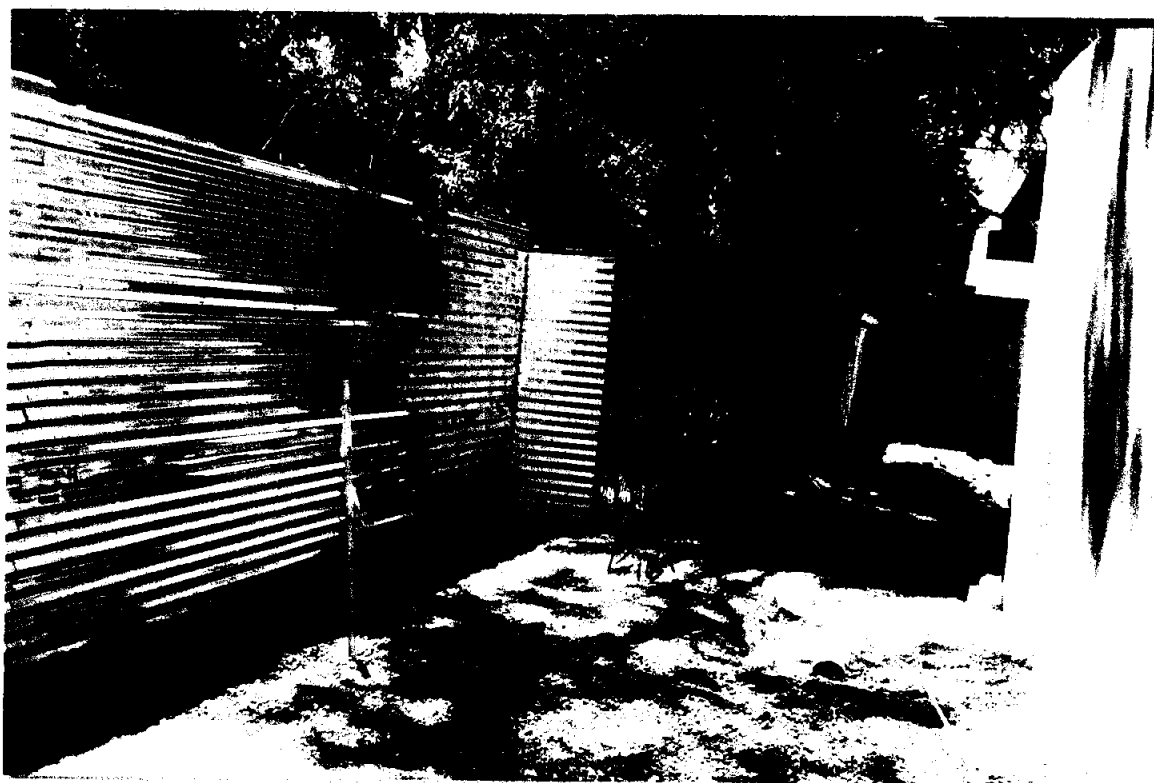
7/13/16



08/8  
picture taken



Survey done 7/18/16

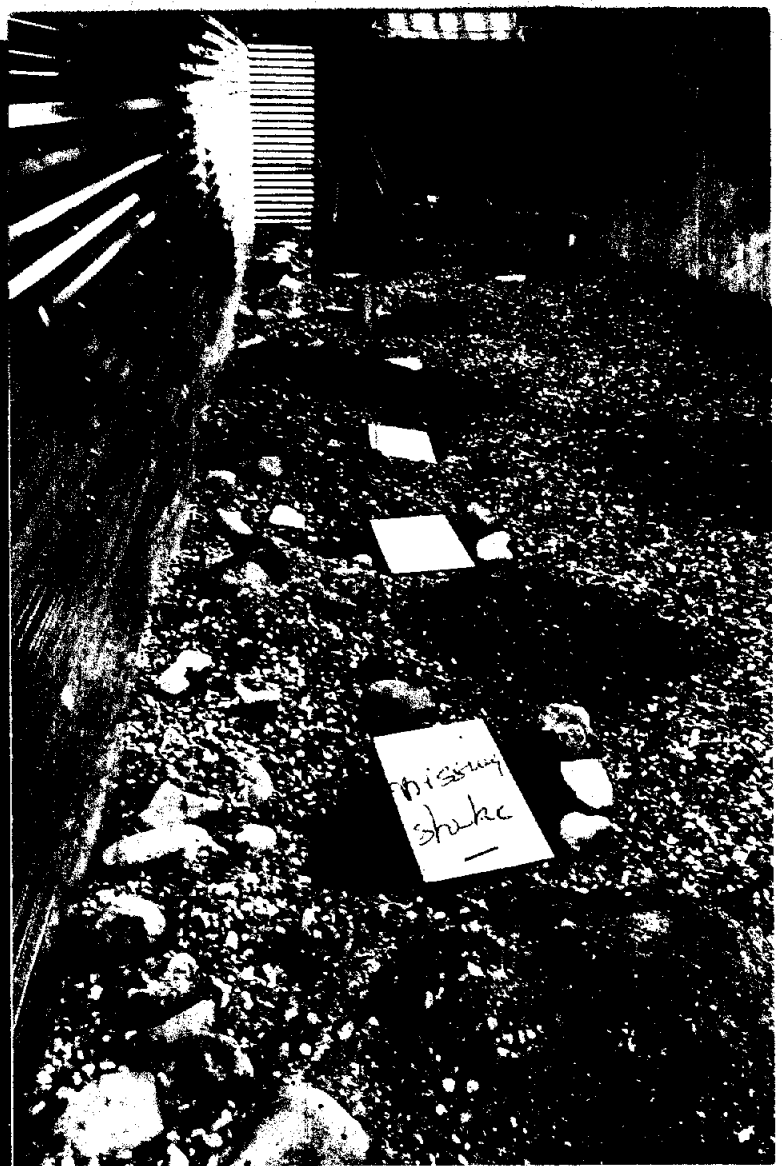


Survey  
encroaching  
2 1/2 ft  
in Garcia's  
property

pg 6



08/08

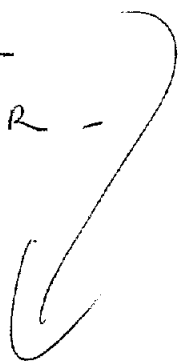


08/08

Digging holes on property line way before she  
got the permit -  
fence was removed on 8/10/16. Still not having  
permit



Change stake with PCU and  
 Same ribbon  
 5 Ft from tree -  
 Not accounted for -



Pile up wood on  
 Garza's fence

P98





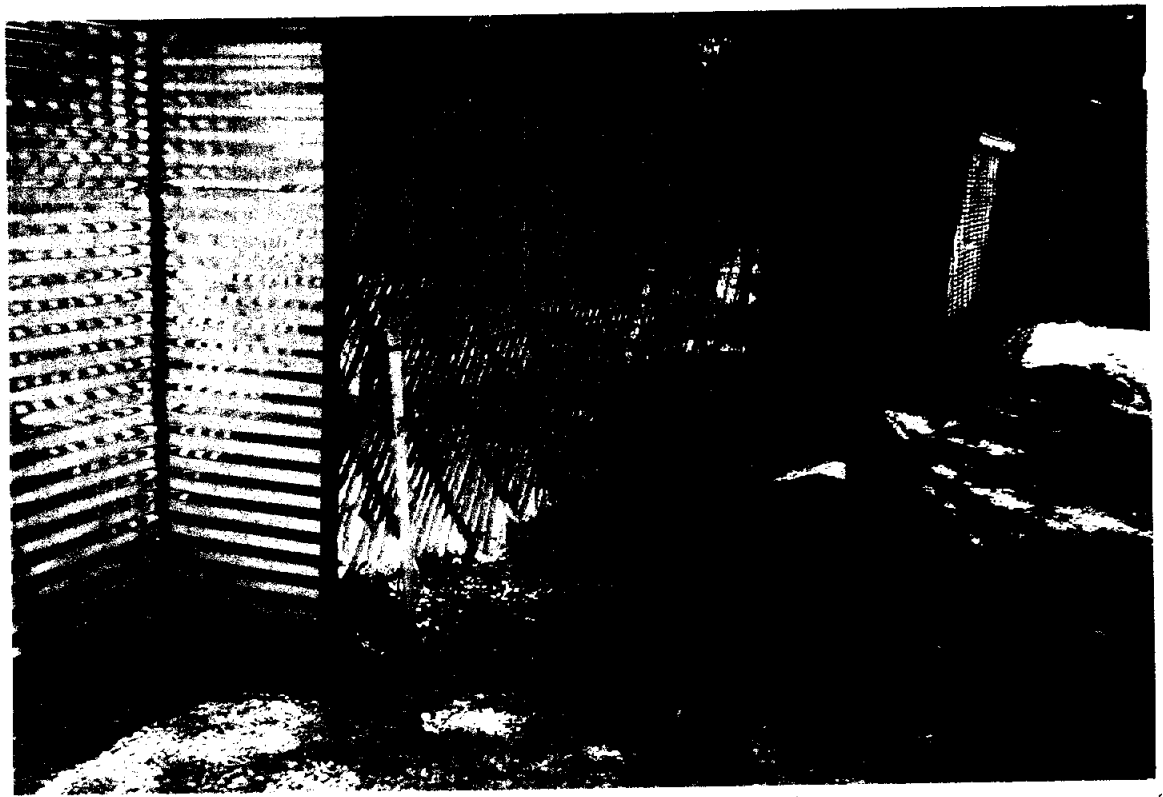


8/10. Shakes are on the ground & some missing

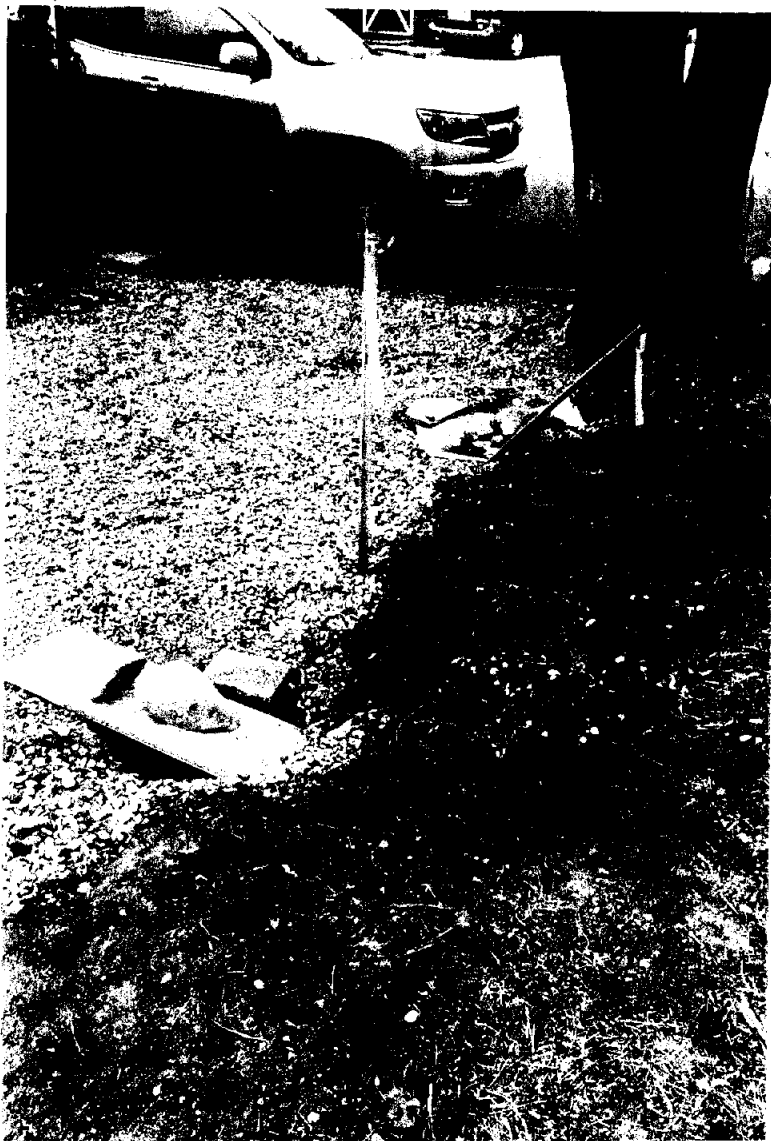


Dig holes way before she get permit - 08/10

My husband Hector Garcia went and  
tied a yellow cord joining all the stakes.  
Yellow cord is gone and was replaced  
with pink cord



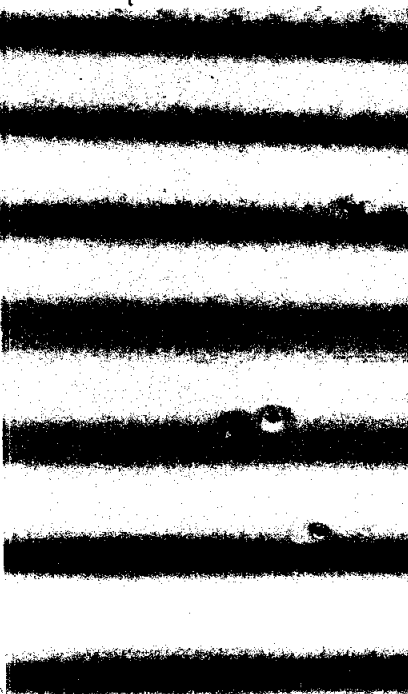
Screen should be from back fence to front fence or stone wall



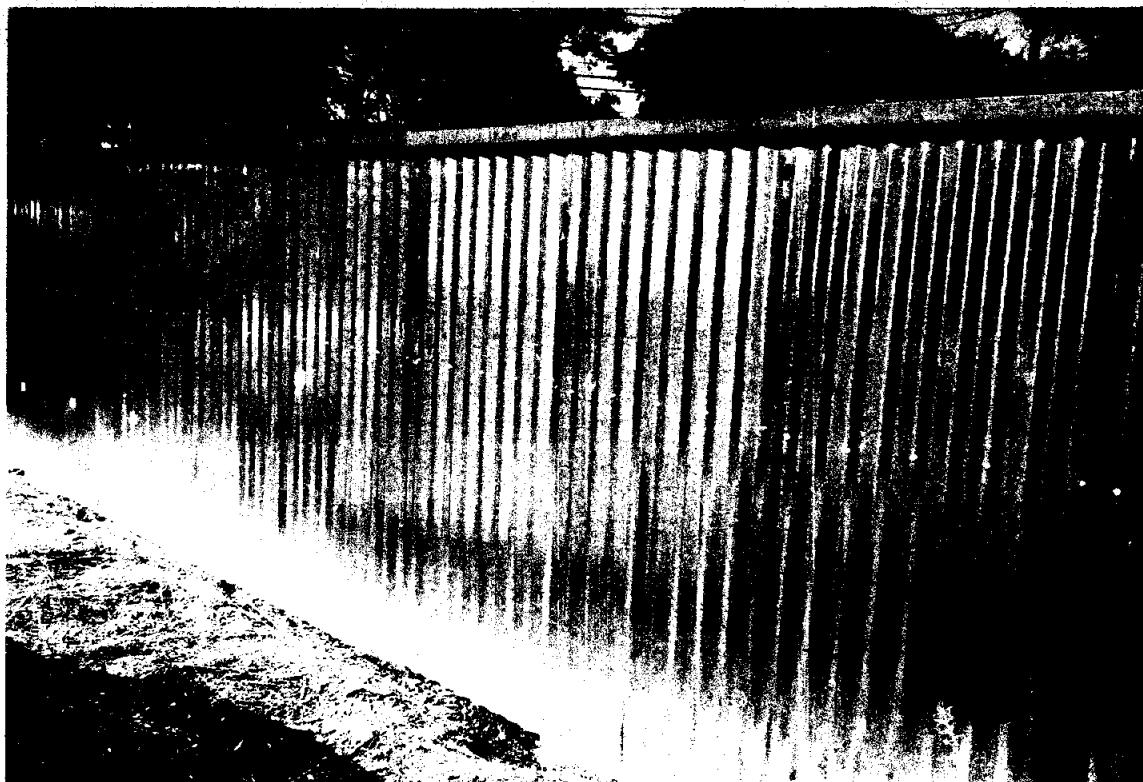


8/18

paint is already peeling



9911



Fence  
on  
Jay Street



p912

# ARMIJO SURVEYS, INC.

Professional Land Surveying

September 30, 2016

Francoise Garcia  
Hector Garcia  
1616 Brae Street  
Santa Fe, NM 87505

Dear Mr. and Ms. Garcia,

At your request I made an inspection of the westerly lot line of the property at 1616 Brae Street on Thursday, September 29, 2016.

