



# Agenda

DATE 8/15/17 TIME 10:30  
SERVED BY Geraldine Aguilar  
RECEIVED BY [Signature]

## BOARD OF ADJUSTMENT

Tuesday, September 5, 2017 at 6:00 P.M.  
Nambe Room (2<sup>nd</sup> Floor)  
Santa Fe Community Convention Center  
201 West Marcy Street

### A. ROLL CALL

### B. PLEDGE OF ALLEGIANCE

### C. APPROVAL OF AGENDA

### D. APPROVAL OF MINUTES: Minutes of August 1, 2017

### E. FINDINGS/CONCLUSIONS:

Case #2017-47. 630 Canyon Road Use Permit.

Case #2017-54. Museum of NM Foundation, 1411 Paseo de Peralta, Variance.

Case #2017-64. 2791 Agua Fria Street Special Use Permit.

### F. OLD BUSINESS

### G. NEW BUSINESS

1. Case #2017-71. 702 Bishops Lodge Road (Adventist Academy of Santa Fe) Special Use Permit. James Huckabee, agent for Texico Conference Association of Seventh-Day Adventists, requests approval of a Special Use Permit for an elementary and secondary school. The property is zoned R-1 (Residential- 1 dwelling unit per acre). (Dan Esquibel, Case Manager)

### H. STAFF COMMUNICATIONS

### I. MATTERS FROM THE COMMISSION

### J. 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.

Board of Adjustment Meeting Index  
September 5, 2017

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Call to Order	Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 6:02 p.m. at the Santa Fe Community Convention Center.	1
Roll Call	A quorum was established with roll call.	1
Pledge of Allegiance		1
Approval of Agenda	Ms. Winston moved to approve the agenda as presented with a second from Ms. Reynolds. The motion was approved by unanimous voice vote.	1
Approval of Minutes from the August 1, 2017 Meeting	Mr. Maahs moved to approve the minutes of August 1, 2017 as presented with a second from Ms. Reynolds. The motion was approved by unanimous voice vote.	1
Findings/Conclusions: Case #2017-47 630 Canyon Road Use Permit	Ms. Winston moved to approve the Findings of Fact and Conclusions of Law in Case # 2017-47 with a second from Ms. Reynolds. The motion was approved by unanimous voice vote.	1,2
Case # 2017-54 Museum of NM Foundation, 1422 Paseo de Peralta, Variance	Ms. Reynolds moved to approve the Findings of Fact and Conclusions of Law in Case # 2017-54 with a second from Mr. Maahs. The motion was approved by unanimous voice vote.	2
Case #2017-64 279 Agua Fria Street Special Use Permit	Ms. Winston moved to approve the Findings of Fact and Conclusions of Law in Case # 2017-64 with a second from Ms. Reynolds. The motion was approved by unanimous voice vote.	2
Old Business	Discussion Only	2
New Business 1. Case #2017-71 702 Bishops Lodge Road Special Use Permit (Adventist Academy of Santa Fe)	Ms. Winston moves to extend the special use permit for 2 years through the end of the 2018 academic year and incorporating staff's findings of fact and conclusions of law and subject to staff's conditions of approval and further subject to the following conditions that at the end of the special use period if it is not extended that the mobile units will be removed and noise screening will be placed at the Northwest and East side of the play area. Mr. Werworth seconds to motion. All in favor, with the exception of Ms. Reynolds who opposes. Motion carries.	2-8
Staff Communications	Discussion Only	8
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ADJOURNMENT	There being no further business to come before the Board of Adjustment the meeting was adjourned at 8:04 p.m.	8
SIGNATURES		8

**MINUTES OF THE MEETING OF THE  
BOARD OF ADJUSTMENT  
Santa Fe Community Convention Center  
201 West Marcy Street Nambe Room Santa Fe, NM  
September 5, 2017  
6:00 p.m. -8:00 p.m.**

**A. CALL TO ORDER & ROLL CALL**

Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 6:02 p.m. at the Santa Fe Community Convention Center. A quorum was established with roll call.

**PRESENT:**

Gary Friedman, Chair  
Rachel L. Winston, Vice Chair  
Daniel H. Werwath  
Donna Reynolds  
Douglas Maahs

**NOT PRESENT/EXCUSED:**

Patricia Hawkins  
Coleen Dearing

**OTHERS PRESENT:**

Noah Berke, City Land Use  
Dan Esquibel, City Land Use  
Linda Vigil, Stenographer

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF AGENDA**

**MOTION:** Ms. Winston moved to approve the agenda as presented with a second from Ms. Reynolds.

**VOTE:** The motion was approved by unanimous voice vote.

**D. APPROVAL OF MINUTES: Minutes of August 1, 2017**

**MOTION:** Mr. Maahs moved to approve the minutes of August 1, 2017 as presented with a second from Ms. Reynolds.

**VOTE:** The motion was approved by unanimous voice vote.

**E. FINDINGS/CONCLUSIONS**

**Case # 2017-47 630 Canyon Rd. Use Permit**

(See Exhibit A)

**MOTION:** Ms. Winston moved to approve the Findings of Fact and Conclusions of Law in Case # 2017-47 with a second from Ms. Reynolds.

**VOTE:** The motion was approved by unanimous voice vote.

**Case # 2017-54 Museum of NM Foundation, Variance**

(See Exhibit B)

**MOTION:** Ms. Reynolds moved to approve the Findings of Fact and Conclusions of Law in Case # 2017-54 with a second from Mr. Maahs.

**VOTE:** The motion was approved by unanimous voice vote.

**Case # 2107-64 2791 Agua Fria Street Special Use Permit**

(See Exhibit C)

**MOTION:** Ms. Winston moved to approve the Findings of Fact and Conclusions of Law in Case # 2017-64 with a second from Ms. Reynolds.

**VOTE:** The motion was approved by unanimous voice vote.

**F. OLD BUSINESS**

There was not any old business to discuss.

**G. NEW BUSINESS**

**1. Case #2017-71 702 Bishops Lodge Road (Adventist Academy of Santa Fe) Special Use Permit**

**Staff Report:**

Mr. Esquibel explained the reason for the Special Use Permit for an elementary and secondary school zoned R-1 on Bishop's Lodge Road. The Board of Adjustment previously approved the special use permit but there was a time limit of five years. The applicant had intentions of moving and now they would like to stay at their location and request an increase of students. The traffic division asked them to stagger their pick up and drop off area. The temporary portable was approved by land use.

Mr. Esquibel spoke to the Adventist Church and there is plenty of parking capacity. This will be the same application as before with the portable and the increased number of students.

Staff recommends approval based on changes.

**Applicant Report:**

Mr. James Huckabee (2305 Jemez Rd.) explained the school applied for the special use permit five years ago and it was granted. The enrollment has been low, therefore they have not been able to buy a new property. They have not found a suitable location. They are applying for a permanent special use permit but will continue to look for a bigger location eventually. They have met all the conditions. The one issue they have is if they extend to a high school they will need a different time for release.

Mr. Esquibel explained SFPS gave him the time frames. Mr. Huckabee stated they are not planning a Pre-K any longer. It will only be grades K-12.

Ms. Winston discussed a complaint that was filed about a light that was shining into a home. Mr. Huckabee explained how they repaired that light and explained they are willing to plant trees as a noise buffer.

Mr. Huckabee states there was not any other complaints. A picture of the portable was given to the Board (See Exhibit G)

#### **PUBLIC HEARING: IN FAVOR of the application**

Elisa Hernandez (825 Calle Mejia, Apt. 921) is a teacher at the school. They are there to give options to parents. It is a place for the kids to be nurtured in the classroom. It provides one on one care. They are willing to work on any complaints. The kids love the school, it would be a heartbreak to close it. It is a no bullying zone. They will work with them to accommodate any issues.

Melissa Chacon (825 Calle Mejia) is the principal and teaches grades 5-8. They try to give back as much as possible. They want to find a property elsewhere with more space so they can grow as a school. They need to secure funding and they need more enrollment. They hope in time they can find something permanent. They are unable to do that right now.

Ms. Dolores Lopez (1297 Senda del Valle) was an original member of the Church school board. She has watched it grow and bloom. There are some students that have gone off to college. She is a retired counselor and she volunteers two days a week. It is an amazing thing to watch.

Yesenia Rodriguez (5282 Joshua Lane) would like people to take in account the feelings of the kids. Her daughter has gone there and it would impact her if she went to public school. Her son went up to 5<sup>th</sup> grade there he had low grades now he is in 8<sup>th</sup> and is progressing. They will make the changes needed.

Robert Winn (County Rd. 141 house 66B Medenales) brings his daughter every day to school from over 40 miles away. Recently the things they have done have been impressive. She had difficulty in public school, now she is able to grow. In this setting she gets one on one personal attention. It is providing a service they can do this specifically. It would make SF less diverse. It would be a disservice to deny the permit.

Phil Chavez (2086 Calle Lorca) is a Combat Veteran who suffers from PTSD. He has seen the danger and he finds the school to be safe. This school has the safety procedures and knows what to do in a situation. To him, safety comes first.

#### **PUBLIC HEARING: IN OPPOSTION to the application**

John Haynes (227 Camino de la Sierra) loves the neighborhood he lives in and has 18 letters and emails that are opposed. (See Exhibit E) He wishes the school success, he just wishes it be elsewhere. There are several neighbors close to the school classrooms. They can hear the kids yelling and whistles blowing. There aren't any structures that can block the noise. They are higher up and a large wall cannot be built to block the noise. He bought his home in 2013, and they were assured it was temporary. He has a SF City Planning memo supporting the temporary unit (See Exhibit F). It states that it would house K-8 now they propose it be K-12. If enrollment increases will they will ask for more portables. He asks that the promises in 2012 be kept.

Carol Arbester (227 Camino de la Sierra) lives directly behind the academy. She gets the full brunt of the noise. There are kids running and the screaming 5 days a week, they use whistles to control the noise. The noise moves up the slopes it is loud and frequent. This is her full time residence it has been her home office and as historians and it is constantly loud. The noise is a blatant disregard to the neighborhood. They have been patient and have never complained because they thought it was temporary.

Barbara Bianchi (792 Bishops Lodge Road) and her husband have lived next to the church for 25 years. They have lived in SF most of their lives. She was a teacher, after being a teacher she became a pre-k specialist. They purchased their land from the church, back then it was a one-story building and gravel parking lot. Then they built a gymnasium. About 5 years ago, they received a notice to attend a meeting to decide on placing a temporary classroom building.

They were assured the neighborhood it was temporary and it was good for the kids. During that time, they have been patient and polite. She knows there is nothing wrong with kids screaming. They can be heard before and during recess and then afternoon and afterschool activities. The school hasn't received any complaints because this was to be temporary. She and her husband have complained to each other, but agreed it was only for 5 years. They promised it was temporary and looking for permanent home elsewhere. What have they done the last 5 years to find a home? They are making the same request they owe it to all of us to explain what they have done to find another location. They have all been uncertain, temporary means temporary. Her attorney has 5 other letters in objection to renewing the permit.

Dennis Bianchi (792 Bishops Lodge Road) asked why can't they relocate to another area in the city. At Rancho Viejo there is ample parking and they can move the play equipment. (See Exhibit H) There is another location on Rabbit Road (See Exhibit I). Why haven't they looked there. They have had a chance to look, now hold them to their promise.

Walter Pertrul (229 de la Sierra- Homeowners Association) stated this meeting has turned into a challenge of the schools. There have been many letters and concerns by neighbors. In 2012, when the ENN was held he was out of town, but had he been home he would've opposed the school. Had he known his property values would diminish, he would've opposed. He overlooks the schoolground, he gets to look at the portable. They are not to have any temporary structures there. They can't even have a camping trailer there. He opposes because they do impact his property values.

Clinton Hughley (777 Bishops Lodge Road) states the church has been a good neighbor everyone agrees. It is hard to get an extension to get passed through for their own homes. The temporary permit was granted and suggests they give them good faith extension. But address the Board every 6 months to show they are looking. It's a zoning issue and property values change. The aesthetics impacts them, it was granted temporary granted. Why did they grant it?

Dick Rosemont (71 Bishops Lodge Rd.) agrees with Mr. Hughley. This is not to debate quality of the school. It's a zoning issue and temporary permit. Why wouldn't you keep applying for temporary permits if they keep granting it?

Joseph Karnes (200 West Marcy Street- Counsel for the Bianchi's) explains this is an awkward situation. Should there be a school there? It is not an appropriate location for the school. It was for the church. A school is an active use. It is

a 2-acre property. Mr. Karnes shows the small active play area, it is east of the arroyo next to the gym. When they are outside they are shoehorned in a small area. He has researched and the standard acreage for a school is 10 acres. A high school is 15-20 acres the active use area is on a fraction of that area.

Mr. Karnes stated approving the application will adversely effect the neighboring area. Normally there's a proposal showing what impacts it would have in the future. There are traffic studies done and noise studies. They had one complaint but all others refrained because they thought it was temporary.

The school is proposing to make it 50 % larger. The neighbors have lived this for 5 years.

Nearly 8 years ago he started a nonprofit that proposed to build a school in Kenya. They created their funding mechanism. They had milestones and completed them. When an applicant comes before the Board they would expect them to have a plan. What have they done the past 5 years?

Mr. Karnes researched their website on tuition (See Exhibit J). The City imposed a 20 student limit. Not sure how it is working. But real estate is expensive, they knew they had a limit of students. How were they going to raise the money with a cap of 20, the numbers do not add up? Properties are expensive. Mr. Bianchi spoke of 2 properties that are relative to the Adventist Church. The applicant owes it to them to explain their plan and explain why they can't move the portables there?

The applicant played the temporary card the neighbors have lived with the impact of the school for the past five years. In the staff report there were the conditions for parking there isn't one for expiration.

A brief discussion was held about when the permit would expire and ongoing school year activities.

Mr. Karnes suggests they look at the other two sites and relocate at the end of the school year. Make the permit nonrenewable. One other thing, they would like to make sure the portable is taken when they move.

#### **PUBLIC HEARING IS NOW CLOSED. 7:10 p.m.**

#### *Comments from Staff and Applicant.*

Mr. Esquibel clarified the zoning issue, it is residential. Per the rules, churches and schools are allowed. Approval is required to avoid conflict. Mr. Esquibel read from the Land Use Code.

The noise issues are measured by the road when they place decibel levels they account for day operation and night operations. They can take a measurement and mitigate those levels. Chapter 10 of the code allows the school to fall outside of the normal operation times. As far as traffic goes, they have addressed it.

The expiration date of the permit is standard if they do not fulfill the permit. Chair Friedman asked when this permit expires and if they get an extension they won't expire. Chair Friedman asked if the request is to have 30 students they only have 19 do they have to use the maximum amount? Mr. Esquibel stated no.

#### *Questions for the applicant.*

Mr. Werwath asked if the permanent permit will keep them from looking for a permanent location. How long will it take to relocate?

Mr. Huckabee could not answer that, he is not sure what requirements and zoning he will need to go through to move.

Mr. Winn stated the Rancho Viejo church passed this through this over a year ago with their Board. They have offered the land free of charge. It would take time to raise money to move the portables. A company would have to be contracted to do that and move them. There would be plumbing and electrical work. He wouldn't have an estimate.

Mr. Huckabee state the reason their Board voted against Rancho Viejo is because of the traffic in that area. It is horrendous.

Mr. Berke stated he thinks it is zoned in the county.

Chair Friendman state that the location looks like it's right across from IAIA. There are plenty of neighboring schools.

Ms. Reynolds stated in light of the new location would they still be seeking permanent special use permit? Mr. Huckabee stated they need the backing from the school, the reason would be to have time to find a place.

Ms. Chacon, the principal stated it was never declined it was an option and they are exploring it. The biggest issue is financial. They would like an extended permit they don't want to stay there. The finances are not what they want them to be. There are other committees and boards they would need approval from.

Mr. Maahs asked if funding is an issue or is there any existing plan to raise money since they were limited since the beginning to 20 students?

Mr. Huckabee explained a letter writing plan was done to all philanthropists but they didn't get any donations.

Mr. Maahs is there a plan currently? Mr. Huckabee stated no there was not.

Mr. Huckabee stated the school started off with 7 kids and now it has 18 students and 2 teachers.

Mr. Maahs asked if you increase students you still won't make the money you need.

Mr. Werwoth advised the Board not to discuss the financial aspect and stay with the land use issues.

Ms. Reynolds asked about the letter stating trees would be planted a natural buffer. Mr. Huckabee states he would like to look at poplars because they grow straight up and fast.

Mr. Esquibel stated there are several options for the Board of Adjustment to explore. They can deny the permit with the time limit and extend the special use permit for a period of time and have them return to show they are working on relocating. They can approve it and allow it indefinitely and offer conditions to address the concerns of the neighbors. Require them to report back to show progress.

Chair Friedman asked what hoops would they have to do if they moved the temporary structures. There would have to be environmental assessment and zoning permissions that could be another five years.

Mr. Huckabee states there are several other entities involved. Mr. Winn states he sits on several of the church boards, everybody in that group is in favor. The only major obstacle is the funding.