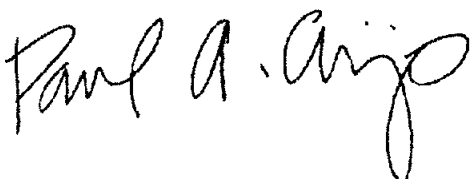
This September 29, 2016, site visit follows our July 16, 2016 site visit and I have determined the following;

1. The iron wire chainlink fence along the southerly portion of the lot line meanders along the lot line and is in the same location as observed in July 2016.
2. The 2" iron fence posts with corrugated metal panels used as fence material have been moved and located along or clear to the west of the lot line. At certain points along the lot line the corrugated metal panels are on the lot line or clear of the lot line to the west and are not on the 1616 Brae Street side of the lot line.
3. On our July 2016 site visit we set wooden stakes on the portion of the lot line west of the iron fence posts with corrugated metal panels used as fence material. In July 2016 said posts and metal panels were approximately 2 feet east of the lot line. Now, in September 2016, the posts and metal panels have been moved to or clear to the west of the lot line and the wooden stakes that we set in July 2016 have been removed.

I have revised my July 2016 Asbuilt Survey Map of the lot line in question to show the current conditions as of September 29, 2016, please see the attached Asbuilt Survey Map dated September 30, 2016.

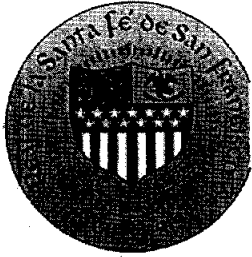
Please call me with any questions regarding this matter.

Thank you,  
Paul A. Armijo  
NMPS No. 13604



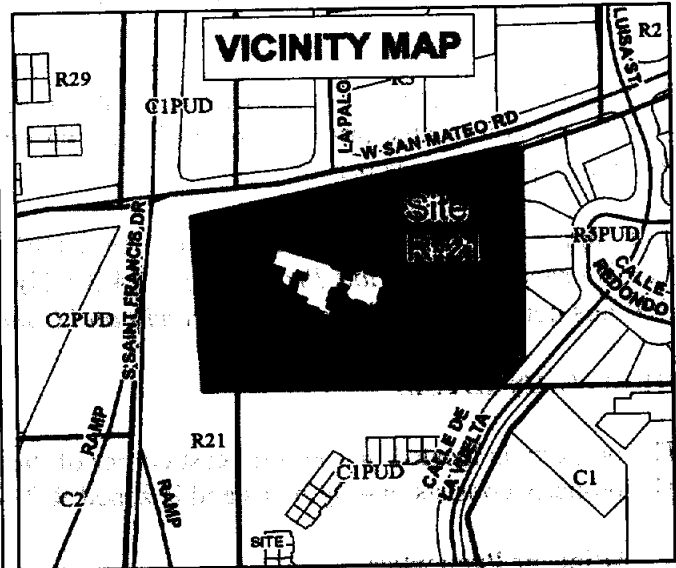
Board of Adjustment  
October 4, 2016

**EXHIBIT 4**



# Land Use Department Board of Adjustment Staff Report

Case No: 2016-93  
Hearing Date: October 4, 2016  
Applicant: St. Bede's Episcopal Church  
Request: Special Use Permit  
Location: 1601 S. St. Francis Drive  
Case Mgr.: Daniel A. Esquibel  
Zoning: R-21 (Residential)  
Overlay: None  
Pre-app. Mtg.: April 28, 2016  
ENN Mtg.: August 11, 2016  
Proposal: Requests for a Special Use Permit for a Religious Assembly 4.4+/- acres.



**Case #2016-53. Case #2016-93. 1601 S. St. Francis Drive Special Use Permit.** Victor Johnson Architect, agent for St. Bede's Episcopal Church, requests a Special Use Permit to construct a 4,000 square foot addition for use as an auditorium/sanctuary and social hall on 4.41+ acres. The property is zoned R-21 (Residential - 21 dwelling units per acre). (Dan Esquibel Case Manager).

## I. RECOMMENDATION

The Land Use Department recommends **APPROVAL**, subject to the following conditions of approval:

#	Condition of approval	Dept/Division	Staff
1	Prior to Building Permit - Prepare a ROW dedication plat to be reviewed and approved by the PWD prior to recordation	Public Works/Traffic Division	Sandy Kassens
2	Prior to Issuance of a Certificate of Occupancy - Record the approved dedication plat		
3	Prior to Building Permit - Indicate on the site plan the approved location of the 5 foot wide sidewalk along W. San Mateo Road		
4	Prior to Issuance of a Certificate of Occupancy - The applicant will include construct of the sidewalk along the frontage of the property on W. San Mateo Road that complies with City Code and Public Rights-of-Way Accessibility Standards.		
5	Project will be required to be brought up to compliance with the Landscape code as outlined in Article 14-8.4 at time of building permit application.	Land Use Department/Technical Review division	Somie Ahmed

## II. EXECUTIVE SUMMARY

St. Bede's Episcopal Church (Applicant) is requesting approval of a special use permit to add 4,000 square feet of new construction for new worship space. The existing 8,000 square foot structure was constructed in 1963. The proposal increases the total square footage of the structure to 12,000 square feet. The project analysis can be found on Page 2 under *Section III. "Site Analysis"* and Page 4 *Section IV "Special Use Permit"*.

Table 14-6.1-1 requires a special use permit for new or expanded religious assembly uses. The existing church was constructed prior to the special use permit requirement being added to the development code, so there is no previous use permit.

The applicants have complied with 14-3.1(E) *"Pre-Application Conferences"*, 14-3.1(F) *"Early Neighborhood Notification Procedures"*, 14-3.1(H) *"Notice Requirements"* and have addressed necessary findings per 14-3.6(D) *"Approval Criteria and Conditions"*.

## III. SITE ANALYSIS

The property is located on the southeast corner of the intersection of St. Francis Drive and San Mateo Street. The property consists of 4.4+ acres and is zoned R-21 (Residential - 21 dwelling units per acre).

### A. Adjacent Properties

**Table 1 Adjacent Zoning**

Direction	Zoning
Northwest	C-1-PUD (General Office/Plan Unit Development)
North/Northeast	R-3 (Residential - 3 Dwelling Units Per Acre)
South	C-1-PUD (General Office/Plan Unit Development)
East	R-5-PUD ((Residential - 5 Dwelling Units Per Acre/ Plan Unit Development)
West	St. Francis Drive

### B. Parking

**Table 2 Existing Parking**

Use	Parking Ratio		Existing Parking	Complies
Religious Assembly	1:4 seats	175	68	Yes

**Table 3 Proposed Parking**

Use	Parking Ratio	Proposed Seats	Proposed Parking	Required Parking	Complies
Religious Assembly	1:4 seats	218	97	55	Yes



### **C. Access and Traffic**

The property includes two driveways accessed directly off San Mateo Road. The first driveway is approximately 150 feet east of the St. Francis/San Mateo intersection, and the second driveway is being relocated to the northeast corner of the property.

As a condition of approval the applicant has agreed to construct a sidewalk along the San Mateo Road frontage. San Mateo Road is slated for upgrades which will require the applicant to coordinate right-of-way dedication and sidewalk construction with the City Traffic Division. The City did not require a traffic impact analysis for the proposed application.

Traffic Division comments can be found in Exhibit A.

### **D. Lot Coverage and Open Space**

Existing lot coverage is 4.2%, the additional 4,000 square feet will increase lot coverage to 6.3%. The proposed building addition will comply with applicable lot coverage, height and setback standards [§14-7.2-1: *"Table of Dimensional Standards for Residential Districts"*].

The combined building footprint and parking area adds up to 61,979± square feet. This leaves the remaining area of the property at 129,684 ± square feet of undeveloped Land that is available for open space. §14-7.5(D) *"Nonresidential and Mixed Use Open Space Standards"* requires 25% open space for nonresidential uses. The project will provide 67% which exceeds the minimum requirement..

### **E. Utilities**

The property is served by city sewer and water. Water Division and Wastewater Division comments can be found in Exhibit A. Dry utilities for electric, gas, and telephone exist on the property.

### **F. Fire**

There are three fire hydrants adjacent to the property. One is located at the intersection of San Mateo/ La Paloma Street and two are located on the adjoining property to the south within the parking area adjacent to the property line. The applicants are also planning to install an automatic fire sprinkler system in the facility.

Fire marshal comments can be found in Exhibit A.

### **G. Terrain Management and Landscaping**

Terrain management will be addressed during the building phase. The applicant has provided a 15-foot landscape buffer adjacent to the residential properties adjacent to the east property line.

Technical Review Division comments can be found in Exhibit A.

## **IV. SPECIAL USE PERMIT APPROVAL CRITERIA**

Chapter 14 requires the Board of Adjustment to make the following findings to grant a Special Use Permit:

Approval Criteria– Special Use Permit [Subsection 14-3.6(D)(1)]

§14-3.6(D)(1)(a)- that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit,	Criterion Met: (Yes/No/conditional/N/A) Yes
Subsection 14-2.4 "Board of Adjustment" (BOA) grants the authority of the Board of Adjustment (BOA) "to hear and decide applications for special use permits". Table 14-6.1-1 requires a special use permit for new or expanded religious assembly uses.	
§14-3.6(D)(1)(b)- that granting the special use permit does not adversely affect the public interest, and	Criterion Met: (Yes/No/conditional/N/A) Yes
City staff has reviewed the proposed special use permit application in accordance with applicable General Plan policies and applicable development standards. As outlined in this memorandum, the proposed Special Use Permit application can comply with minimum standards of Chapter 14 SFCC.	
§14-2.3(D)(1)(c)- that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.	Criterion Met: (Yes/No/conditional/N/A) Yes
Chapter 14 "Table 14-6.1-1-Table of Permitted Uses". Identifies "Religious Assembly" as a permitted use in an R-21 District. No conflicts between the proposed use and existing uses in the vicinity are anticipated. In addition, the existing architectural characteristic of the building remains as it has existed on the property and in the neighborhood for 53 years. The proposed construction will maintain the existing architectural characteristics that have existed with the exception of minor variations.	

Staff's analysis finds that the applicants have addressed the necessary findings per 14-3.6(D) "Approval Criteria and Conditions" and recommends **APPROVAL** subject to conditions.

## V. EARLY NEIGHBORHOOD NOTIFICATION

The ENN was attended by approximately 15 people. The applicant presented the proposal and answered questions regarding height of the structure, parking along the east property line (next to adjoining residents) and lighting.

## VI. EXHIBITS:

### EXHIBIT A Development Review Team (DRT)

Traffic Engineering, Sandy Kassens  
Water Division, Dee Beingessner  
Wastewater Division, Stan Holland  
Fire Department, Reynaldo Gonzales  
City Engineer, RB Zaxus  
Technical Review Division (Landscaping), Somie Ahmed  
Environmental Services, Eric Lucero

### EXHIBIT B: Early neighborhood Notification

Guidelines  
Meeting Notes

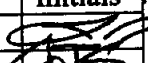

### EXHIBIT C: Maps and Photos

Zoning Map  
Aerial Photo

### EXHIBIT D: Applicant Submittals\*

\* Maps and other exhibits reproduced and archived separately from this staff report. File copies are available for review at the Land Use Department office at 200 Lincoln Avenue, West Wing.

### APPROVED BY:

Title	Name	Initials
Land Use Department, Director	Lisa D. Martinez	
Land Use Current Planning Division, Director	Greg T. Smith	
Land Use Current Planning Division, Senior Planner	Daniel A. Esquibel	

October 4, 2016  
Board Of Adjustment  
Case # 2016-93  
**St Bede's Church**  
**Special Use Permit**

# **EXHIBIT A**

DRT COMMENTS
--------------

# City of Santa Fe, New Mexico

# memo

**DATE:** September 23, 2016

**TO:** Dan Esquibel, Planning and Land Use Department

**VIA:** John Romero, Engineering Division Director

**FROM:** Sandra Kassens, Traffic Engineering Division

**CASE:** 1601 S. St. Francis Drive Special Use Permit – case 2016-93

## ISSUE:

Victor Johnson, Architect, agent for St. Bede's Episcopal Church, requests approval of a Special Use Permit to construct a 4,000 square foot addition for use as an auditorium/sanctuary and social hall on 4.41± acres. The property is zoned R-21 (Residential – 21 dwelling units per acre) and is located at 1601 S. St. Francis Drive.

## RECOMMENDED ACTION:

Review comments are based on submittals received on August 25, 2016.

The City of Santa Fe plans to implement roadway improvements on W. San Mateo Road between S. St. Francis Drive and Galisteo Street. Additional Right-of-Way (ROW) is required for a portion of the frontage of St. Bede's property along W. San Mateo Road in order to implement these improvements. The applicant shall coordinate with the Public Works Department to determine the precise dimensions of ROW needed.

## CONDITIONS OF APPROVAL:

## MUST BE COMPLETED BY:

1	Prepare a ROW dedication plat to be reviewed and approved by the PWD prior to recordation	Prior to Building Permit
2	Record the approved dedication plat	Prior to Issuance of a Certificate of Occupancy (CO)
3	Indicate on the site plan the approved location of the 5 foot wide sidewalk along W. San Mateo Road	Prior to Building Permit
4	Construct the sidewalk along the frontage of the property on W. San Mateo Road that complies with City Code and Public Rights-of-Way Accessibility Standards.	Prior to Issuance of a Certificate of Occupancy (CO)

If you have any questions or need any more information, feel free to contact me at 955-6697.  
Thank you.

## Development Review Team

### Comment Form

Date: 9/6/16

Staff person: Dee Beingessner

Dept/Div: Public Utilities/Water Division



**Case #2016-93. 1601 S St Francis Drive Special Use Permit**

Case Mgr: Dan Esquibel

---

The property has current water service. The Water Division does not have any comments on this special use permit.

Development Review Team  
Wastewater Management Division  
E-Mail Delivery  
Comment Form



Date: 9/19/16  
From: Stan Holland, Engineer, Wastewater Division  
Dept/Div: Wastewater Division  
Case: Case #2016-93 1601 S. St. Francis Drive Special Use Permit  
Case Mgr: Dan Esquibel

---

**The subject property is accessible to the City public sewer system.**

Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:
1. The existing property/structures are connected to the City sewer system. The Wastewater Division has no objection to the granting of a Special Use Permit	
2	
3	
4	

Technical Corrections*:	Must be completed by:
1. None	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. Required to connect to the City public sewer system

Explanation of Conditions or Corrections (if needed):

**ESQUIBEL, DANIEL A.**

---

**From:** GONZALES, REYNALDO D.  
**Sent:** Monday, September 12, 2016 4:58 PM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** DRT  
**Attachments:** 2016-93 1601 S. St Francis.docx; 2016-94 2041 Pacheco Street Development Plan.docx

Dan,

No comments on 2016-93 and standard on 2016-94. Thanks

Reynaldo D Gonzales  
Fire Marshal  
City of Santa Fe  
Office: 505-955-3316  
Fax: 505-955-3320  
E-mail: [rdgonzales@santafenm.gov](mailto:rdgonzales@santafenm.gov)



## Development Review Team

### Comment Form

Date: September 19, 2016  
From: Risana "RB" Zaxus, City Engineer  
Dept/Div: Land Use, Technical Review Division  
Case: Case # 2016-93, 1601 S. St. Francis Drive Special Use Permit  
Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval : Must be completed by:

1 none	
2	
3	
4	

Technical Corrections\*: Must be completed by:

1 Concrete sidewalk must be constructed along San Mateo	Permit Submittal
2	
3	
4	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

## Development Review Team

### Comment Form

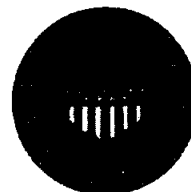
Date: August 30<sup>th</sup>, 2016

Staff person: Somie Ahmed

Dept/Div: LUD/Technical Review Division

Case: 2016-93 – 1601 S. St. Francis Drive Special Use Permit

Case Mgr: Dan Esquibel



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :  
by:

Must be completed

1	
2	
3	
4	

Technical Corrections\*:  
by:

Must be completed

1.	
2.	
3.	

\*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. Project will be required to be brought up to compliance with the Landscape code as outlined in Article 14-8.4 at time of building permit application.

Explanation of Conditions or Corrections (if needed):

N/A

**ESQUIBEL, DANIEL A.**

---

**From:** LUCERO, ERIC J.  
**Sent:** Monday, September 19, 2016 8:36 AM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** RE: Case #2016-93. 1601 S. St. Francis Drive Special Use Permit

Dan,

I have no comments for this at this time.

Thanks,

**Eric J Lucero**  
**City of Santa Fe**  
**Environmental Services**  
**Operations Manager**  
**505-955-2205 office**  
**505-670-6562 cell**  
**[ejlucero@santafenm.gov](mailto:ejlucero@santafenm.gov)**

---

**From:** ESQUIBEL, DANIEL A.  
**Sent:** Sunday, September 18, 2016 2:51 PM  
**To:** ZAXUS, RISANA B.; KASSENS, SANDRA M.; HOLLAND, TOWNSEND S.; LUCERO, ERIC J.  
**Subject:** Case #2016-93. 1601 S. St. Francis Drive Special Use Permit

Hello all,

I need your comments on this case. My memo is due Wednesday.

**Case #2016-93. 1601 S. St. Francis Drive Special Use Permit.** Victor Johnson Architect, agent for St. Bede's Episcopal Church, requests a Special Use Permit to construct a 4,000 square foot addition for use as an auditorium/sanctuary and social hall on 4.41+ acres. The property is zoned R-21 (Residential - 21 dwelling units per acre).

Digital Copy : \\file-svr-1\Public\$\Land Use Department\2016-93 1601 S St Francis Drive Special Use Permit

**Daniel A. Esquibel**  
**Land Use Planner Senior**  
**City Of Santa Fe, Land Use Department**  
**Current Planning Division**  
**(505) 955-6587 Work**  
**(505) 955-6828 Fax**  
**[daniel.esquibel@santafenm.gov](mailto:daniel.esquibel@santafenm.gov) E-Mail**  
**PO Box 989**  
**Santa Fe, New Mexico 87505-9899**

**On-Line**  
**Chapter 14 (Land Development)**

**Internet Map S**

Click  
Icon  
image  
or

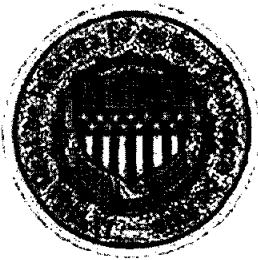


Click  
Icon  
image  
or

October 4, 2016  
Board Of Adjustment  
Case # 2016-93  
**St Bede's Church**  
**Special Use Permit**

# **EXHIBIT B**

ENN
-----



**City of Santa Fe  
Land Use Department  
Early Neighborhood Notification  
Meeting Notes**

<i>Project Name</i>	St. Bede's Episcopal Church
<i>Project Location</i>	1601 South St. Francis Drive
<i>Project Description</i>	Remodel and addition to church building.
<i>Applicant / Owner</i>	St. Bede's Episcopal Church
<i>Agent</i>	Victor Johnson, Architect
<i>Pre-App Meeting Date</i>	April 28, 2016
<i>ENN Meeting Date</i>	August 11, 2016
<i>ENN Meeting Location</i>	Medical/Dental Building, 2nd Floor Auditorium, 465 St. Michaels
<i>Application Type</i>	ENN for Special Use Permit
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	None
<i>Attendance</i>	15

**Notes/Comments:**

The ENN was well attended. The applicant presented the proposal which resulted in a question and answers session. The areas of concern were height of the structure, parking adjacent to the ease residents and lighting.

The applicants addressed all questions.



## ENN GUIDELINE

### Applicant Information

Project Name: St. Bede's Episcopal Church

Name: Volland Catherine

Last

First

M.I.

Address: 1601 S. St. Francis DR.

Street Address

Santa Fe

Suite/Unit #

NM

87505

City

State

ZIP Code

Phone: (505)982-1133

E-mail Address:

mcvolland@gmail.com

**Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.**

**(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS** For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.

The proposed addition is one story, with a 31' ridge height (36' height limit with special use permit). Setbacks average 75' to 150' (5'-10" setbacks required). Mass and scale are commensurate with existing structures on site and neighborhood school, office complexes, 2 story apartments which bound the single family residences in neighborhood. Exterior lighting will be shielded. Sidewalk and street trees will be provided along San Mateo. Parking area and disturbed site will be landscaped.

**(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT** For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.

Pinon trees on the site will be preserved, many junipers will be removed, run-off will be directed to catchments, trash will be collected by City services, the owner has been in control of the site for more than 50 years and there are no known hazardous materials.

**(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN** For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.

There are no known historic or archaeological sites. The church established in 1963, is a cultural center for diverse populations of our community.

**(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN** *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The project is consistent with existing surrounding densities and land use. The land is 4.5 acres zoned R-21. The church is an allowed use under a special use permit. The church is open to surrounding families. The project, a new worship space to replace the existing worship space, construction of new portales, remodeling and rehabilitation of existing support spaces, will conform to City Code requirements.

**(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES** *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

Parking on-site will be expanded to more than 80 spaces including 7 accessible spaces (53 spaces are required and 4 accessible). City staff has determined no traffic impact report is required. A new eastern driveway is proposed a bit farther east from the current location. The present east driveway will be closed. The new worship space will be accessible, the church will continue to serve a broadly-diverse community.

**(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE** *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

St. Bede's provides spiritual, social, and community services in support of living and life conditions for a diverse cross-section of Santa Fe's population.

**(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS** *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

No direct effect.

**(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

The new worship space will use existing utility infrastructure and no new loads will be imposed. The new worship space will include automatic sprinkler system (NFPA).

**(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

St. Bede's has been an early adopter of xeriscape plant materials - this will continue. Parking lot and roof runoff will be collected and reused/returned to aquifer. Water quality and supplies should not be adversely effected.

**(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The project provides for continuation of essential support services to the people served within the community.

**(k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

The project should have no adverse effect on policies of the City General Plan. The project provides continued use of site as a spiritual center, known to Santa Feans as a church for over 50 years.

**(l) ADDITIONAL COMMENTS (optional)**



October 4, 2016  
Board Of Adjustment  
Case # 2016-93  
**St Bede's Church**  
**Special Use Permit**

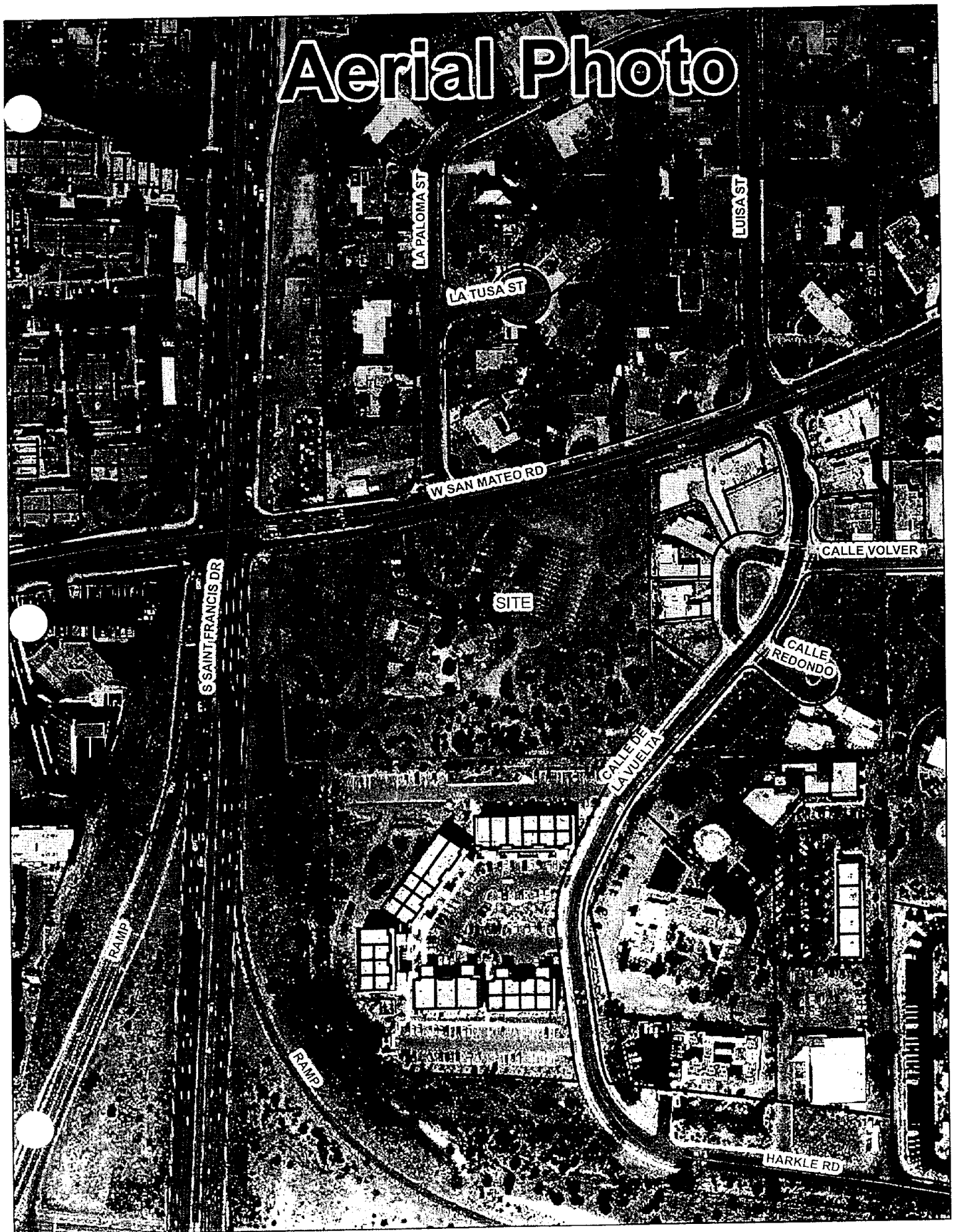
# **EXHIBIT C**

Maps and Photos
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# ZONING



# Aerial Photo



October 4, 2016  
Board Of Adjustment  
Case # 2016-93  
**St Bede's Church**  
**Special Use Permit**

# **EXHIBIT D**

Applicant Submittals
----------------------



**VICTOR JOHNSON**  
**A R C H I T E C T**

August 18, 2016  
St Bede's Church  
1601 St Francis Drive  
Special Use Permit  
Application Letter

Board of Adjustment  
City of Santa Fe  
P.O. Box 909  
Santa Fe, 87504

**Members of the Board of Adjustment:**

St. Bede's Episcopal Church at the southeast corner of San Mateo and St. Francis Drive, is requesting a special use permit. St. Bede's is proposing to build a new worship space to replace the existing space built on this site in 1963, to remodel portions of the existing structure, and build new support additions to the existing church. Granting this special use permit will expand a legal non-conforming use from approx 8,000 sf to approx 12,000 sf.

The site is 4.4 acres and will provide expanded parking, enhanced landscaping, and runoff catchment. All proposed building heights are less than the 36-ft height allowed by the special use permit. All exterior lighting will be shielded to prevent fugitive spill onto adjacent properties and non-conforming exterior lights will be removed. No variances are requested by this application for special use permit.

Last year we had a preliminary presentation meeting inviting neighbors, we have since completed pre-application meetings with City staff, follow-up meetings with DRT staff, and have completed formal ENN process.

We believe that all requested support documents in paper and electronic formats are attached to this application.

Thank you for considering this special use permit. St Bede's is ready to proceed with construction.



Victor Johnson, AIA  
agent for St. Bede's Episcopal Church

**SANTA FE, NM 87504**  
**PHONE 505-231-5667**

### **Legal Lot of Record -**

There are earlier survey records, including references to a Guy Hayden survey of the 1950's, presumably used for the original purchase by the Episcopal church. The City plat room has not yet organized Hayden's files for easy access. Attached is a City file survey of record from May of 1991 by G. Scott Yager, during the consolidation of Tract A Placita Medical Subdivision, Tract I-A St. Bede's Episcopal Church, and Tracts I-B St. Bede's Episcopal Church. A copy of the legal lot of record survey is attached.

### **Site Plan -**

The attached site plan shows existing and proposed buildings, existing and proposed parking lots and driveways, the schematic landscaping proposed, and utility connections. No variances are requested as part of this application for special use permit for the church.

### **Terrain Management Plan -**

The current topography allows buildable sites in the areas of the existing and proposed buildings. The present grades of the existing parking lot are too high and the drainage sometimes heads to the front door. The parking lot will have its asphalt removed and reground for reuse. The subgrade will be lowered about thirty inches at the north end and raised 30" to 36" at the southern edges. The parking area will be designed with detention pond intercepts and overflows to follow existing drainage patterns. Detention areas will be designed for flows from all new impervious roof and pavement surfaces.

### **Landscape Plan Notes -**

The existing site is covered primarily with junipers. In the areas to be regraded for the parking lot and the new construction, these junipers will be removed. There are 12 mature piñones that will be protected and retained. Some of the large junipers on the south side of the site will be retained as screening.

City staff has asked that street trees be planted along the church's San Mateo property line and also installation of a public sidewalk. The parking lot and its perimeter will have trees and shrubs planted as required by City standards. Along the San Mateo edge of the parking area, the existing high grade will be left and used to screen the lot. Along the east property line, a neighbor has requested a zig-zag planting of evergreen screen trees, which will be provided.

In the area of the proposed construction, there are mature trees (Arizona Cypress and Ponderosa Pine) which will be removed because of their locations. The church's arborist has confirmed that these trees cannot be successfully transplanted. New trees will be planted in numbers at least as plentiful as those removed. City staff has provided lists of preferred shrubs and deciduous and evergreen trees from which the planting plan will be developed.

### **Parking and Lighting Plan Notes -**

Existing parking is an asphalt-surfaced lot with two driveways.  
Existing are 63 standard parking spaces and 5 existing accessible spaces.  
There is one existing multi-head high-intensity unshielded light fixture in the parking lot.

Proposed parking is an asphalt lot with two driveways. The proposed plan will close the driveway in the middle of the block and provide a new driveway at the east end of the site that has stack space and also sight lines in accordance with City's standards.  
Proposed are 89 standard parking spaces and 8 accessible spaces.  
Required parking for 218 seats at 1 space per 4 seats = 55 required with 4 required accessible spaces (to serve up to 100 total spaces).

The proposed parking lot will have four new shielded pole lights at approximately 24-feet. The attached site lighting study shows no fugitive light leaving the site. All outdoor lighting will be shielded to prevent spill to the night sky or off-site.

### **Signage Specifications -**

No change is proposed to the existing sign for the church that exists along San Mateo.

### **Traffic Impact Analysis -**

City road engineering staff determined that no traffic impact analysis is necessary for this project.

### **Archaeological Clearance -**

City historic preservation staff archaeologist determined the zone is "suburban" and that no archaeological clearance is necessary for this project.

### **Sewer and Water Plan -**

The church is tied to City water and sewer mains and those connections will continue. A new tap into the water main will be required to provide the water line necessary to install an automatic fire sprinkler system. RPDA back flow preventer will be necessary within 30-ft of the main.

### **Phasing Plan -**

The entire scope of the project is encompassed in a single phase explained by the included plans. If construction and long-term financing limit an initial project, the owner intends to construct the site improvements, the new sanctuary, and the new portal as the initial phase. The modifications and additions to the west wing would follow as funding becomes available.



**VICTOR JOHNSON**  
**A R C H I T E C T**

City of Santa Fe  
2016  
Board of Adjustment  
P.O. Box 909  
Santa Fe, 87504

August 22,

Special Use Permit  
Approval Criteria  
St. Bede's Church  
1601 S. St. Francis Drive  
(located on San Mateo)

**Members of the Board of Adjustment:**

St. Bede's Episcopal Church acquired their current site in the 1950's. In 1963, the current church was built and St. Bede's began its legacy of service to Santa Fe. In 1989, an expansion was built along the south side of the existing facilities. Now, St. Bede's is requesting a special use permit to build a new sanctuary, portal/narthex, and common (social hall) with remodeling and rehabilitation of its administrative west wing. This represents an intensification of a long-standing existing use. City staff was not able to document prior special use permits and has requested that the church apply for approval.

Granting the special use permit will allow St. Bede's to continue to serve and positively affect the public interest, with no adverse affect. St. Bede's Episcopal Church provides a service to the entire Santa Fe community as a spiritual center and a community support focus.

The church use is contemplated by land use sections of the City Code under special use permit and is compatible with structures of the abutting property and other properties in the neighborhood. The 4.4 acre site is zoned R-21. The proposed project and use would be less intensive than dense multi-family. The site is bounded on the south by medium density commercial, on the west by Highway 84/285 (St Francis Drive) with dense multi-family across that highway on the west, and to the east and across San Mateo to the north by single-family residential subdivisions. Some of the institutional properties in the vicinity include a public school, commercial and business buildings, and hospital zone development.

The application and support documents are attached. Our team has had pre-application meetings with City staff, completed the ENN process, and met with DRT members.

Thank you.