Mr. Esquibel pointed out the application is just a renewal for 5 years. They can reduce it if they want to.



**MOTION #1:** Ms. Winston moved to extend the special use permit and until the end of the 2018- 2019 academic year and subject to staff's recommendations, this extension is nonrenewable and at the end of the year the portable unit will be removed from the property. A second was not given.

***Discussion***

Mr. Werwoth is not comfortable with leaving a school homeless. Nonrenewable part is hard to approve.

Ms. Reynolds would allow one more year because of the difficulty obtaining approvals and permits.

**MOTION #2:** Mr. Werwoth moved to approve the special use permit with a 3-year extension incorporating staffs conditions as seen in page 1 of the report and create a landscape buffer to buffer the noise.

***Discussion***

Mr. Maahs asked if this extends the current permit to increase it to 30 students.

Ms. Winston asked to add if at any time the school moves or the permit is not extended that the unit is removed from the property.

Ms. Reynolds seconds the motion.

***Further Discussion***

Mr. Esquibel asked to clarify the academic year. Mr. Berke confirmed the end of the school year of 2020.

Ms. Winston would also like to add a condition by staff that should the school reappear they come before they need to have fully realized plan. Mr. Werwoth stated it can't be part of the motion but the applicant can note it. She would like the applicant to note that.

Chair Friedman states the applicant can come back to report on what they are doing to find a location.

Mr. Werwoth explained they should not monitor their financials. There are other neighborhoods that have schools there, he doesn't agree with pushing schools to that side of school.

Ms. Winston explained she was on the board at the time of the first request, she is not hearing tonight that there is a plan to get out of their location.

Chair Friedman states it is different now because there are alternate sites for the school.

Ms. Reynolds wont second it. They need to make sure the applicant is driving this process, they are granting it with conditions.

Chair Friedman asked for a VOTE and there was a tie.

Mr. Maahs discussed this needs to be moved down the road, they promised to move in 5 years and it hasn't happened. People have bought property around it and understood there was a limited time frame for it.

Chair Friedman would like to remove the drop date and mention the buffer in the motion.

Mr. Berke states it sounds like what it is being debating is the time limits. He suggests following the language listed in the staff report and leave it that. There can be an expiration date and have them come back in 3-2 years.

Chair Friedman supports the school his concern is that in 5 years nothing was done after promises. Chair Friedman thinks it should be an incentive to be looking for a new location, it is a good thing. They should prove to the board that they are planning a relocation.

**MOTION #3:** Ms. Winston moves to extend the special use permit for 2 years through the end of the 2018 academic year and incorporating staff's findings of fact and conclusions of law and subject to staff's conditions of approval and further subject to the following conditions that at the end of the special use period if it is not extended that the mobile units will be removed and noise screening will be placed at the Northwest and East side of the play area.

*Clarification:* Mr. Berke asked if this is subject to approval for this calendar school year to increase the number of students? Ms. Winston applies immediately.

Mr. Werworth seconds to motion.

**VOTE:** All in favor, with the exception of Ms. Reynolds who opposes. Motion carries.

#### **H. STAFF COMMUNICATIONS**

Mr. Esquibel nor Mr. Berke did not have anything further to discuss.

#### **I. MATTERS FROM THE COMMISSION**

Chair Friedman thanked staff and the board for being respectful during this meeting. The Chair requested that in the future these rooms accommodate the public better and provide a buffer for exchanges with the audience.

Chair Friedman request if possible do not do them here anymore. In this building.

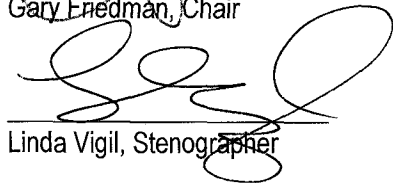
#### **J. ADJOURNMENT**

There being no further business to come before the Board of Adjustment the meeting was adjourned at 8:04 p.m.

#### **SIGNATURES**



Gary Friedman, Chair



Linda Vigil, Stenographer

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

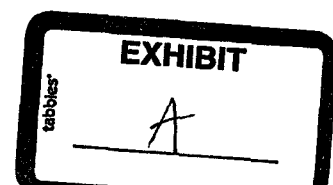
Case # 2017-47—630 Canyon Road Special Use Permit  
Owner/Applicant's Name— Santa Fe Monthly Meeting of Friends  
Agent's Name—Jan Wisniewski

THIS MATTER came before the Board of Adjustment (Board) for hearing on August 1, 2017 (Hearing) upon the application (Application) of Jan Wisniewski, agent, for Santa Fe Monthly Meeting of Friends (Applicant). The Applicant seeks a special use permit to construct a single-story 1,500 square foot religious assembly structure for a maximum of 75 people. The application includes a variance to allow one off-street parking space where approximately six spaces are required. The property is a 0.334 ± acre lot zoned RC-8-AC (Residential Compound 8 Dwelling Units Per Acre, Arts and Crafts Overlay District).

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. One member 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 religious use structure in a residential arts and craft district must apply for a special use permit.
5. Therefore, a special use permit is required for the project.
6. SFCC §14-2.4(C)(3) authorizes the Board to hear and decide pursuant to SFCC §14-3.16 a request for a variance when those requests are not required to be heard by the Planning Commission.
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 April 27, 2017 at the Santa Fe Downtown Library.
10. The ENN meeting was attended by the Applicant, City staff, and approximately no 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 of Chapter 14 and will not adversely affect the public interest.*
  - (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. *There is an existing building on site covering approximately 3,312 square feet.*
    - ii. *The proposed building would be 1,500 square feet.*
    - iii. *Staff analysis has not identified any incompatibility issues with the surrounding commercial and residential uses.*
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. The information contained in the Staff Report and Exhibit A and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-8.6(B)(3)(b) are met in that the requirements of SFCC §14-3.16(C):
  - (a) (C)(1)-unusual physical characteristics exist at this site:
    - i. *The parcel includes a significant historic structure that limits access to most of the lot.*

- ii. *The width of the existing garage would not accommodate two-way traffic that would be required to access an internal parking lot.*
  - iii. *The property is legally nonconforming with regard to the existing religious assembly without any off-street parking.*
- (b) (C)(2)-special circumstances exist as:
- i. *limited access to the undeveloped portion of the site is only through a historic garage that cannot accommodate two-way traffic.*
  - ii. *Neighbors view the existing gardens immediately behind the house and garage as a significant community asset which a new parking lot would eliminate.*
- (c) (C)(3)-the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same regulations because:
- i. *The property has been historically used as a Quaker House of Friends.*
  - ii. *It is not clear that the new meeting room would directly increase the attendance of these meetings.*
  - iii. *The surrounding area was originally developed as a residential area and has transformed over the last several decades into a commercial arts area with many galleries, restaurants and retail businesses.*
  - iv. *Parking is generally accommodated in a small City lot and by on-street parking for businesses.*
- (d) (C)(4)-the variance is the minimum variance that will make possible the reasonable use of the structure:
- i. *The property has been used as a Quaker meeting house for over 50 years.*
  - ii. *The proposed meeting space is not to accommodate more people but rather to allow more efficient meetings by allowing everyone to be in one contiguous space to facilitate communication.*
  - iii. *The meetings occur on the first Sunday morning of each month at 9 and 11 am.*
  - iv. *The first meeting occurs before most commercial businesses are open and the second meeting occurs prior to the peak times for those businesses.*
- (e) (C)(5)-the variance is not contrary to the public interest, in that the variance:
- i. *would facilitate the continuity of Quaker meetings on the site, providing a continued religious and spiritual amenity in the area.*
16. Board staff provided the Board with a report (Staff Report) evaluating the factors relevant to the proposed special use permit and variance recommending approval by the Board of such special use permit and variance, subject to the conditions set out in the Staff Report (the Conditions).

### 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) 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 SEPTEMBER, 2017 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.
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.
3. The Application for a variance to the requirements of SFCC §14-8.6(B)(3)(b) meets the criteria set forth in SFCC §14-3.16(C) and the variance is hereby approved.

\_\_\_\_\_  
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:

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

Case # 2017-54—Museum of NM Foundation, 1411 Paseo de Peralta, Variance  
Owner/Applicant's Name— Jamie Clements, Museum of NM Foundation

THIS MATTER came before the Board of Adjustment (Board) for hearing on July 5, 2017 and August 1, 2017 (Hearings) upon the application (Application) of Jamie Clements, Museum of NM Foundation (Applicant). The Applicant requests a variance from Section 14-8.4(J)(3) that requires a 15 foot continuous landscaped buffer strip between residential and non-residential uses. The Applicant proposes to continue access to and with parking on their property from Galisteo Street to its Foundation office buildings facing Paseo de Peralta. The property is zoned C-1 (Office and Related Commercial).