Victor Johnson, AIA  
agent for St. Bede's Episcopal Church

POST OFFICE BOX 1866  
SANTA FE, NM 87504  
PHONE 505-231-5667

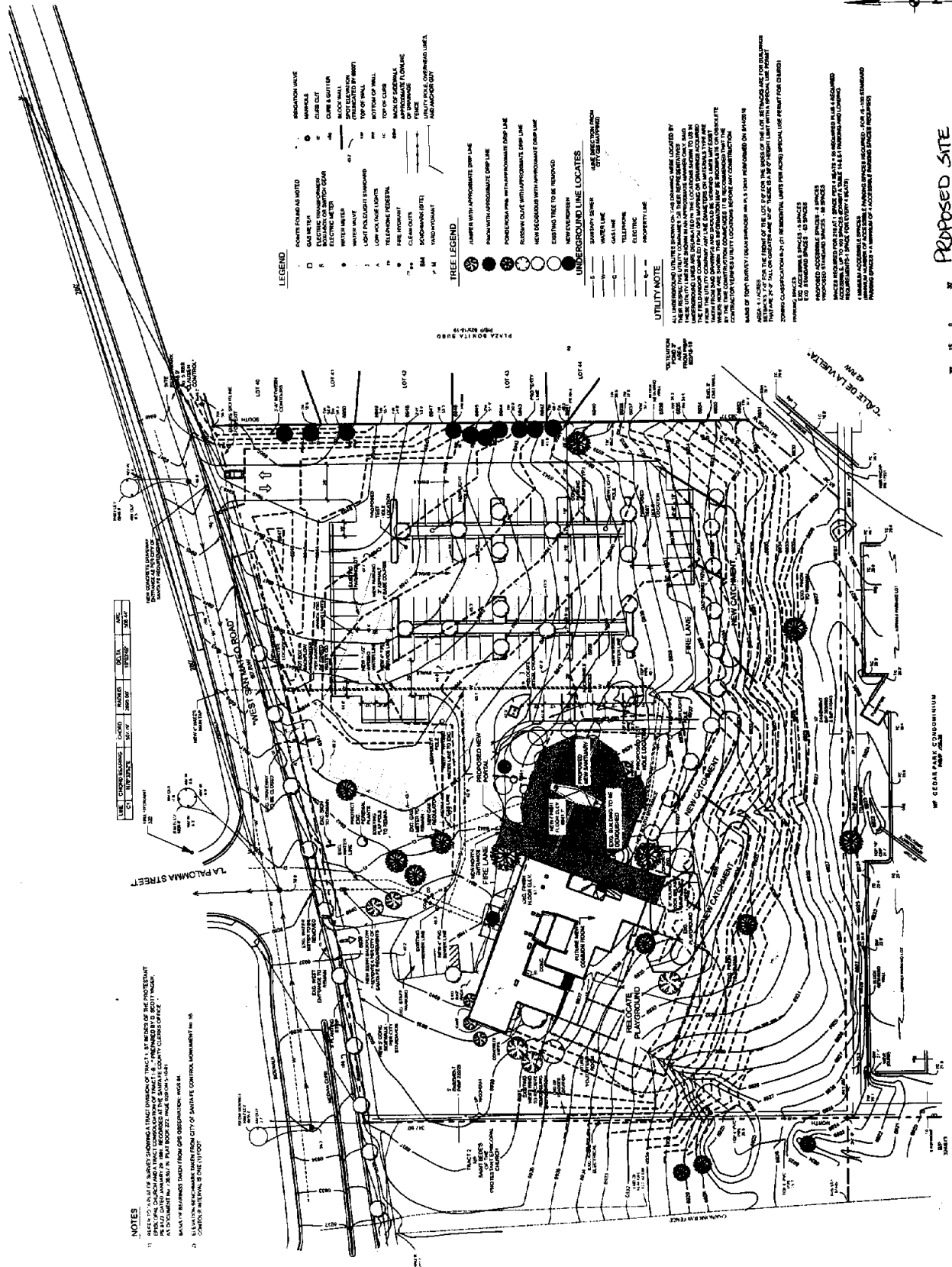




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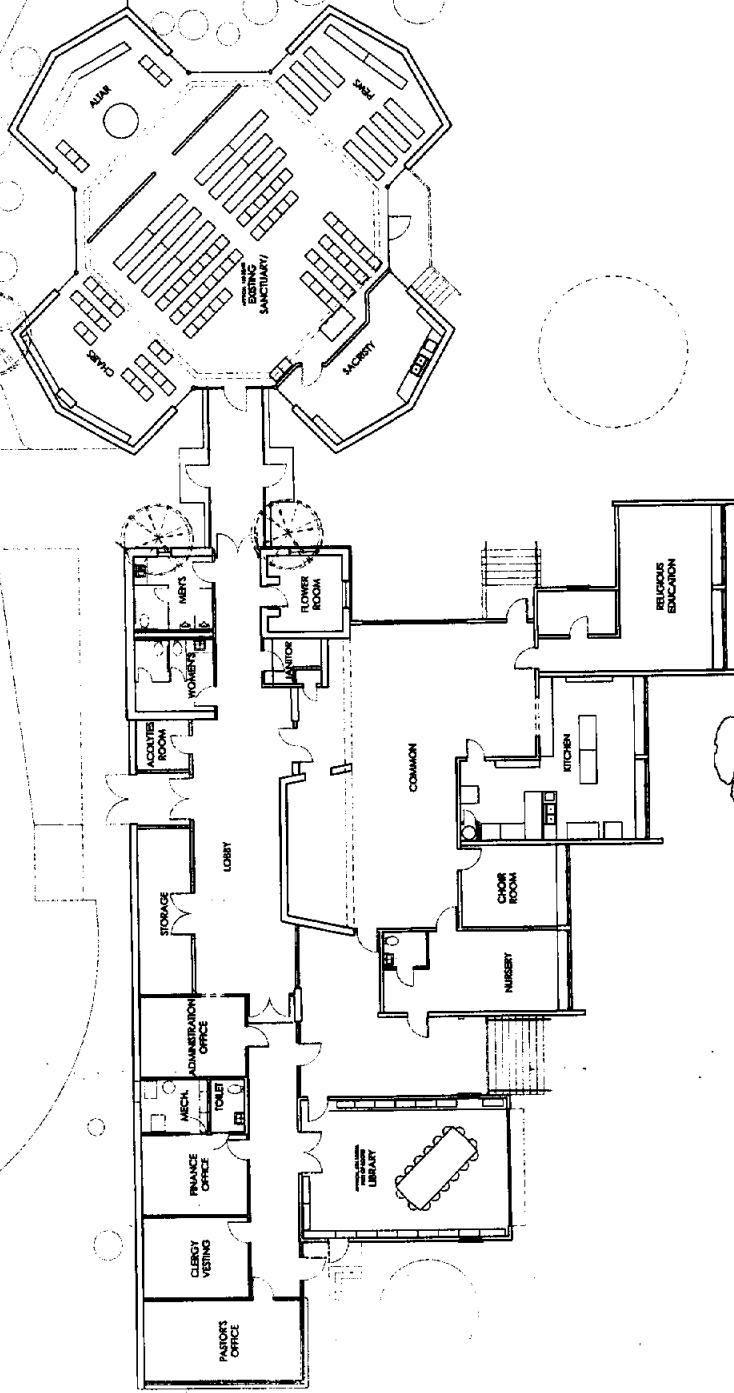
**NOTES**

1) REFER TO PLAN OF SURVEY SHOWING A TRACT 1.50 ACRES OF THE PROPOSED SITE, LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



- LEGEND**
- 1. EXISTING BUILDING
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  - 4. PROPOSED DRIVE
  - 5. EXISTING SIDEWALK
  - 6. PROPOSED SIDEWALK
  - 7. EXISTING CURB
  - 8. PROPOSED CURB
  - 9. EXISTING EASEMENT
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  - 35. EXISTING BIKE RACK
  - 36. PROPOSED BIKE RACK
  - 37. EXISTING TRASH CAN
  - 38. PROPOSED TRASH CAN
  - 39. EXISTING MAILBOX
  - 40. PROPOSED MAILBOX
  - 41. EXISTING DRIVEWAY
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  - 66. PROPOSED SPORTS FIELD
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  - 68. PROPOSED TENNIS COURT
  - 69. EXISTING GOLF COURSE
  - 70. PROPOSED GOLF COURSE
  - 71. EXISTING HUNTING TRAIL
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  - 73. EXISTING FISHING HOLE
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  - 95. EXISTING CRUISE SHIP
  - 96. PROPOSED CRUISE SHIP
  - 97. EXISTING AIRCRAFT
  - 98. PROPOSED AIRCRAFT
  - 99. EXISTING SPACE SHUTTLE</

EXISTING DRIVEWAY



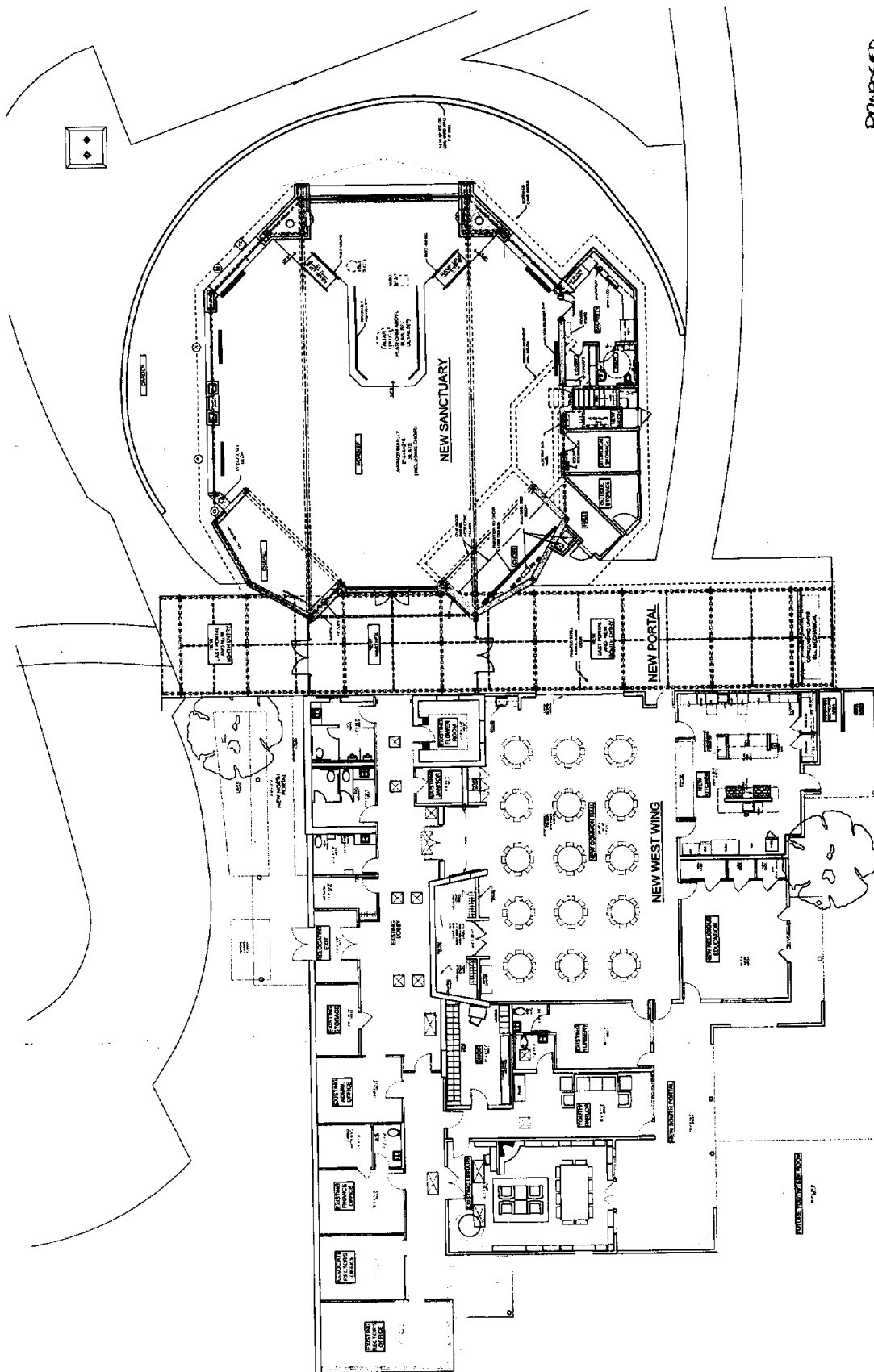
EXISTING FLOOR PLAN  
SCALE: 1/8" = 1'-0"

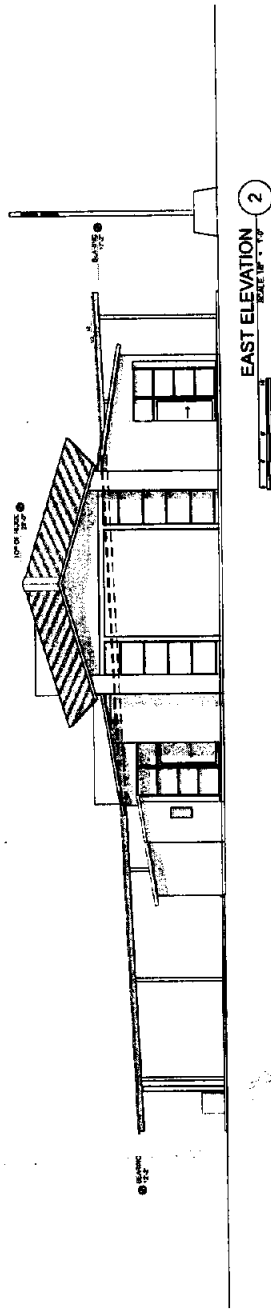
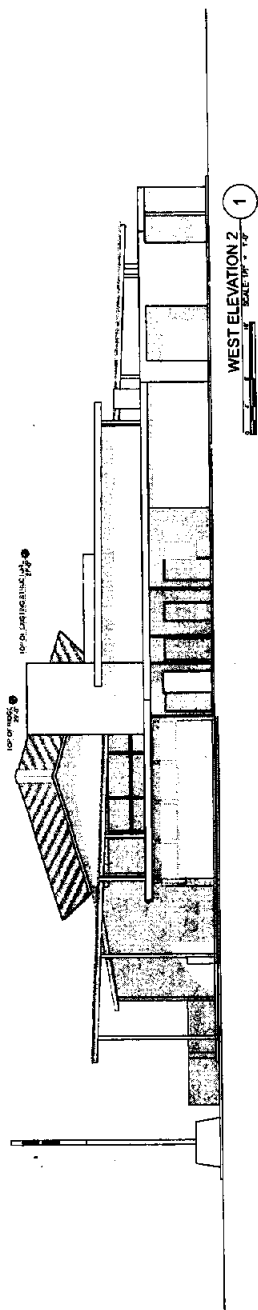


PROPOSED  
PLAN VIEW  
SCALE 1/8" = 1'-0"

①

**FOIE**





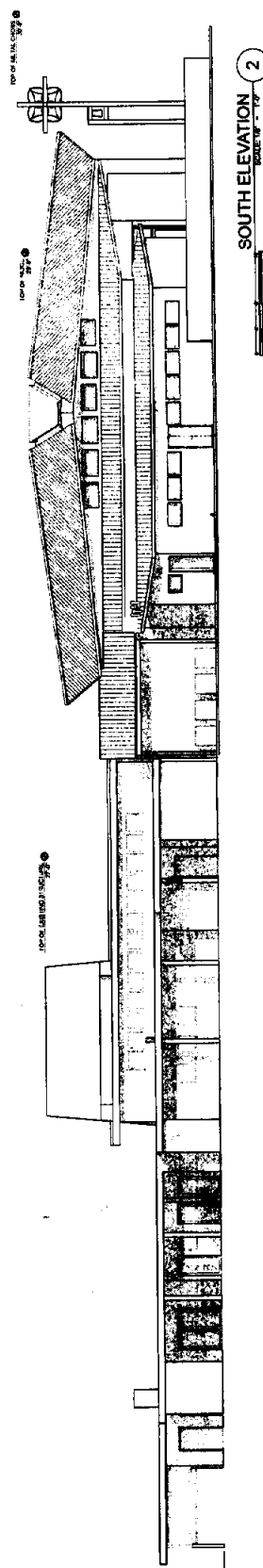
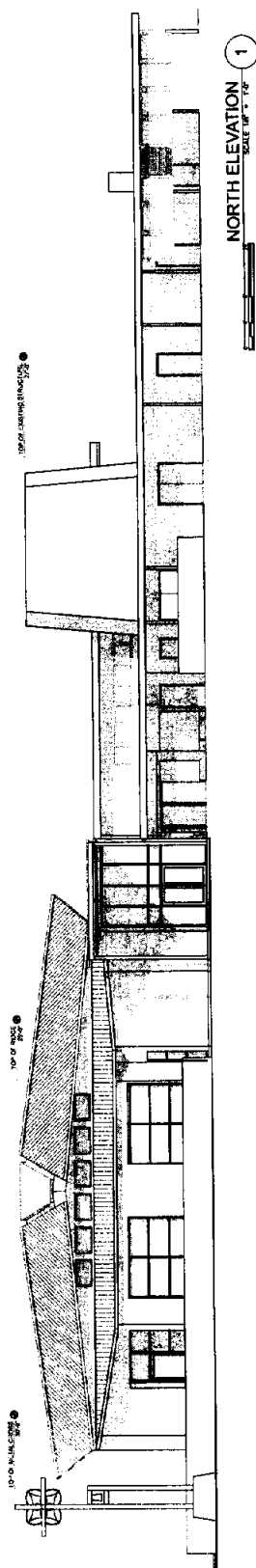
ST. BEDE'S EPISCOPAL CHURCH  
1601 ST. FRANCIS DRIVE  
SANTA FE, NM 87507

DATE: 10/11/11  
DRAWN BY: J. H. HARRIS

PROJECT: ST. BEDE'S EPISCOPAL CHURCH  
SANTA FE, NM  
ARCHITECT: VICTOR JOHNSON ARCHITECT, LLC  
PHONE: 505-231-5667

A-13A

REV. 10/11/11



Board of Adjustment  
October 4, 2016

**EXHIBIT 5**

pre - 2001



B. Protect the openness and continuity of the existing landscape by retaining and planting native and other drought-tolerant trees, shrubs and groundcovers, encourage the use of architectural style and scale that is representative of Santa Fe, and preserve clean air and a sense of quiet; and

C. Specifically insure that landscaping provides an appropriate and attractive visual buffer, compatibility with neighborhood landscaping character, conservation of water by use of storm water collection and drip irrigation or other systems, plants which require low maintenance, screening of transformers and loading areas or outdoor storage, and the reduction of the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site or other nuisances on adjoining properties.