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. Sixteen members of the public interested in the matter spoke at the July 5, 2017 hearing and nine members of the public spoke at the August 1, 2017 hearing and there were twenty-six members who submitted written comment.
2. SFCC §14-2.4(C)(3) authorizes the Board to hear and decide pursuant to SFCC §14-3.16 a request for a variance when those requests are not required to be heard by the Planning Commission.
3. Code Section 14-3.1(F)(2)(a)(viii) requires an ENN for variances 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)].
4. Notice was properly given in accordance with the notice requirements of Code Section 14-3.1(H)(1)(a)-(d).
5. An ENN meeting was held on March 14, 2017 at the Santa Fe Downtown Library.
6. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 20 interested others and the discussion followed the guidelines set out in Code Section 14-3.1(F)(6)
7. SFCC §14-3.16(B) authorizes the Commission to approve, approve with conditions or deny the variances based on the Application, input received at the public hearing and the approval criteria set forth in SFCC §14-3.16(C).
8. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC

requirements and provided the Commission with a written report of its findings (Staff Report) with conditions in Exhibit A and together with a recommendation of approval to the Board.

9. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish with respect to the Applicant's request for a variance from the requirements of SFCC §14-8.4(J)(3) are met in that the requirements of SFCC §14-3.16(C):

- a. (C)(1)-unusual physical characteristics exist at this site:
  - i. *The lot in its current configuration has existed for over a century since it appears on the Kings Map, dated 1912.*
  - ii. *The lot is an unusual shape with a narrow segment bordered on two sides by residential zoning.*
- b. (C)(2)-special circumstances exist:
  - i. *the property was zoned to the C-1 District in 1984 and the landscape 15' wide buffer strip regulation has been in place since 2001.*
- c. (C)(3)-the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to the same regulations because:
  - i. *the extent of development shown on the proposed site plan, including the existing and proposed buildings and the relocated parking lots is similar to or slightly less than the extent of development that would be typical on other lots with C-1 zoning.*
- d. (C)(4)-the variance is the minimum variance that will make possible the reasonable use of the structure:
  - i. *The property has been used for office purposes for many years, although at a lower intensity than would be typical in a C-1 district.*
  - ii. *The portion of the lot directly affected by the variance is used currently as a two-way driveway, but the Applicant has agreed to the Traffic Engineer's recommendation to make it a one-way coming from Paseo de Peralta and exiting onto Galisteo Road.*
  - iii. *The Traffic Engineer submitted a written document regarding the counts of traffic on Galisteo Road.*
  - iv. *Without the variance, the portion of the lot directly affected by the variance could not be upgraded for parking use and still allow access by emergency vehicles.*
  - v. *The lack of a variance would limit the future use and development of the property.*
- e. (C)(5)-the variance is not contrary to the public interest, in that the variance:
  - i. *will formalize that the portion of the lot directly affected by the variance has been used for parking for many years;*
  - ii. *will allow the Applicant to develop the property, but limit any potential harm to the public because the Applicant agreed to build a code compliant coyote fence with screening vegetation buffers:*
    1. *With consultation with the neighbors to the north and south of the property prior to construction of coyote fence; and*
    2. *With approval from the City's Historic Review District Board.*



### 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 §14-3.16 to grant a variance applied for in this request.
2. The variance 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.

**WHEREFORE, IT IS ORDERED ON THE \_\_\_\_ DAY OF SEPTEMBER, 2017 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:**

1. The Application for a variance to the requirements of SFCC §14-8.4(J)(3) meets the criteria set forth in SFCC §14-3.16(C) and the variance is hereby approved.
2. The variance includes the following condition: the Applicant agreed to build a code compliant coyote fence with screening vegetation buffers: (a) with consultation with the neighbors to the north and south of the property prior to construction of coyote fence; and (b) with approval from the City's Historic Review District Board.

\_\_\_\_\_  
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:

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

Case # 2017-64—2791 Agua Fria Street Special Use Permit  
Owner/Applicant's Name— Stella Rivera  
Agent's Name—Jason Fitzpatrick, Tumbleroot Brewing LLC

THIS MATTER came before the Board of Adjustment (Board) for hearing on August 1, 2017 (Hearing) upon the application (Application) of Jason Fitzpatrick, Tumbleroot Brewing LLC, agent, for Stella Rivera (Applicant). The Applicant seeks a special use permit for a Bar/Taproom at a property that is located within 200 feet of a residentially zoned district. The property is address 2791 Agua Fria and zoned C-2 (General Commercial).

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 bar that is located within 200 feet of a residentially zoned district must apply for a special use permit.
5. Therefore, a special use permit is required for the project.
6. 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)].
7. Notice was properly given in accordance with the notice requirements of Code Section 14-3.1(H)(1)(a)-(d).
8. An ENN meeting was held on May 23, 2017 at the Genoveva Chavez Community Center.



9. The ENN meeting was attended by the Applicant, City staff, and approximately three other interested parties, and the discussion followed the guidelines set out in Code Section 14-3.1(F)(6).
10. 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)].
11. 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)];
    - i. *The Traffic Engineering Division has concluded there will be minimal traffic impact from the proposed use.*
    - ii. *All musical performances will maintain compliance with all city codes and will only take place indoors.*
    - iii. *The proposed building uses as a bar/taproom is allowed under the zoning of C-2 (General Commercial).*
  - (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. *One of the previous uses for this building when the property was under County jurisdiction was a bar and nightclub.*
    - ii. *The Planning Commission rezoned the property to C-2 in 2014 and was aware that some of the surrounding property was zoned residential.*
12. 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.
13. 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.
14. 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).

### 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) 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 SEPTEMBER, 2017 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.
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:

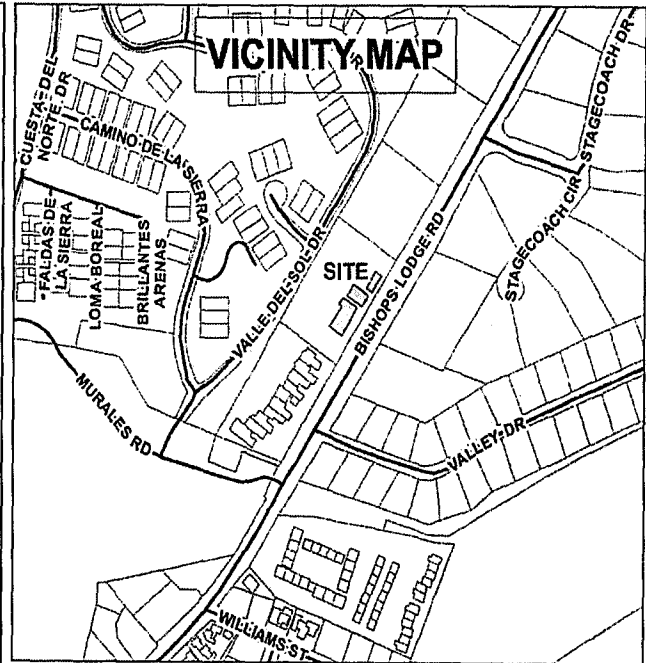
\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

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



# Land Use Department Board of Adjustment Staff Report

Case No: 2017-71  
Hearing Date: September 5, 2017  
Applicant: Adventist Academy of Santa Fe  
Request: Special Use Permit  
Location: 702 Bishops Lodge Road  
Case Mgr.: Daniel A. Esquibel  
Zoning: R-1 (Residential)  
Overlay: None  
Pre-app. Mtg.: June 8, 2016  
ENN Mtg.: September 29, 2017  
Proposal:  
Request for a Special Use Permit for a private elementary, high school and preschool within an existing Religious Assembly



**Case #2017-71. 702 Bishops Lodge Road (Adventist Academy of Santa Fe) Special Use Permit.** James Huckabee, agent for Texico Conference Association of Seventh-Day Adventists, requests approval of a Special Use Permit for an elementary and secondary school. The property is zoned R-1 (Residential- 1 dwelling unit per acre). (Dan Esquibel, Case Manager)

## I. RECOMMENDATION

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

#	Condition of approval	Dept. or Division	To be completed by:
1	The applicant shall agree to stagger student drop-off and pick up times at the school.	Traffic Engineering	Prior to approval of the Special Use Permit
2	1. Church use seating capacity shall be limited to 144 seats, and 2. Student capacity limited to 30 students	Land Use	Acceptance of conditions at the BOA meeting.