(Ord. #1986-25, §1; Ord. #1992-20, §19; Ord. #2001-20, §85)

[REDACTED]

The South Central Highway Corridor Protection district encompasses the lands within six hundred feet (600') of the edge of the right-of-way of both sides of the following streets designated as special review districts in the urban area general plan in the south central section of the city: St. Michael's Drive, Old Pecos Trail, St. Francis Drive, Rodeo Road, and Interstate 25 and its frontage roads. In cases where the rear lot line depth exceeds the six hundred feet (600') boundary a property owner shall have the right to petition the city council at any time for inclusion of his or her property in the Highway Corridor Protection district as a rezoning application.

[REDACTED]

Persons with property divided by the South Central Highway Corridor Protection district boundary are required to comply with the district standards only for that segment of the property within the boundary or as adjusted as described above. (Ord. #1986-25, §2; Ord. #1986-33, §1; Ord. #1992-20, §20)

### 14-69.3 General Standards.

Any development on a previously vacant lot or any complete redevelopment of a previously developed lot, shall comply with these standards and landscape standards per subsection 14-69.4. For purposes of this subsection "complete redevelopment" shall be removal of all existing buildings on a lot prior to the construction of any new buildings.

A. The minimum building setback from the edge of the right-of-way from the street shall be fifty feet (50');

B. The maximum building height shall be twenty-five feet (25') not including a parapet;

# HIGHWAY CORRIDOR PROTECTION DISTRICT MAP

Subsection 14-69.2 SFCC 1987

/// HIGHWAY CORRIDOR PROTECTION ZONE

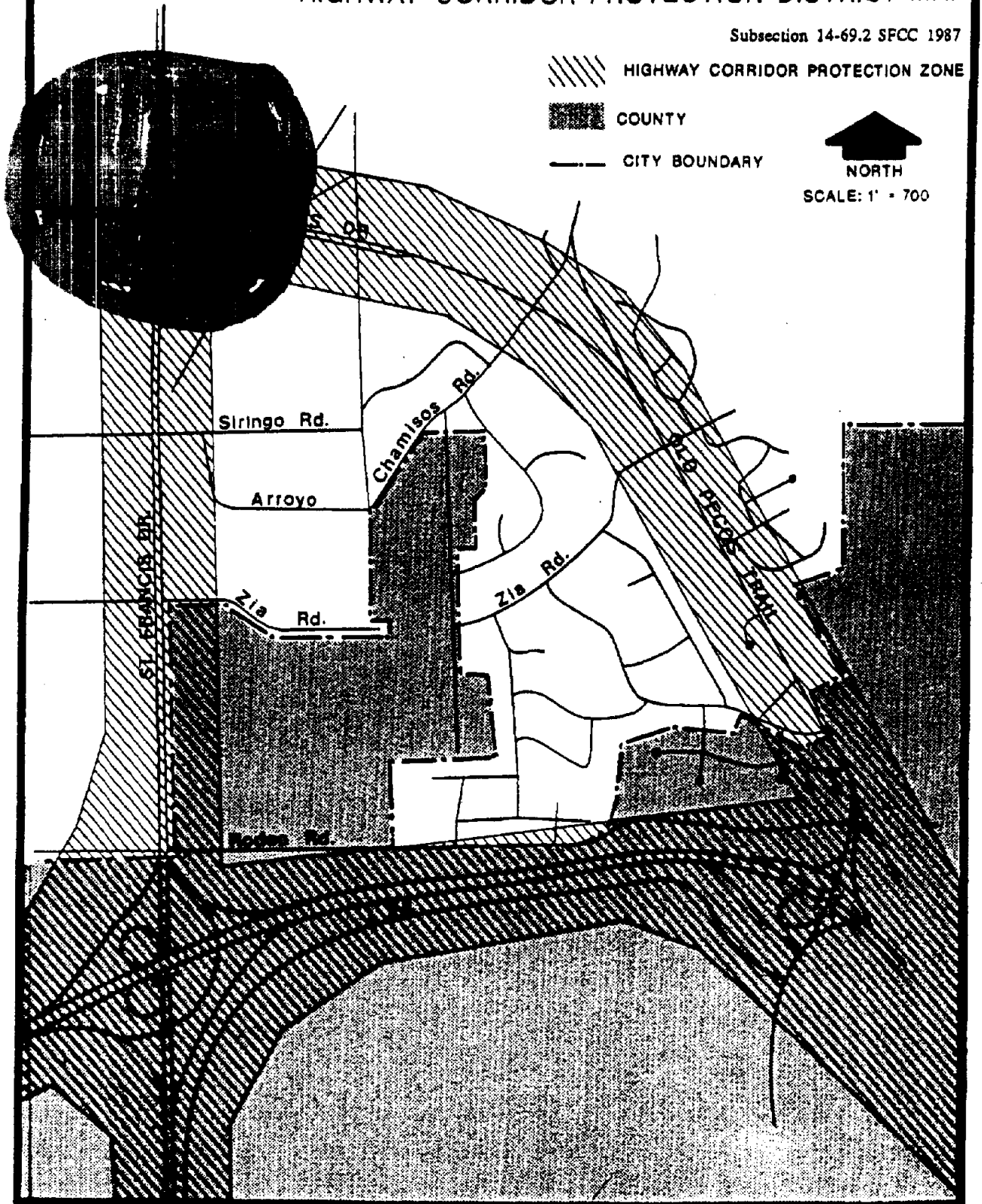
■ COUNTY

--- CITY BOUNDARY



NORTH

SCALE: 1" = 700'



post

December 2001

**(E) Maximum Building Area Requirements**

The maximum building area requirements for the permitted uses within the district are:

- (1) If 75 percent or more of the gross floor area of a building is devoted to nonresidential permitted uses in this district, not more than 3,000 square feet shall be used for such nonresidential purposes;
- (2) If less than 75 percent of the gross floor area of a building is devoted to nonresidential permitted uses in this district, not more than 1,500 square feet shall be used for such nonresidential purposes; and
- (3) Structures used for residential purposes shall conform to the same density requirements as the underlying zoning district.

**14-5.5 HIGHWAY CORRIDOR PROTECTION DISTRICTS**

**(A) South Central Highway Corridor Protection District**

**(1) Intent**

Because openness, quiet, and continuity adjoining the highway corridors in the south central section of the city is considered a special asset that should be retained as the area develops, it is the intent of the South Central Highway Corridor ordinance to:

- (a) Establish a clear sense of visual openness and continuity of development, as seen from major highway entrances to Santa Fe;
- (b) Protect the openness and continuity of the existing landscape by retaining and planting native and other drought-tolerant trees, shrubs, and groundcovers, encourage the use of architectural style and scale that is representative of Santa Fe, and preserve clean air and a sense of quiet; and
- (c) Specifically insure that landscaping provides an appropriate and attractive visual buffer, compatibility with neighborhood landscaping character, conservation of water by use of storm water collection and drip irrigation or other systems, plants which require low maintenance, screening of transformers and loading areas or outdoor storage, and the reduction of the potential negative impacts of noise, air pollution, lights, movement of cars, activities on site or other nuisances on adjoining properties.

**(2) Boundaries**

- (a) The South Central Highway Corridor Protection district encompasses the lands within 600 feet of the edge of the right-of-way of both sides of the following streets designated as special review districts in the General Plan in the south central section of the City: St. Michael's Drive, Old Pecos Trail, St. Francis Drive, Rodeo Road, and Interstate 25 and its frontage roads. In cases where the rear lot line depth exceeds the 600 feet boundary a property owner shall have the right to petition the Governing Body at any time for inclusion of his or her property in the



Highway Corridor Protection district as a rezoning application. A map of the South Central Highway Corridor Protection district is provided as Exhibit "G" at the end of this chapter, and is shown in the General Plan.

- (b) Persons with property divided by the South Central Highway Corridor Protection district boundary are required to comply with the district standards only for that segment of the property within the boundary or as adjusted as described above.

**(3) General Standards**

Any development on a previously vacant lot, or any complete redevelopment of a previously developed lot, shall comply with these standards and landscape standards per §(4) below. For purposes of this section "complete redevelopment" shall be removal of all existing buildings on a lot prior to the construction of any new buildings.

- (a) The minimum building setback from the edge of the right-of-way from the street shall be 50 feet;
- (b) The maximum building height shall be 25 feet, not including a parapet;
- (c) The maximum density for residential development shall be 21 units per acre;
- (d) For any nonresidential permitted use, a minimum of 35 percent of the lot and for any residential permitted use a minimum of 50 percent of the lot shall be open space, which shall meet all the requirements set forth in §14-8.4(H).
- (e) The maximum floor area ratio for office, and for professional, and medical office uses allowed in the district are:

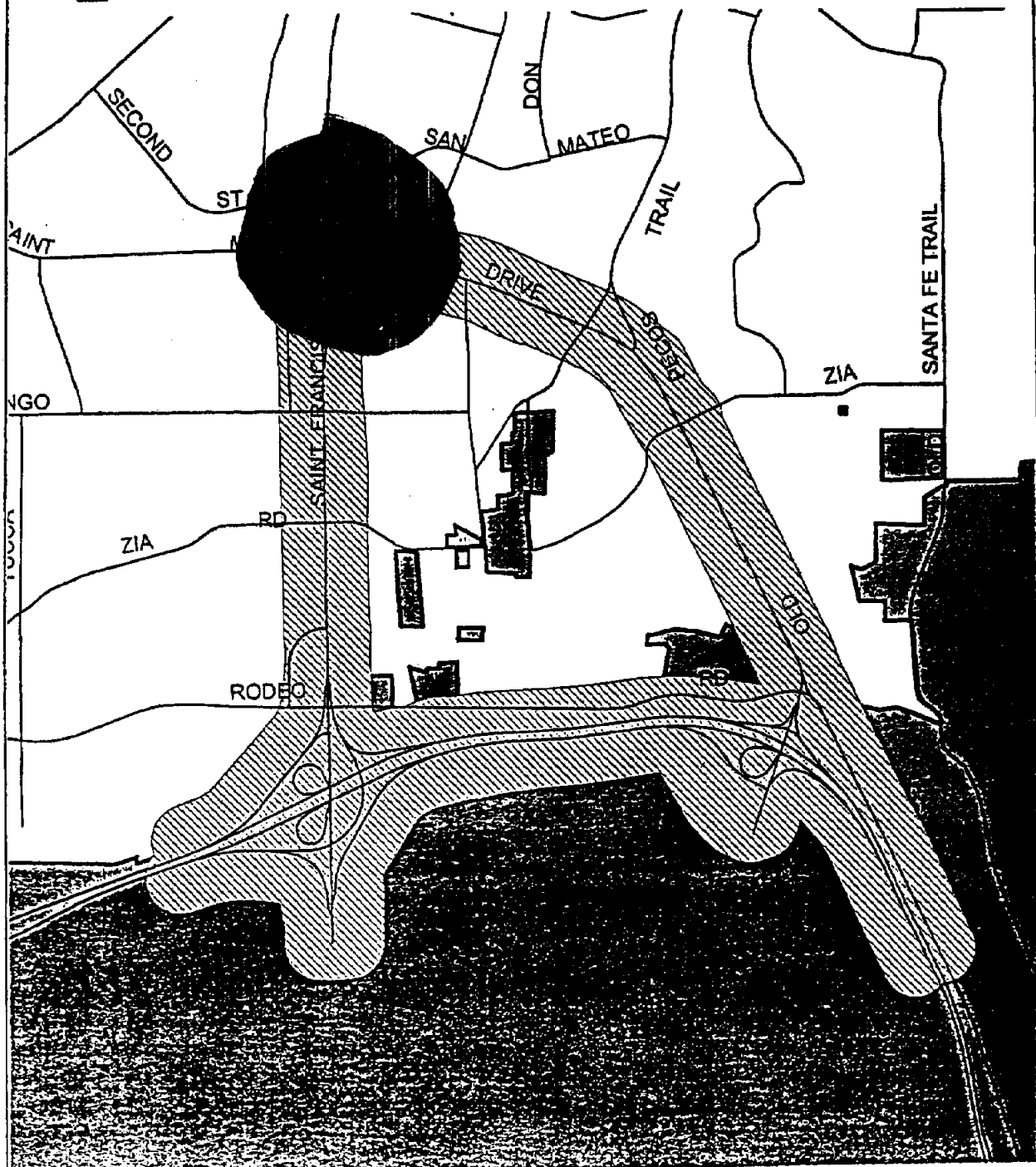
TABLE 14-5.5-1: Maximum Floor Area Ratio		
Building Use	Building Size	Maximum Ratio
Office	One story	0.25
	Two story	0.35
Medical Office	One story	0.20
	Two story	0.30

- (f) For educational, hospital, institutional, and other uses allowed in the district, the open space, setback, and landscaping standards set forth in this section shall apply;
- (g) The uses permitted in this district are those consistent with the policies set forth in the General Plan;
- (h) Loading areas shall be screened and located on side or rear yards;



# HIGHWAY CORRIDOR PROTECTION DISTRICT MAP

- Major Roads
- Highway Corridor Protection Zone
- City Limits



2000 0 2000 Feet



HIGHWAY CORRIDOR PROTECTION DISTRICT MAP

Exhibit G

Post

2011

## 14-5.5 HIGHWAY CORRIDOR PROTECTION DISTRICTS

(Ord. No. 2011-37 § 6)

**(A) SCHC South Central Highway Corridor Protection District**

## (2) Boundaries

(a) [REDACTED] The following streets are designated as general review districts in the general plan and include all the streets running along the south side of Interstate 25 from the intersection of Drive; Old Pecos Trail; St. Francis Drive; Rodeo Road; and Interstate 25 to the south end of the city.

(b) *persons with property* divided by the SCHC district boundary are required to comply with the SCHC district standards only for that segment of the *property* within the boundary. In cases where the rear *lot* line depth exceeds the six hundred (600) foot boundary, *property owners* have the right to petition the *governing body* in the form of a rezoning *application* at any time for inclusion of the remainder of their *property* in the SCHC district.