**Case #2017-71 Adventist Academy of Santa Fe Special Use Permit**  
Board Of Adjustment September 5, 2017 Meeting



## **II. EXECUTIVE SUMMARY**

The Applicant is requesting a Special Use Permit for permanent use of an existing elementary and secondary school (grades K through 8<sup>th</sup> and grades 9<sup>th</sup> through 12<sup>th</sup> (distance learning) within the Adventist Academy of Santa Fe Church facility. The proposed increase to student capacity is ten students, for a total of 30 students. The school has already expanded the use to include kindergarten and ninth grade (distance learning); however, the maximum number of students is within the BOA's September 2012 approval (20 students). The current request will require limits to the maximum seating capacity for the church use of 144 seats to fit within the existing parking on the property of 36 parking spaces.

The project analysis can be found on Page 2, Section III "Site Review" and Page 4, Section V "Special Use Permit Approval Criteria."

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 the necessary findings per 14-3.6(D) "Approval Criteria and Conditions". No other public review processes will be required – the use will not trigger review by the Archaeological Review Board since no internal or external development is proposed with this request. The property is not within a historic overlay district.

## **III. BACKGROUND**

On September 20, 2012, the Board of Adjustment (BOA) approved a Special Use Permit (SUP) with a 5 year term limit for the Adventist Academy of Santa Fe (Applicant). The Permit allowed a "temporary" school for grades one through eight with a maximum enrollment of 20 students for five years. The expiration date of the SUP comes due September 20, 2017. At the time of approval the Applicant stated to the BOA that they "have a long term plan to find a permanent location for our school, but we're starting small and we just wanted to have a place where we could at least get it started and then adjust as we move forward. We are actively looking for a permanent location, but in the meantime, we are requesting permission to let us begin at this location." On August 5th, 2013 the applicant obtained a building permit to place a commercial modular building (23'.6" x 60' – 1410 square feet) to accommodate the school use.

The applicant has not relocated the school and is now requesting a SUP for permanent use. Table 14-6.1-1 requires approval of a Special Use Permit to change the type and intensity of both religious assembly and private school uses pursuant to 14-3.6 "Special Use Permits".

#### IV. EXISTING CONDITIONS

The property is zoned R-1 (Residential – 1 dwelling unit per acre). The Land surrounding the property is zoned Residential with frontage to Bishop's Lodge Road to the south.

No external development is proposed with this application. Therefore, there is no effect on lot coverage, open space, landscaping and Environmental services. Additionally, the property is already connected to both wet and dry utilities.

The proposal has been reviewed by the Technical Review Division for Landscaping and Terrain Management, Environmental Services for solid waste removal, and City Water and Wastewater Divisions for wet utilities. No conditions were submitted as part of these reviews (reference Exhibit A).

The City Traffic Division is requiring a staggered schedule for drop off and pick up of students. The applicant is proposing the following plan to comply with City Traffic conditions:

Grades K through 3:	Drop-off 8:00 AM	Pick-up 3:00 PM
Grades 4 through 8:	Drop-off 8:30 AM	Pick-up 3:30 PM
Grades 9 through 12		Pick-up 2:00 PM

In addition, all student drop-off and pick-up has to occur on-site without spillover onto Bishops Lodge Road. All vehicular queuing and stacking must be contained on site.

Parking requirements are based on the type of use per Table 14-8.6-1 as shown in tables 1 and 2. The current assembly capacity can accommodate approximately 250 seats. This would require a total of 62 parking spaces. The existing 36 parking spaces can support an assembly capacity of 144 seats. Staff is requesting seating capacity within the church assembly area be limited to 144 seats to match existing parking on the property.

**Table 1: Existing Parking**

Use	Parking Ratio	Operations	Capacity	Net Leasable Area	Required Parking	Existing Parking	Complies
Religious Assembly	1:4 seats	Saturday	144	N/A	36	36	<b>YES CONDITIONAL</b>

**Table 2: Proposed Private School Use**

Use	Operations	Parking Ratio	Required Parking	Required Parking	Existing Parking	Complies
Elementary and Junior High School	Monday-Friday	Classroom, Workshop, Laboratory (2 Classrooms)	2	13 Parking Spaces	36	Yes
		Office (1 Office)	1			
		Gymnasium	10			
High School		Classroom, Workshop, Laboratory (2 Classrooms)	8	22 Parking Spaces		
		Office (1 Office)	4			
		Gymnasium	10			

## V. SPECIAL USE PERMIT APPROVAL CRITERIA

Subsection 14-3.6(D)(2) requires the following approval criteria for a Special Use Permit.

<b>Criterion 1: that the Planning Commission is empowered to approve the plan under the section of Chapter 14 described in the application;</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b>
Chapter 14 "Table 14-6.1-1-Table of Permitted Uses" requires approval of a Special Use Permit for the proposed private school and for religious assembly. Subsection 14-2.3(D)(1) authorizes the Board of Adjustment to review and approve or disapprove Special Use Permits.	
<b>Criterion 2: that approving the development plan will not adversely affect the public interest; and</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b>
Review by city staff has determined that the proposed use is consistent with applicable city ordinances and policies that are adopted to protect the public interest, including minimum standards of Chapter 14 SFCC.	
<b>Criterion 3: that the use and any associated buildings are compatible with and adaptable to buildings, structures and</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A)



uses of the abutting property and other properties in the vicinity of the premises under consideration.	YES
<p>Staff has not identified any compatibility issues that would be raised by the proposed minor changes to the type and intensity of use. There are two criteria that must be met within the third required finding. First, that the <u>use</u> is compatible with, and adaptable to, any associated buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration; and second, that any associated <u>buildings</u> 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. The proposed use will have negligible impact on surrounding uses, since it will generate only a small increase in weekday traffic. Chapter 10-2.5 "Zone District Noise Levels; Maximum; Correction" limits A-weighted decibels (dBA) to 55 dBA from 7:00 AM to 9:00 PM. Staff does not believe outside student activity will exceed allowed day dBA levels. The "associated buildings" will be compatible with existing buildings and structures, since there will be no physical changes to the existing buildings and structures.</p>	

## VI. EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification (ENN) meeting was held on July 11, 2017 at the Downtown Main Library. There were 15 interested parties that attended the ENN. The concerns presented to the applicant identified the noise created by the kids and the concern of a permanent school instead of a temporary school.

## VII. EXPIRATION

The Special Use Permit shall expire three (3) years from the date of final action by the Board of Adjustment as provided in Section 14-3.19(B)(5). Should the Board approve the Special Use Permit, the expiration of the permit shall be September 5, 2020. Approval of the Special Use Permit may be extended as provided in Section 14-3.19(C).

## VIII. EXHIBITS:

### EXHIBIT A: DEVELOPMENT REVIEW TEAM

1. Traffic Engineering, Sandy Kassens
2. Landscaping, Somie Ahmed
3. City Engineer, RB Zaxus
4. Environmental Services
5. Water Division, Dee Beingessner
6. Wastewater Division, Stan Holland

### EXHIBIT B: MAPS AND PHOTOS

1. Zoning Map

2. Aerial Photo

EXHIBIT C: EARLY NEIGHBORHOOD NOTIFICATION




1. Guidelines
2. Meeting Notes

EXHIBIT D: APPLICANT SUBMITTALS\*

1. Site Plan and Correspondence
2. Legal Lot of Record

\* Maps and other exhibits are 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:

Title	Name	Initials
Land Use Department Director	Lisa Martinez	
Land Use Current Planning Division Director	Greg Smith	
Land Use Planner Senior	Dan Esquibel	

September 05, 2017  
Board Of Adjustment  
Case # 2017-71  
**702 Bishops Lodge Road (Adventist  
Academy of Santa Fe)  
Special Use Permit SPECIAL USE  
PERMIT**

# **EXHIBIT A**

DRT Comments
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# City of Santa Fe, New Mexico

## memo

**DATE:** August 8, 2017  
**TO:** Dan Esquibel, Planning and Land Use Department  
**VIA:** John Romero, Engineering Division Director  
**FROM:** Sandra Kassens, Traffic Engineer  
**CASE:** 2017-71: 702 Bishop's Lodge Road, Adventist Academy of Santa Fe,  
Special Use Permit

### ISSUE:

James Huckabee, agent for Texico Conference Association of Seventh-Day Adventists, requests approval of a Special Use Permit for an elementary and secondary school. The property is located at 702 Bishop's Lodge Road and is zoned R-1 (Residential, One Dwelling Unit per Acre).

### TRAFFIC:

- The Special Use Permit approved in 2012, restricted enrollment to 20 students in grades K-8 and required that drop-off and pick-up times be staggered in order to minimize traffic impacts on Bishop's Lodge Road.
- In 2014, the school increased their parking and improved on-site circulation such that the drop-off/pick-up is contained on site. The Public Works Department allowed a slight increase in enrollment due to these site improvements.

The Public Works Department feels that the proposed K-12 school as proposed in this request for a Special Use Permit, will have a minimal impact on city streets provided the applicant continues to stagger student drop-off and pick-up times.

### RECOMMENDED ACTION:

Review comments are based on submittals received on July 27, 2017.

### CONDITIONS OF APPROVAL:

### MUST BE COMPLETED BY:

1	The applicant shall agree to stagger student drop-off and pick-up times at the school.	Prior to Approval of Special Use Permit
---	--	---

### TECHNICAL CORRECTIONS:

#	SHEET	CORRECTION	MUST BE COMPLETED BY:
1		NONE	N.A.

If you have any questions or need any more information, feel free to contact me at (505) 955-6697. Thank you.

**ESQUIBEL, DANIEL A.**

---

**From:** ZAXUS, RISANA B.  
**Sent:** Tuesday, August 15, 2017 10:35 AM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** Case # 2017-71, 702 Bishops Lodge Road

Dan –

I have no landscape review comments for this Special Use Permit case.

RB

**ESQUIBEL, DANIEL A.**

---

**From:** ZAXUS, RISANA B.  
**Sent:** Thursday, August 10, 2017 9:48 AM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** 2017-71, 702 Bishops Lodge Road Special Use Permit

Dan,

I have no review comments on the above-referenced case.

RB

**ESQUIBEL, DANIEL A.**

---

**From:** LUCERO, ERIC J.  
**Sent:** Tuesday, August 15, 2017 1:56 PM  
**To:** ESQUIBEL, DANIEL A.  
**Subject:** RE: I need comments for 2017-17

Dan,

In regards to Case #2017-71. 702 Bishops Lodge Road (Adventist Academy of Santa Fe) Special Use Permit, I have no comments at this time.

They can utilize the existing type of refuse service.

Thanks,

**Eric J Lucero**  
**Operations Manager**  
**City of Santa Fe**  
**Environmental Services Division**  
**505-955-2205**

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**From:** ESQUIBEL, DANIEL A.  
**Sent:** Tuesday, August 15, 2017 1:40 PM  
**To:** LUCERO, ERIC J. <[ejlucero@ci.santa-fe.nm.us](mailto:ejlucero@ci.santa-fe.nm.us)>  
**Subject:** I need comments for 2017-17

Eric:

Case #2017-71. 702 Bishops Lodge Road (Adventist Academy of Santa Fe) Special Use Permit. James Huckabee, agent for Texico Conference Association of Seventh-Day Adventists, requests approval of a Special Use Permit for an elementary and secondary school. The property is zoned R-1 (Residential- 1 dwelling unit per acre). (Dan Esquibel, Case Manager)

## Development Review Team

### Comment Form

Date: 8/1/17

Staff person: Dee Beingessner

Dept/Div: Public Utilities/Water

Case: Case #2017-71. 702 Bishops Lodge road (Adventist Academy of Santa Fe) 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 The water division does not have any comments on this permit	
2	
3	
4	

#### Technical Corrections\*:

Must be completed by:

1	
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 7, 2017

Staff person: Stan Holland, Engineer

Dept/Div: Public Utilities/Wastewater Division

Case: Case #2017-71. 702 Bishops Lodge Road (Adventist Academy of Santa Fe) Special Use Permit

Case Mgr: Dan Esquibel



**The subject property is accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.**

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 at this time

Technical Corrections\*:

Must be completed by:

1. None at this time

\*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):

September 05, 2017  
Board Of Adjustment  
Case # 2017-71

**702 Bishops Lodge Road (Adventist  
Academy of Santa Fe)  
Special Use Permit SPECIAL USE  
PERMIT**

# **EXHIBIT B**

Early Neighborhood Notification



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

<i>Project Name</i>	ENN: Adventist Academy of Santa Fe
<i>Project Location</i>	702 Bishops Lodge Road
<i>Project Description</i>	Request for special use permit for an institutional use to allow an elementary, secondary and high school use. The property is located at 702 Bishops Lodge Road.
<i>Applicant / Owner</i>	Adventist Academy of Santa Fe
<i>Agent</i>	N/A
<i>Pre-App Meeting Date</i>	June 8, 2016
<i>ENN Meeting Date</i>	July 11, 2017
<i>ENN Meeting Location</i>	Santa Fe Main Library 145 Washington Avenue, Community Room
<i>Application Type</i>	Special Use Permit
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	Margaret Ambrosino
<i>Attendance</i>	15

**Notes/Comments:** An Early Neighborhood Notification (ENN) meeting was held on July 11, 2017, at the Main Library. There were 15 interested parties that attended the ENN. The concerns presented to the applicant identified the noise created by the kids and the concern of a permanent school instead of a temporary school.



## ENN GUIDELINES

### Applicant Information

Project Name: ADVENTIST ACADEMY OF SANTA FE

Name: HUCKABEE JAMES LARRY  
Last First MI

Address: 3059 JEMEZ RD  
Street Address Suite/Unit #  
SANTA FE N.M. 87507  
City State ZIP Code

Phone: 505 471-2064 E-mail Address: larryhuckabee@ymail.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.

THERE WILL BE NO CHANGES,

(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.

THERE WILL BE NO CHANGES

(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 WILL BE NO IMPACT

(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 CURRENT PROPERTY USE IS INCLUDED IN THE CITY GENERAL PLAN AND THE SCHOOL IS IN HARMONY WITH THE FUNCTION OF THE CHURCH STRUCTURE AND COMMITMENT TO SERVE THE COMMUNITY AS INDICATED IN THE CITY GENERAL PLAN

(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. THE SPECIAL USE PERMIT FOR THE CONTINUED OPERATION OF AN ELEMENTARY SCHOOL WILL HAVE MINIMUM IMPACT TO VEHICULAR TRAFFIC. PICKUP AND DROP OFF FOR STUDENTS HAS BEEN ESTABLISHED. THE NEED FOR PARKING WILL BE LIMITED TO TWO TEACHERS, TEACHER AID AND OCCASIONAL VISITORS IN THE EXISTING 24 SPACE PARKING LOT.

(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. WE CURRENTLY EMPLOY TWO

TEACHERS WITH THE POSSIBILITY OF HAVING A TEACHER'S ASSISTANT. PURCHASE OF CLASS SUPPLIES AND JANITORIAL SUPPLIES ARE MADE LOCALLY.

(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 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.

THERE WILL BE NO CHANGE IN SERVICES FOR FIRE OR POLICE. THERE WILL BE INCREASED SCHOOL SERVICES IN THE NEIGHBORHOOD. WATER, SEWER AND COMMUNICATIONS WILL NOT BE IMPACTED

(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.

NO CHANGE IN IMPACTS

(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.

~~REMARKS~~ IT IS THE INTENTION OF THE SCHOOL ADMINISTRATION THAT THE NEIGHBORHOOD WOULD VIEW THE SCHOOL AS AN INTEGRAL PART OF THE COMMUNITY WHERE MEETINGS, SEMINARS AND LOCAL EVENTS CAN BE HELD, IN ADDITION TO OFFERING EDUCATIONAL OPPORTUNITIES TO LOCAL CHILDREN.

(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.

WITH THE CHURCH STRUCTURE ON THE PROPERTY PART OF THE CITY GENERAL PLAN, THE SCHOOL ENHANCES THE SOCIAL SERVICE THAT THE CHURCH COMMUNITY PROVIDES.