□ ◆ ◆ ◆ □

#### (4) Standards

(ii) Height

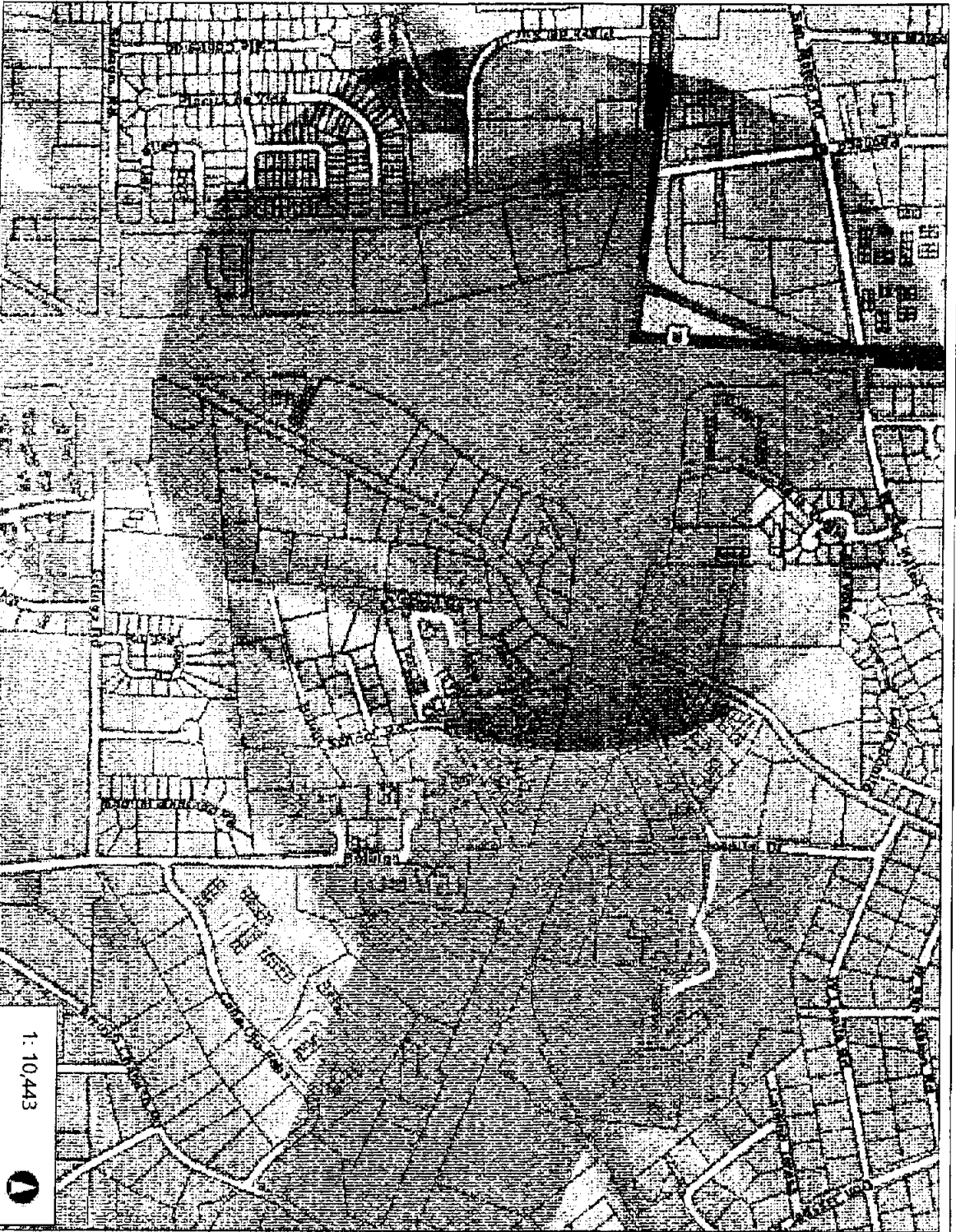
The maximum height of *structures* shall be twenty-five (25) feet, not including a parapet;





Santa Fe  
Mapping the City Different

Map Title



0.3 0 0.16 0.3 Miles

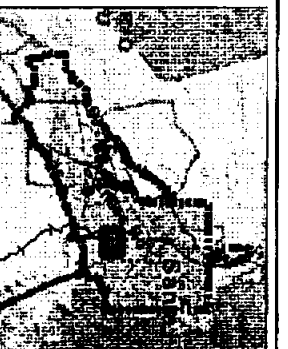
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

1:10,443



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



#### Legend

- Address Points
- City Limits
- Santa Fe County Parcels
- Railroad
- Address Points
- South Central Highway Corridor District
- World Street Map

#### Notes

© Latitude Geographics Group Ltd.

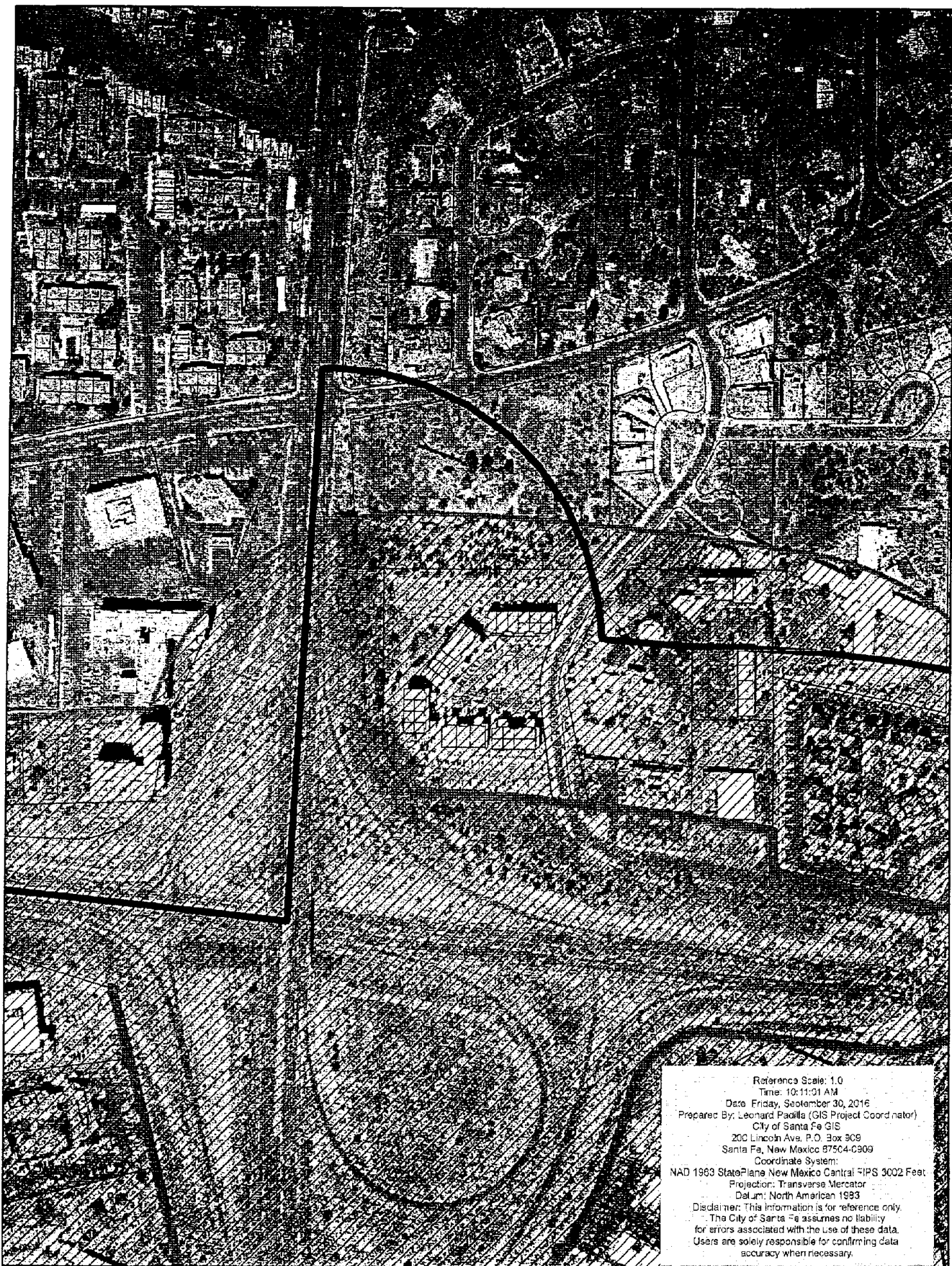
Possible

Correction?

## 14-4.1 GENERAL PROVISIONS

### (C) Official Zoning Map

- (1) The city is divided into zones or districts as shown on the official zoning map, which, together with all explanatory matter on the map and as amended from time to time, is adopted by reference and declared to be a part of Chapter 14.
- (2) The official zoning map shall be maintained in electronic form and depicted in various formats and scales as appropriate to the need. The *land use director* is responsible for tracking and maintaining all changes to the map and shall be the final authority of reference as to the current zoning status of lands, *buildings* and other *structures* in the city.
- (3) Changes affecting the zoning district designation of any portion of land represented on the official zoning map, including rezonings, annexations and the creation of new zoning districts, shall be made only as the result of action by the *governing body* related to the zoning change and shall follow the prescribed procedures for such action as set forth in Chapter 14.
- (4) The *land use director* may make the following changes to the official zoning map at any time:
  - (a) revisions of style, format or layout to enhance clarity;
  - (b) additions of explanatory text or labels;
  - (c) corrections of spelling and grammar;
  - (d) corrections based on oversight or error and to identify official actions that are not reflected or are incorrectly reflected;
  - (e) and any other changes affecting the appearance, style, color or graphic presentation of the map.
- (5) A revised official zoning map, including the proposed nonsubstantive changes, shall be administratively approved by the *land use director* in writing.



Reference Scale: 1:0  
Time: 10:11:01 AM  
Date: Friday, September 30, 2016  
Prepared By: Leonard Padilla (GIS Project Coordinator)  
City of Santa Fe GIS  
200 Lincoln Ave., P.O. Box 909  
Santa Fe, New Mexico 87504-0909  
Coordinate System:  
NAD 1983 StatePlane New Mexico Central FIPS 3002 Feet  
Projection: Transverse Mercator  
Datum: North American 1983  
Disclaimer: This information is for reference only.  
The City of Santa Fe assumes no liability  
for errors associated with the use of these data.  
Users are solely responsible for confirming data  
accuracy when necessary.

\* \* \* \* \* B U I L D I N G P E R M I T \* \* \* \* \*

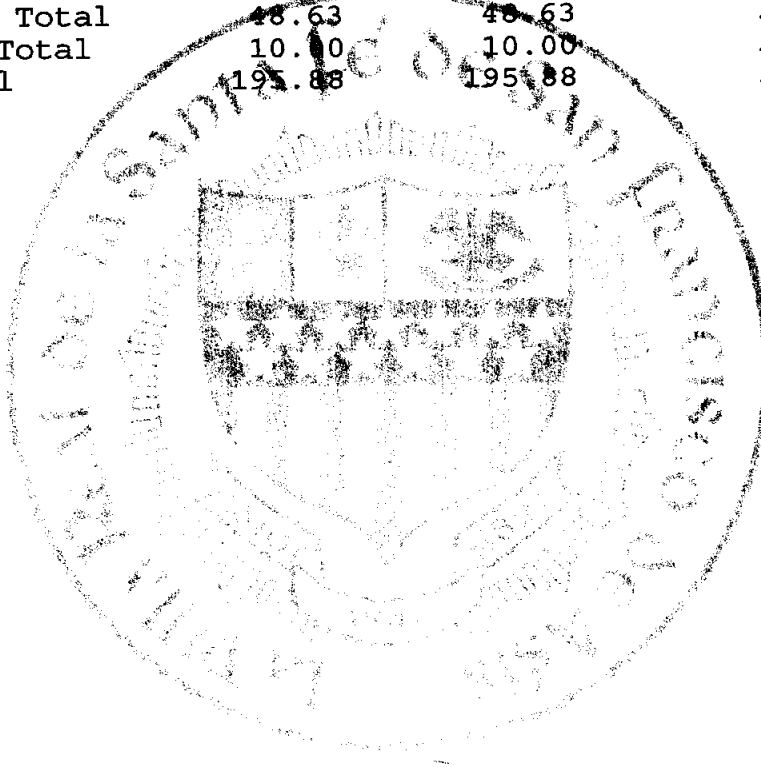
Application Number . . . . . 16-00001776  
Application pin number . . . . . 243184

Page 2  
Date 8/11/16

Special Notes and Comments  
UNDERSTAND I AM TO COMPLY WITH ALL  
CONDITIONS INDICATED ON THE REVIEW  
SHEETS. INITIALS XOC

Other Fees . . . . . ARCHEOLOGICAL FEE 10.00

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	137.25	137.25	.00	.00
Plan Check Total	48.63	48.63	.00	.00
Other Fee Total	10.00	10.00	.00	.00
Grand Total	195.88	195.88	.00	.00



For permits issued AFTER 08/01/2009, you MUST use VIPs  
for scheduling inspections! Call in by 3:00 PM for a next-  
day inspection (based on availability) 955-6110

APPROVED BY [Signature] DATE 8-11-16  
APPLICANT [Signature] DATE 8-11-16

By my signature above I hereby agree to abide with all the laws of the City of Santa Fe as well as with all the conditions stated above. I further state that I understand that this is not a permit to construct anything in violation of the codes adopted by the State of New Mexico. Further, I understand that this permit may be appealed within fifteen (15) days of its issuance (the "appeal period") pursuant to 14-3.17 SFCC (1987) and in the event an appeal is upheld this permit may be revoked. I hereby agree that any grading, building, alteration, repairing or any other construction done pursuant to this permit during this appeal period is done at my own risk and without reliance on the issuance of this permit. I also agree that in the event an appeal is upheld and this permit is revoked I may be required to remove any building, grading, altering, repairing or any other construction done during the appeal period. I hereby certify that I have read the foregoing and understand the same and by my signature assent to the terms stated herein.

4 JAY ST  
10, BLK 2,  
OWNER  
NDY ECK  
052-097-413-406-  
-00001132 FENCES/WALLS

SUBDIV.

PHONE : (123) 456-7890  
PHONE : (505) 920-4106

**BUILDING PERMIT RESIDENTIAL**

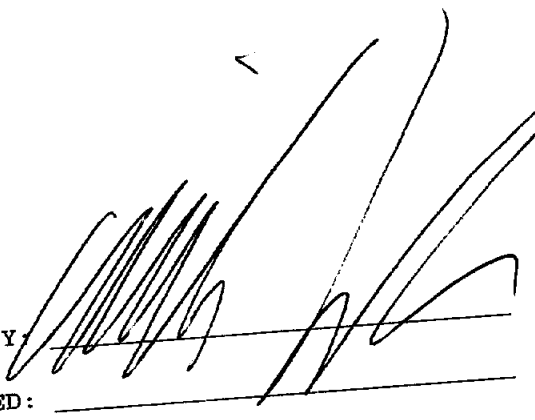
TESTED	INSP	DESCRIPTION
TESTED	RESULT	RESULTS/COMMENTS

7/16	WAM	GRADING & DRAINAGE, FINAL VRU #: 003655841
------	-----	--

1/16	AP	BUILDING, FINAL TIME: 17:00 VRU #: 003692779
5/16	MJR	

*Handwritten initials: AP, 7/16*

COMMENTS AND NOTES

APPROVED BY: 

DATE: 8/15/18

DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

REVISOR

APPROVED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_

substant to the New Mexico Tort Claims Act:

City will defend and indemnify all field inspectors in the event an Administrative Authority or Administrative Official executes it's discretionary powers.

BP251I03

City of Santa Fe  
Application Tracking Individual Step Inquiry

8/10/16  
10:53:44

Application . . . . . : 16 00001776  
Address . . . . . : 1618 BRAE ST  
Application type . . . . . : FENCES/WALLS  
Revision/Path/Step/Seq/Agency: A 01 00 ZON2 ZONING2  
Required step, approval code : Y AP APPROVED  
Date submitted, resulted . . : 7/22/16 7/28/16  
Status code . . . . . : AP APPROVED  
Reviewed by . . . . . : DTG DOMINIC T. GONZALES  
Org cml date, revised . . . : 7/27/16 7/27/16  
Copies of plans . . . . . :

Comments	Print	Date
T/S: 08/05/2016 11:06 AM DOMINICGON -----		8/05/16
Approved per Greg Smith with condition that "both sides of fence to be painted non-reflective paint colors to match existing colors on buildings."		8/05/16
Also fencing must be maintained on property of applicant.		8/05/16
		8/05/16
		Bottom

Press Enter to continue.  
F3=Exit F8=In/Out Status

F12=Cancel F14=Action log inq

BP251I03

City of Santa Fe  
Application Tracking Individual Step Inquiry

8/10/16  
10:53:50

Application . . . . . : 16 00001776  
Address . . . . . : 1618 BRAE ST  
Application type . . . . . : FENCES/WALLS  
Revision/Path/Step/Seq/Agency: C 01 00 BI BUILDING  
Required step, approval code : Y AP APPROVED  
Date submitted, resulted . . : 7/22/16 7/25/16  
Status code . . . . . : AP APPROVED  
Reviewed by . . . . . : RAV RICHARD A VALENTINE  
Org cmpl date, revised . . . : 7/27/16 7/27/16  
Copies of plans . . . . . :

Comments

Fence/wall shall be maintained on owner's property  
fence should be secured to resist 90 mph windspeed

Print

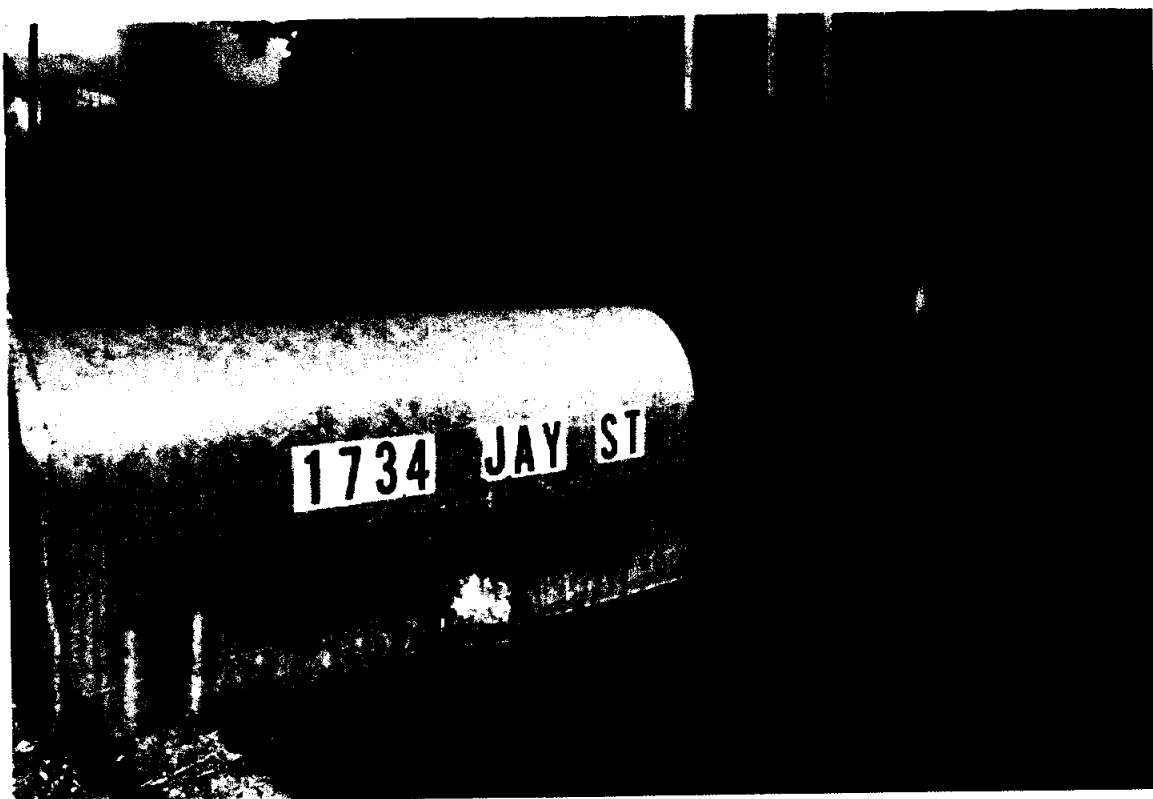
Date  
7/25/16  
7/25/16

Bottom

Press Enter to continue.  
F3=Exit F8=In/Out Status

F12=Cancel F14=Action log inq







# SOMMER, KARNES & ASSOCIATES, LLP

---

**Mailing Address**  
Post Office Box 2476  
Santa Fe, New Mexico 87504-2476

**Street Address**  
200 West Marcy Street, Suite 139  
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800  
Facsimile: (505) 982.1745

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Joseph M. Karnes, Attorney at Law  
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Mychal L. Delgado, Certified Paralegal  
mld@sommer-assoc.com

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James R. Hawley, Attorney at Law  
jrh@sommer-assoc.com  
Of Counsel  
Licensed in New Mexico and California

September 27, 2016

Dan Esquibel, Case Planner  
City of Santa Fe  
200 Lincoln  
Santa Fe, NM 87501

**Re: St. Bede's Church Application**

Dear Dan:

On behalf of Cha Foxhill Mabry and Hampton Mabry, who live at 1530 Calle Redondo, adjacent to the Church property, this letter addresses inconstancies with the City Code which preclude approval of the application as submitted. We request that the Board of Adjustment take this information into account deny the application. The Mabrys are opposed to the application as submitted, but are prepared to withdraw their objection provided the conditions addressed below are either accepted by the applicant or are imposed by the City as conditions of approval. The requested conditions are underlined.

**1. The Subject Property is Located within the South Central Highway Corridor Protection District and the Proposed Building Does Not Comply with the Applicable Height Restriction**

Attached as Exhibit A is an excerpt from the City's Official Zoning Map showing the South Central Highway Corridor Protection District (the "District"). The excerpt shows that a portion of the Subject Property is within the District. Attached as Exhibit B are printouts from the City's on-line GIS system showing that the existing building on the Subject Property is within the District, which is the same location as the proposed new building.

We understand that City staff has taken the position that inclusion of the Subject Property within the District was the result of a "drafting error." Whether or not any staff error occurred is immaterial because the City Code designates the Official Zoning Map, which shows a portion of the Subject Property as being within the District. The Code provides a methodology to amend the Official Zoning Map, but until such process is accomplished, the Official Zoning Map controls.

The primary purpose of the District is to "establish a clear sense of visual openness and continuity of development, as seen from major highway entrances to Santa Fe." (Code §14-5.5.A.1.a) The

existing church is highly visible from St. Francis Drive. The District regulations impose a 25-foot height restriction on structures within the District. (Code §14-5.5.A.4.a.ii) The application proposes that the new building be 29-feet tall – four feet higher than is allowed within the District.

The application violates both the height limit within the District and the purpose of the District. Constructing a 29-foot tall building on the Subject Property would cause the building to stand out compared to the existing structures along St. Francis, which were constructed in accord with the District height limitation, thereby decreasing the sense of visual openness and continuity of development. The photo attached as Exhibit C shows the dramatic effect that a 29-foot high building would have on the view from the Mabry property. The effect on the skyline from public views in the vicinity would be negatively affected as well, in a manner contrary to the purpose of the District.

The Mabrys request that the applicant redesign and lower the proposed building to comply with the existing 25 foot height limit.

## **2. The Proposed Metal Roof Should be Painted a Neutral Color**

The application proposes a metal roof on the new building in place of the existing roof. A metal roof would act as a beacon, reflecting sunlight into surrounding residential properties including the Mabrys particularly in the morning. The Mabrys request that the roof be painted a neutral color (i.e. beige or tan) with a matte finish so that it will blend in with the surroundings.

## **3. Landscape Screening**

The applicant's architect has advised that trees will be planted along the easterly property line spaced 25 feet apart. The Mabrys' property is 60' wide, which would mean that two trees would be planted along the Mabry lot, which would leave substantial view corridors of the structure and lighting from the Mabry residence.

To minimize visual impacts to their residence, the Mabrys request that three Austrian pines 10 feet to 12 feet tall be planted along the portion of the Subject Property adjacent to the Mabry Property – 1 tree every 25 feet and that a trellis be erected along the Mabry property line with evergreen ivy to serve as a visual screen while the evergreen trees are growing. The placement of the trees and their height of the trellis would be determined after the church building is finished and the light poles are in place. This would mitigate impacts of the new building and parking lot lighting on the Mabry property. The Mabrys also request that the existing three trees on the Subject Property adjacent to the Mabry property remain and be designated with a colored ribbon so they will not inadvertently be cut down. Finally, to ensure that the trees provide effective screening, the Mabrys request that the project's landscape architect coordinate with them during construction.

#### **4. Parking Lot Lighting**

The project site plan proposes four street lights within the parking lot. At the ENN meeting, the applicant's architect states that the poles would be 20 to 25 feet tall. Two of them are proposed in close proximity to the Mabry property. The Code requires that "[a]ll outdoor luminaires shall be designed, installed, located and maintained such that nuisance glare onto adjacent properties or streets shall be minimized to the greatest extent practicable. Disabling glare onto adjacent properties or streets is not allowed." (Code §14-8.9.D.1.3)

The Mabrys are concerned that due to their height, even if the two lights closest to their property meet the Code's shielding requirements, they will still cause nuisance glare into their back yard and windows. The photo attached as Exhibit D shows a 20-foot high story pole in the approximate location of the closest light standard. Even if shielded, the light would be visible from inside the Mabry house due to its proximity and height. This would be a major negative impact to the Mabry property.


The Mabrys request that the two lights be relocated at least 30 feet farther from their property line than is shown on the site plan, that all four lights be reduced to no more than 12 feet in height, and that the lights be placed on a timer or other mechanism to ensure that they do not remain on when not needed so that the impacts on their property and surrounding residences and public areas are minimized.

In addition, lighting from windows on the exterior of the proposed sanctuary, which are 17 feet high, will be visible to the Mabrys through their east windows, thereby creating a beacon effect on the Mabry property and views from their westerly facing windows. Sunlight reflecting off these windows will shine directly into the Mabry house and other houses adjacent and east of the Subject Property. The Mabrys request that these impacts be mitigated in the same manner as the Board of Adjustment recently did on the Christ Church project.

The Mabrys appreciate that the architect has revised the plans to remove some of the parking spaces directly behind the Mabry house and also that story poles were put up, so that the actual height of the building can be evaluated.

Thank you for your consideration of this information.

Sincerely,

  
Karl H. Sommer

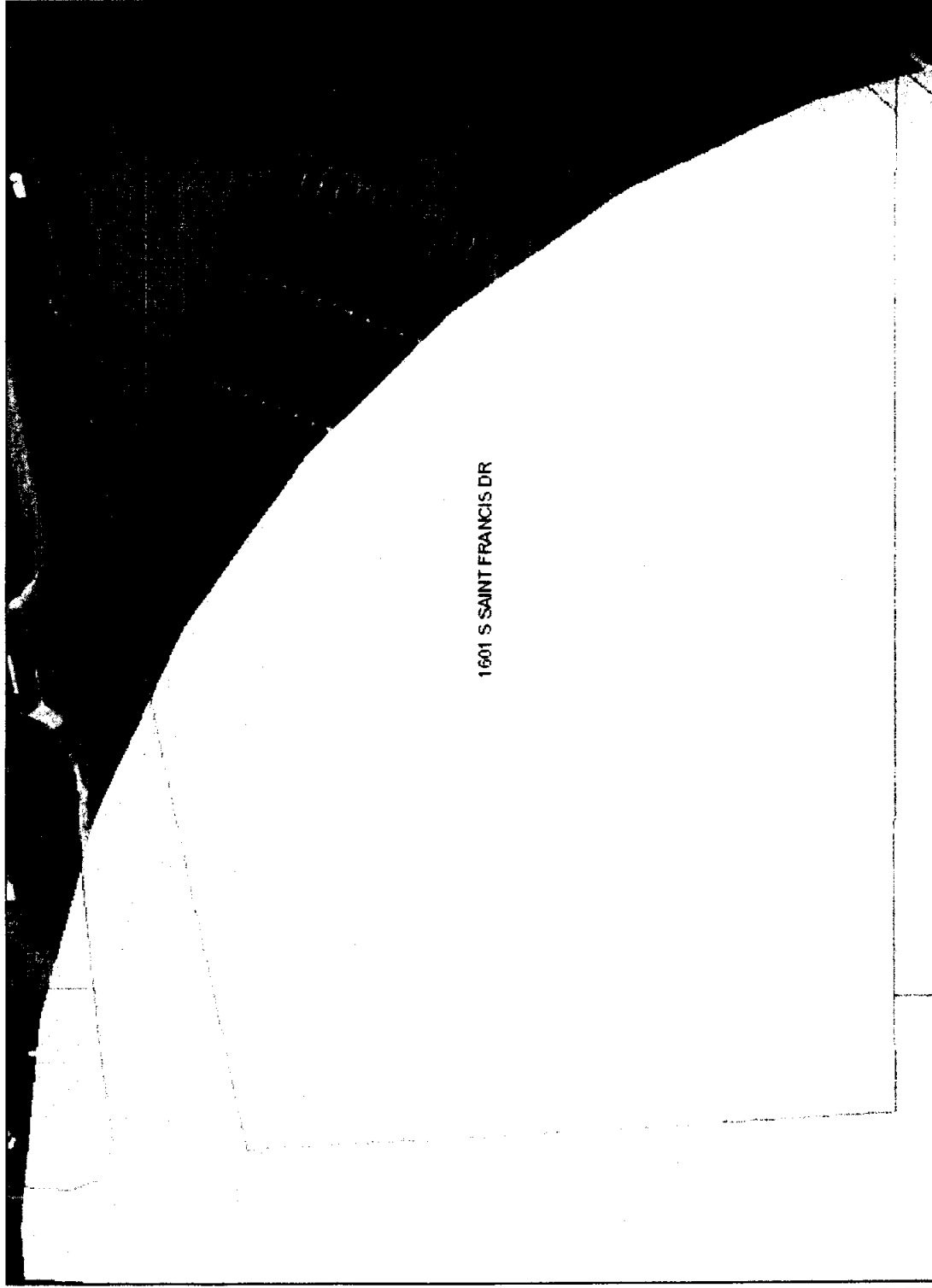
### Legend

## South Central Highway Corridor Protection District

Reference Scale: 1.0  
 Date: Monday, September 26, 2016  
 Time: 10:22:35 AM  
 Prepared By: Leonard Padilla (GIS Project Coordinator)  
 City of Santa Fe CO  
 200 Livada Ave. P.O. Box 909  
 Santa Fe, New Mexico 87501-0909  
 Contract No. Symp.  
 Contract Name: 30022 Feet  
 Project Name: 30022 Feet  
 State: New Mexico  
 County: Santa Fe  
 District: North American 1953  
 Datum: Transverse Mercator  
 Declination: This information is for reference only.  
 The City of Santa Fe assumes no liability  
 for errors associated with the use of these data.  
 Users are solely responsible for confirming data  
 accuracy when necessary.

# Exhibit B





1: 1,128



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere






This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Notes**

© Latitude Geographics Group Ltd.

**Legend**

-  City Limits
-  Santa Fe County Parcels
-  Santa Fe River
-  Address Points
-  South Central Highway Corridor District

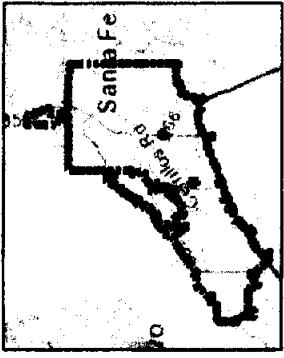




Exhibit C



Exhibit D




# City of Santa Fe, New Mexico

## memo

**DATE:** October 4, 2016

**TO:** Boguslaw Malecki, ITT Enterprise Application Services Manager

**FROM:** Lisa D. Martinez, Director, Land Use Department  
Greg Smith, Director, Current Planning Division 

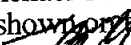
**SUBJECT:** Non-Substantive Changes to Official Zoning Map per Section 14-4.1(C)(4) SFCC 1987 – Parcel at 1601 South St. Francis Drive (Southeast corner St. Francis at San Mateo Road)

### **REQUESTED ACTION:**

Correct the official zoning map as shown on the attached exhibit to conform the boundary of the South Central Highway Corridor Overlay District (SCHC) to match the original ordinance exhibits and description.

### **ANALYSIS:**

The text of the SCHC regulations establish the boundary as “the lands within 600 feet of the edge of the right-of-way of both sides of ... St. Michael’s Drive [and] St. Francis Drive ... .” Maps were also provided in Ordinance 1986-25, the ordinance that created the SCHC, and in the codified SFCC 1987 prior to December 24, 2001. The SCHC is currently codified as Subsection 14-5.5(A) SFCC 1987, but was previously codified as Subsection 14-69.2 SFCC 1987.

An error in the SCHC boundary was introduced December 24, 2001 when the exhibit to Subsection 14-69.2 SFCC 1987 was replaced by Ordinance 2001-38 “Chapter 14 Reorganization” Exhibit G. Exhibit G expanded the boundary of the SCHC to include an irregular projection into the property at 1601 South St. Francis Drive, apparently expanding the boundary based on inclusion of the St. Michael’s Drive to South St. Francis Drive access ramp. That error has continued to be shown on ~~shown on~~ the current GIS official zoning map 

The expanded boundary is not supported by the original exhibits, and this non-substantive change restores the boundary to the original alignment as shown in Ordinance 1986-25. The corrected boundary reduces the portion of the property at 1601 South St. Francis Drive that is within the SCHC, and which is subject to the height limits and other property development standards provided in the SCHC.



## TRACKING OF NON-SUBSTANTIVE CHANGES TO THE OFFICIAL ZONING MAP

### GENERAL CASE INFORMATION

Case #: N/A	Rezoning from Correct SCHC Overlay Boundary	Case Name: Correct South Central Highway Corridor Boundary to match original Ord. #
Rezoning approved?	Yes	No N/A
Subject Property Address: 1601 South St. Francis - St. Bede's Episcopal Church		
Subdivision/Lot/Block: Tract B T17N, R9E		
Property Owner Name: St. Bede's Episcopal Church		
City Council Approval Date:		
Ordinance No. Correct to reflect Ord.		
Are there conditions attached to the rezoning approval? Yes No <input type="checkbox"/> N/A		

Corrected to reflect the correct boundary line for the property.