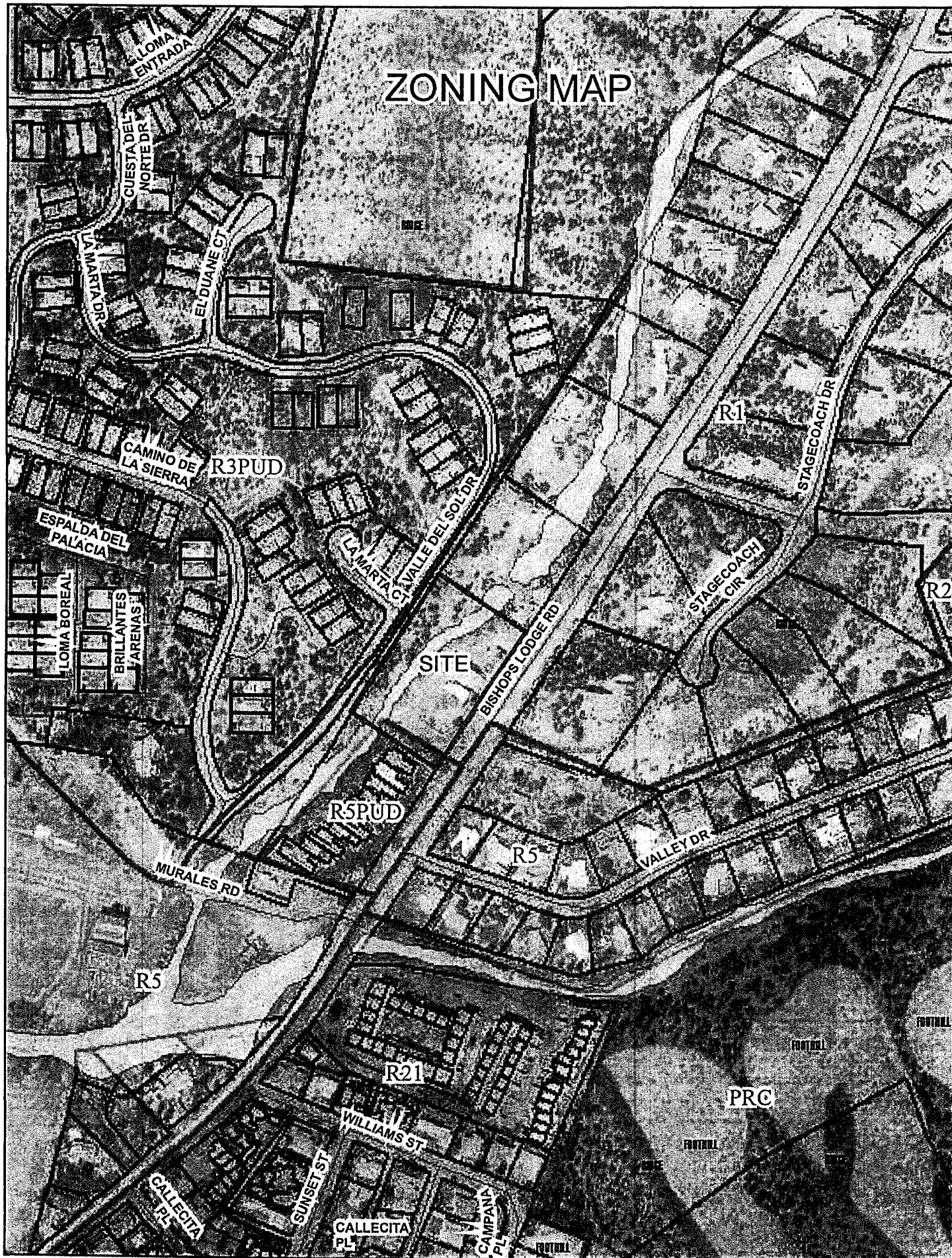
(l) ADDITIONAL COMMENTS (optional) OUR SCHOOL HAS BEEN IN OPERATION FOR 5 YEARS AND WE WILL CONTINUE TO PROVIDE COMMUNITY SERVICES AND SUPPORT TO THE NEIGHBORHOOD BY BEING A PRESENCE DURING SCHOOL HOURS TO DETER GRIME IN THE AREA. WE WILL CONTINUE TO BE OPEN TO NEIGHBOR'S CONCERNS AND ADDRESS THEM AS QUICKLY AS POSSIBLE.

September 05, 2017  
Board Of Adjustment  
Case # 2017-71  
**702 Bishops Lodge Road (Adventist  
Academy of Santa Fe)  
Special Use Permit SPECIAL USE  
PERMIT**

# **EXHIBIT C**

Maps And Photos

# ZONING MAP





# AERIAL PHOTO

CAMINO DE  
LA SIERRA

LA MARTAG  
VALLE DEL SOL DR

SITE

BISHOPS LODGE RD

CAMINO DE  
LA SIERRA

MURALES RD

VALLEY DR

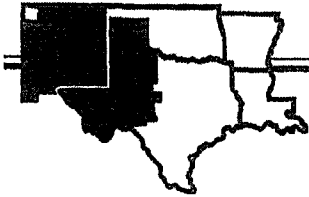


September 05, 2017  
Board Of Adjustment  
Case # 2017-71

**702 Bishops Lodge Road (Adventist  
Academy of Santa Fe)  
Special Use Permit SPECIAL USE  
PERMIT**

# **EXHIBIT D**

Applicant Submittals
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## Texico Conference Association *of Seventh-day Adventists*

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July 21, 2017

To Whom It May Concern:

The intent, of this letter, is to authorize James L. Huckabee to act as an agent of the Texico Conference Association of Seventh-day Adventists, for the express and limited purpose of representing the Association's interests, in the process of obtaining a renewal of the Special Use Permit, as that pertains to the Adventist Academy of Santa Fe located at 702 Bishops Lodge Rd., Santa Fe, NM.

Please don't hesitate to call if you have questions related to this matter.

Sincerely,

Jeffrey S. Metherell – Association Secretary  
Texico Conference Association of Seventh-day Adventists



## Texico Conference of Seventh-day Adventists

City of Santa Fe  
Board of Adjustment  
PO Box 909 – 200 Lincoln Ave.  
Santa Fe, NM 87504-0909

July 21, 2017

Re: Adventist Academy of Santa Fe

Dear Board Members:

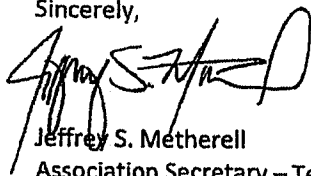
On September 20, 2012, you granted a Special Use Permit to the Adventist Academy of Santa Fe, which has allowed us, for the last five years, to operate a private school at 702 Bishops Lodge Rd. The purpose, of this letter, is to formally request a renewal of this Special Use Permit. Our intended use, of the 2.122 acres, is to continue operating a private school. Since 2012, this school has met educational requirements for grades K through 8. We would like to expand this to include 9 through 12—these four upper grades being part of a "Distance Learning" program which will link with a Seventh-day Adventist High School in the Albuquerque area. Be assured that no new construction will be done and the existing footprint will remain the same. With this being the case, we have a self-imposed enrollment limit of 35 students.

Please understand that our ultimate objective is to find a permanent location for our school. That we have not yet been able to do so is a result of lower than ideal enrollment and the funding challenges that obviously accompany this. We remain hopeful that our goal will soon be realized and are encouraged by signs of growth. In the meantime, we will be continuing our efforts to locate a permanent housing solution that will accommodate our student needs and fit our budgetary guidelines.

For the last five years, we have been and will remain sensitive and responsive to neighborhood concerns, suggestions, and complaints. Both the school and the church are committed to maintaining a positive impact on the community.

Please let me know if you have any questions. Your fair consideration, of this important matter, is greatly appreciated.

Sincerely,



Jeffrey S. Methereil

Association Secretary – Texico Conference Association of Seventh-day Adventists



## Texico Conference of Seventh-day Adventists

City of Santa Fe  
Board of Adjustment  
PO Box 909 – 200 Lincoln Ave.  
Santa Fe, NM 87504-0909

July 22, 2017

Re: Adventist Academy of Santa Fe

Dear Board Members:

This letter is being offered as further support to our formal request for a renewal of the Special Use Permit originally granted on September 12, 2012.

Specifically, we contend that the use applied for, at 702 Bishops Lodge Rd., does not represent a substantial hardship to home-owners, in that neighborhood, nor does it adversely affect the public interest in general. The intended use—that of operating a private school—has not changed from the time that the Special Use Permit was granted. We are not only committed to offering a superior educational experience, to our students, but also are committed to the needs and input of our neighbors. As such, we will continue to be mindful and responsive to any expressed concerns.

- During these five years, there has been one complaint, of a night light, that we quickly outfitted with a shade so as not to negatively impact a home, across the arroyo from our property.
- Student drop-off and pick-up generally involves no more than 8 to 10 vehicles (since car-pooling occurs and many of our students are part of families that have several attending students).
- No new construction is planned for this property—i.e. the existing structures will be used exactly as they have been used for the last five years.
- We have expressed a willingness to plant trees as a way of providing natural screening for neighbors if that is their stated wish.

Please don't hesitate to contact me if you have further questions or comments. Again, we appreciate the Board Members' careful consideration of this request.