✓	Rezoning ordinance, signed by mayor and recorded at the City Clerks Office
✓	Vicinity map
✓	Plat of property <b>[Attached to ordinance]</b>
N/A	Copy of zoning atlas page.
	Page # N/A Last update: N/A

Comments:

Other Documentation Attached (please list):

**Memo 10/04/2016 and supporting maps attached**

Lisa D. Martinez, Director, Land Use Dept.  
by Greg Smith, AICP, CP Division Director

10/4/2016  
Date

Received: Boguslaw Malecki, ITT Enterprise  
Application Services Manager

10/4/16  
Date

ATTACHED:

Vicinity Maps showing corrected SCHC overlay zoning

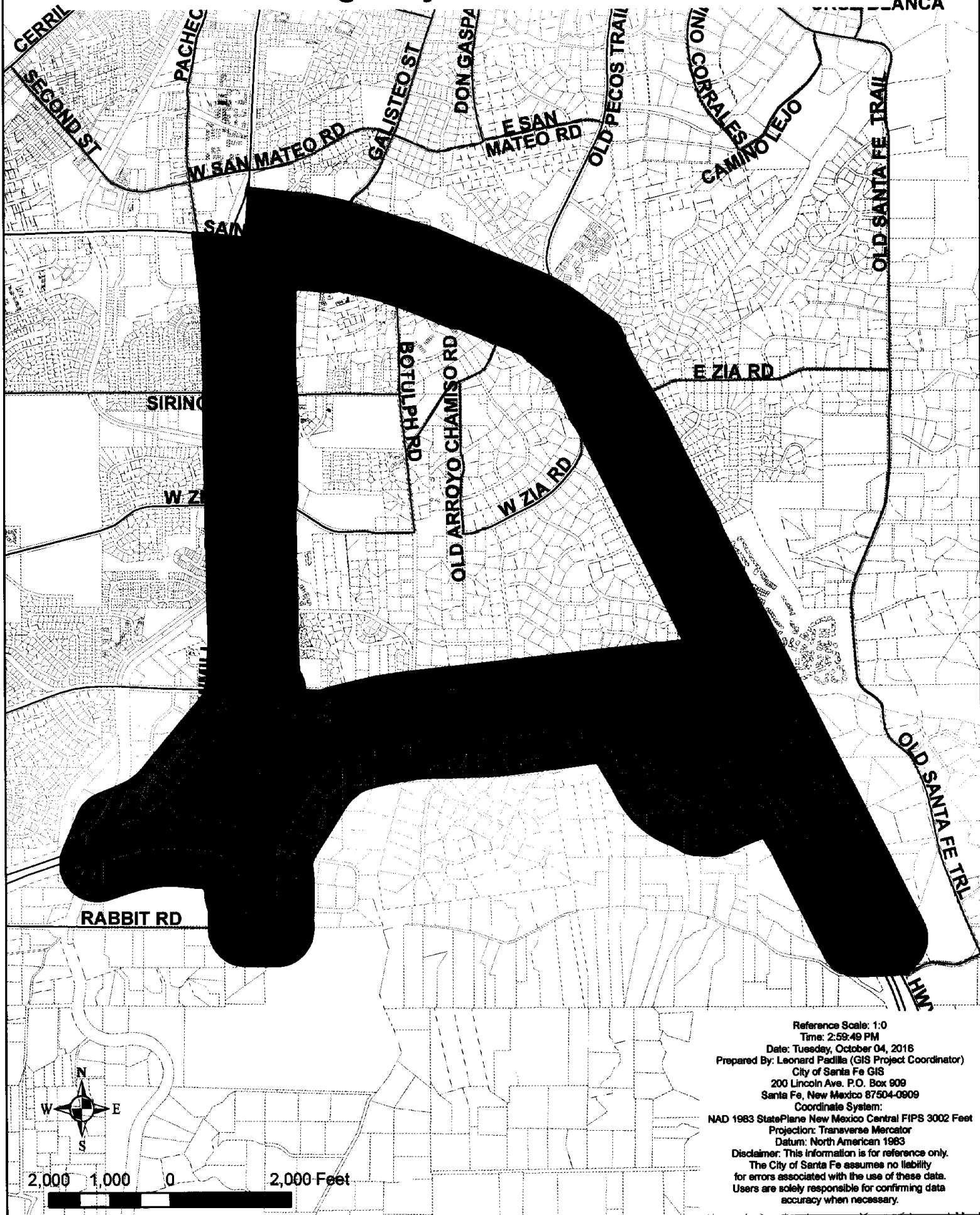
Map from Ordinance 1986-25

Map from Ordinance 2001-38

Nonsubstantive Correction Tracking Form

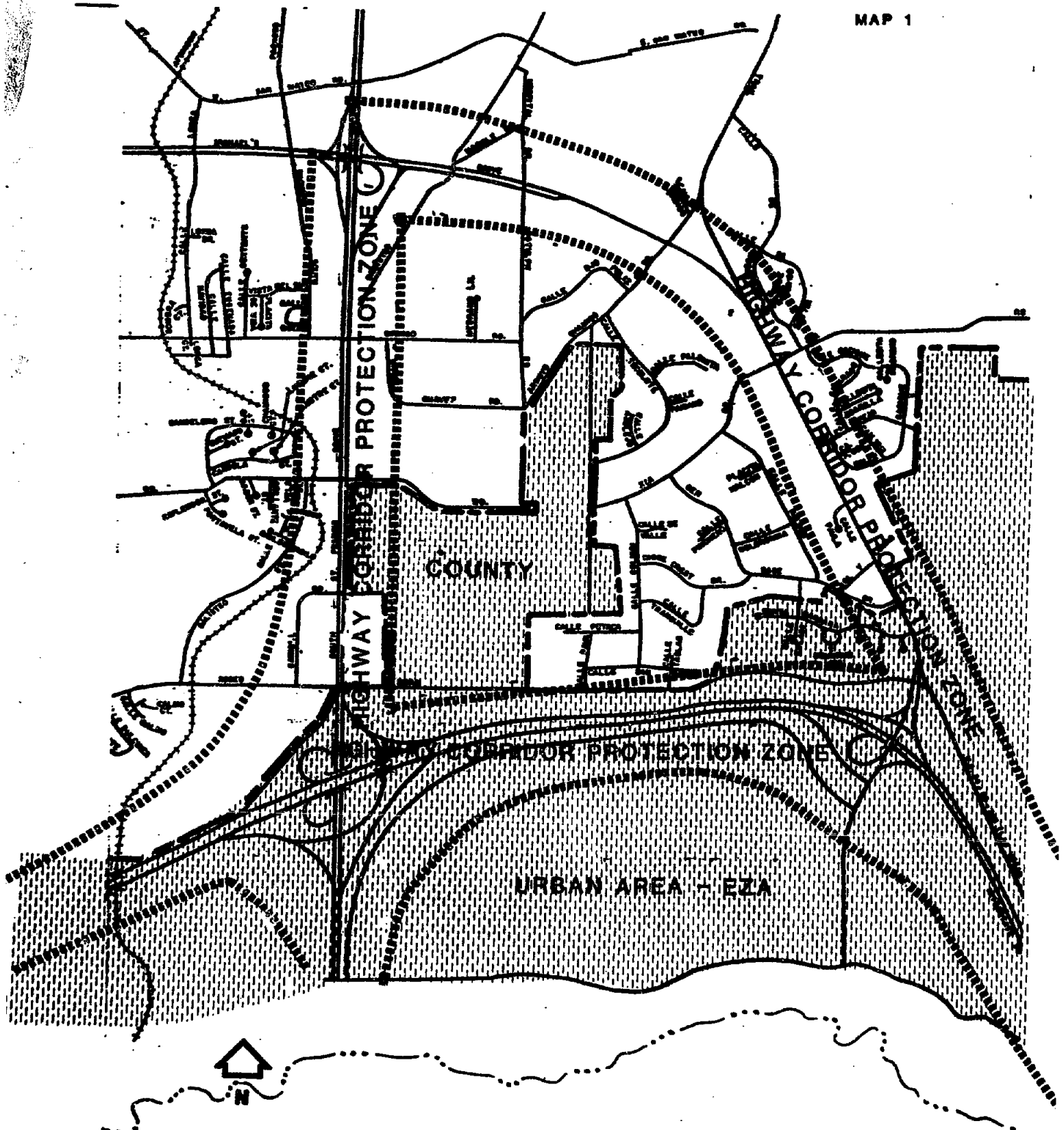
gtsc: 1601 S St Francis Nonsub Memo

# South Central Highway Corridor Protection District



# HIGHWAY CORRIDOR PROTECTION DISTRICT MAP

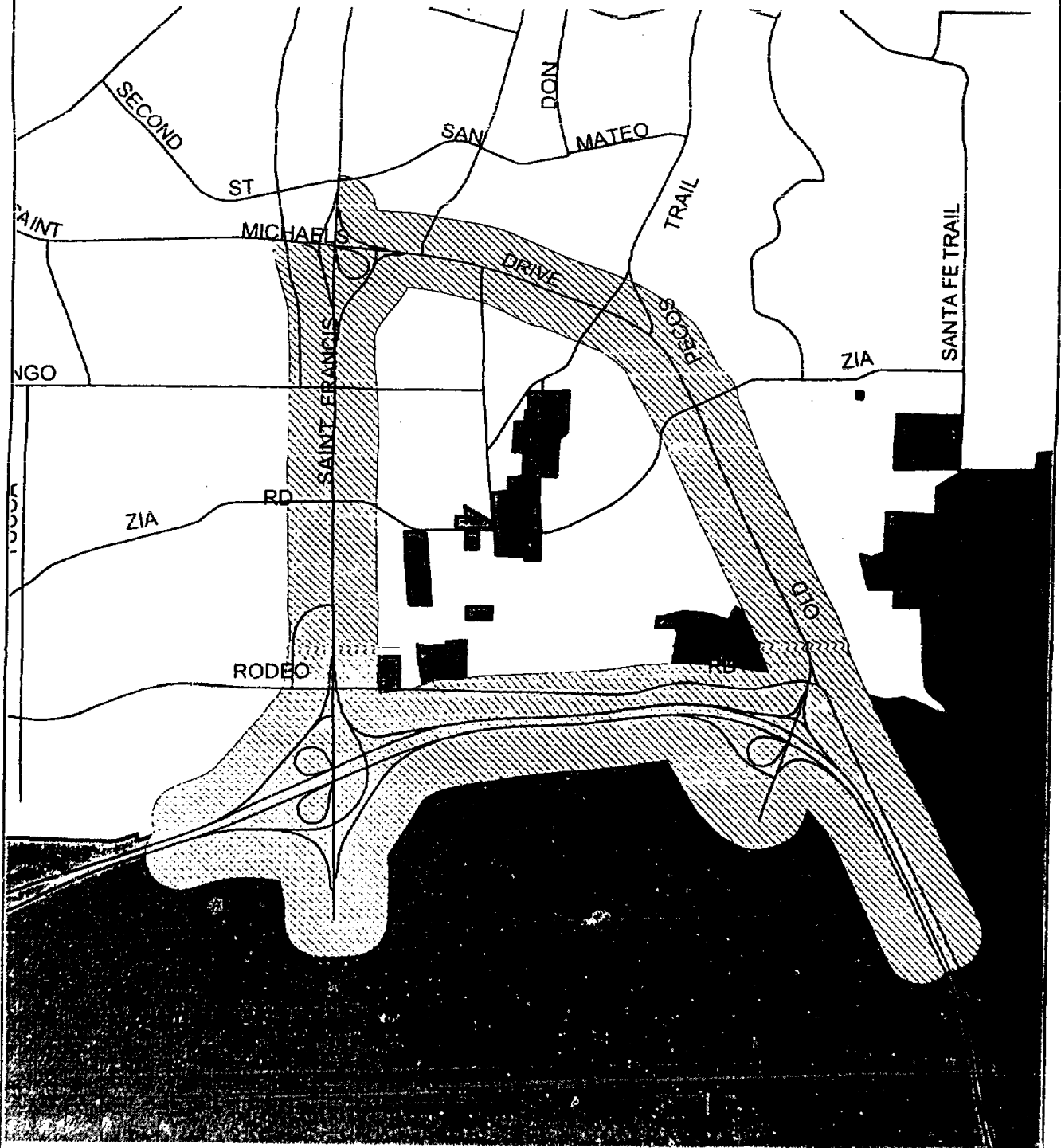
MAP 1



SCALE: 1" = 800'

# HIGHWAY CORRIDOR PROTECTION DISTRICT MAP

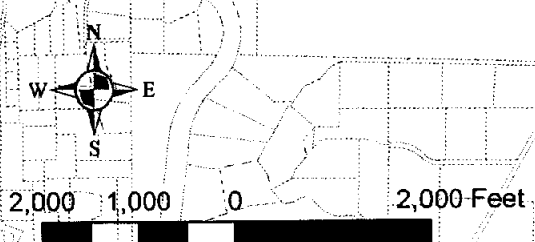
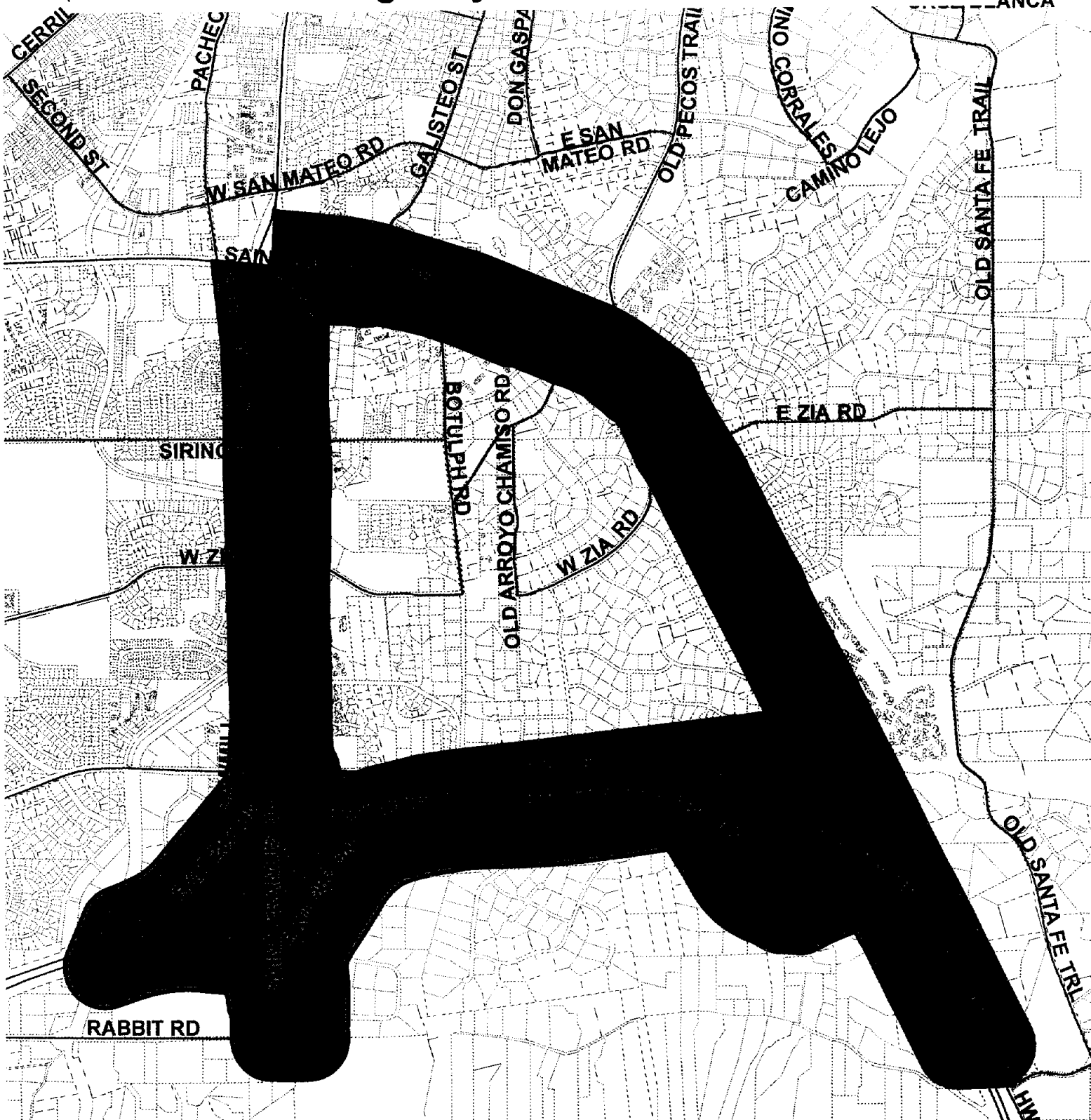
- Major Roads
- Highway Corridor Protection Zone
- City Limits
- 



HIGHWAY CORRIDOR PROTECTION DISTRICT MAP



# South Central Highway Corridor Protection District



Reference Scale: 1:0  
Time: 2:37:51 PM  
Date: Tuesday, October 04, 2016  
Prepared By: Leonard Padilla (GIS Project Coordinator)  
City of Santa Fe GIS  
200 Lincoln Ave. P.O. Box 909  
Santa Fe, New Mexico 87504-0909  
Coordinate System:  
NAD 1983 StatePlane New Mexico Central FIPS 3002 Feet  
Projection: Transverse Mercator  
Datum: North American 1983  
Disclaimer: This information is for reference only.  
The City of Santa Fe assumes no liability  
for errors associated with the use of these data.  
Users are solely responsible for confirming data  
accuracy when necessary.

Board of Adjustment  
October 4, 2016

**EXHIBIT 6**