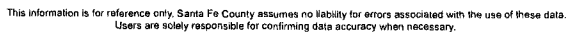
Sincerely,

Jeffrey S. Mezherell

Association Secretary – Texico Conference Association of Seventh-day Adventists

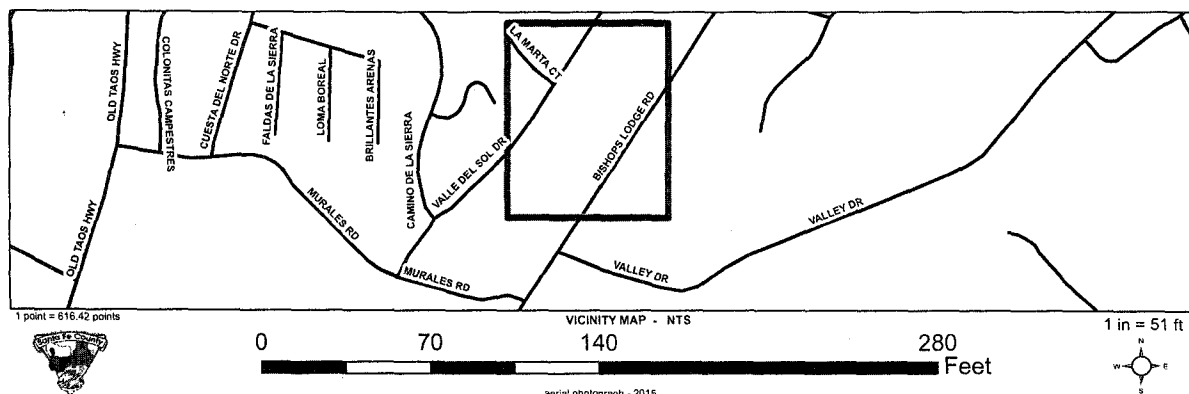


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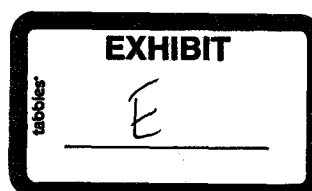
WARNING: Two foot contours data sets are NOT SUITABLE FOR ENGINEERING WORK.  
These data are approximate for PLANNING PURPOSES ONLY.

JULY 19, 2017



Letters, emails, and statements of objection from eighteen Valle del Sol homeowners to turning the temporary special use permit for the Adventist Academy into a permanent permit and increasing its enrollment and expanding it from grant k-8 to k-12.

1. Chuck Alexander, 204 Valle del Sol Dr.
- 2-3. Richard & Brigitte Davis, 230 Camino de la Sierra
4. Gail Rekers 236 Valle del Sol Dr.
- 5-6. John & Jackie Dickinson, 239 Camino de la Sierra
- 7-8. Kathryn & Robin Cooney, 270 El Duane Ct.
- 9-10. Pamela Harper & Jack Fuchs, 234 Valle del Sol Dr.
- 11-12. Lonnie Dillard and Sandi Sain, 215 Valle del Sol Dr.
13. John Haynes, 227 Camino de la Sierra
14. Kathleen Webster, 240 Valle del Sol Dr.
15. Carol Armbruster, 227 Camino de la Sierra
- 16-17. Kay and Peter Dunkley, 234 Camino de la Sierra
18. Walter Futrell, 229 Camino de la Sierra





To: Santa Fe Board of Adjustment

August 30, 2017

My name is Chuck Alexander and I own a home at 204 Valle Del Sol Drive. I am president of the Valle Del Sol Phase 6 Home Owners Association. I urge you to disapprove the application of the permanent use permit for a school at the Texico Seventh Day Adventist facility on Bishop's Lodge Road.

The 2012 memo by the Santa Fe City Planning Division written in 2012 at the time of the temporary special use permit was approved specified that the Academy promised that the school at this site will be "temporary" (twice on page 2), "temporarily for 2-3 years" (page 4), and that the enrollment will be set at a maximum of "20" (pages 2 and 6) for grades k-8. The promise that the school and portable classrooms would be gone in 2-3 years" has not been met. It in fact has been overextended by 2-3 years.

The Academy states in its application that it intends to expand from grades k-8 to k-12 and grow its enrollment to a "self-imposed" limit of 35. At the mandatory "Early Neighborhood Notification Meeting, which a HOA board member attended, the Academy said its enrollment was already above the 20 student maximum it had promised in 2012. One of the Academy spokesmen at the meeting suggested an eventual goal of 40+ students.

School ground noise, which occurs daily as children, simply being children, make noise as they play, along with the teachers' use of whistles to direct them, is already audible to VDS 6 homes that face toward the school along part of Valle del Sol Dr. This will become permanent and increase as the enrollment increases. In addition, the two portable classrooms on the north side of the church are emphatically not aesthetic assets to or compatible with the residential neighborhood and would shift from being temporary non-assets to being permanent aesthetic negatives to the neighborhood. All these negatives would increase with increased enrollment and the possible addition of more portable classrooms in the future.

The Adventist have failed to live up to the agreement they made five years ago. Although the Academy expresses an "ultimate hope" in their letter of July 21<sup>st</sup> that it will move at some unspecified future date, at the July 11, 2017 "Early Neighborhood Notification Meeting" they expressed clear doubt of that possibility happening any time soon. If granted a permanent permit

there is no reason to believe they will be any more successful going forward.

What has been tolerated temporarily, with the written understanding that this was temporary in our residential neighborhood, should not be made permanent. That would bring the likelihood of increased noise and additional portable classrooms.

A school is not in keeping with R-1 (Residential) zoning, and would be a precedent for future commercial ventures to locate near by.

I urge the Board of Adjustments to disapprove this permanent special use permit. I also urge not approving another "temporary" permit. That only kick the can down the road. The Adventists must find another solution.

Respectfully submitted,

Chuck Alexander

Richard & Brigitte Davis 230  
Camino de la Sierra, Santa  
Fe, NM 87501

To the City Board of Adjustment in regards to the Adventist Academy  
located at 702 Bishops Lodge Road.

My wife and I are in full support of our neighbors who have written **letters of protest** in regards to the application of the Adventist Academy asking for permission to make the temporary school a permanent installation.

John Haynes and Barbara & Dennis Bianchi could not have said it better. We fully stand behind them. And I am sure there are many more members of the community who do not want to see a continuation of the "temporary" school and hopefully took the time to write a letter or be at the meeting.

Having been sent copies of letters concerning this matter, I would like to make comments in red about some of the contents within the letters themselves:

**1) Letter from the Adventist Academy of Santa Fe July 21, 2017**  
to the City of Santa Fe Board of Adjustment

On September 20, 2012, you granted a Special Use Permit to the Adventist Academy of Santa Fe, which has allowed us, for the last five years, to operate a private school at 702 Bishops Lodge Rd. The purpose, of this letter, is to formally request a renewal of this Special Use Permit. Our intended use, of the 2.122 acres, is to continue operating a private school. Since 2012, this school has met educational requirements for grades K through 8. We would like to expand this to include 9 through 12-- -these four upper grades being part of a "Distance Learning" program which will link with a Seventh-day Adventist High School in the Albuquerque area. **Be assured that no new construction will be done and the existing footprint will remain the same. With this being the case, we have a self-imposed enrollment limit of 35 students.** This will almost double the number of

students. Originally the number was limited to 20. With no new construction and no new space added the learning conditions would greatly deteriorate. Twice the students in the same square footage.

.....Please understand that our ultimate objective is to find a permanent location for our school. That we have not yet been able to do so is a result of lower than ideal enrollment and the funding challenges that obviously accompany this. We remain hopeful that our goal will soon be realized and are encouraged by signs of growth. In the meantime, we will be continuing our efforts to locate a permanent housing solution that will accommodate our student needs and fit our budgetary guidelines.

This should have been done during the "temporary" period 2012-2017. Five years were a long enough time to plan for a permanent future. Once an unlimited permit has been granted, there will be even less incentive to implement a plan to move to an appropriate proper building.

.....For the last five years, we have been and will remain sensitive and responsive to neighborhood concerns, suggestions, and complaints. Both the school and the church are committed to maintaining a positive impact on the community.

The neighborhood did not complain, because the "temporary" permit had been given and what was done was done. We were biding our time to 2017, when we knew the temporary permit would expire and the school would move. Just because we did not complain to anybody, does not mean we approved of the noise pollution created at all daylight hours by the students.

Please let me know if you have any questions. Your fair consideration, of this important matter, is greatly appreciated.

Sincerely,

Jeffrey S. Metherell

Association Secretary - Texico Conference Association Of Seventh-day Adventists

**2) 2nd Letter from the Adventist Academy of Santa Fe July 22, 2017  
to the City of Santa Fe Board of Adjustment**

Dear Board Members: This letter is being offered as further support to our formal request for a renewal of the Special Use Permit originally granted on September 12, 2012.

Specifically, we contend that the use applied for, at 702 Bishops Lodge Rd., does not represent a substantial hardship to home-owners, in that neighborhood, nor does it adversely affect the public interest in general.

We beg to differ. Any Real Estate agent will tell you that noise and low aesthetics will have an effect on property prices. Surely by now you have read the article by Mandi Woodruff that appeared in the Business Insider on May 13, 2013:

"Noisy neighbors (or their pets) are enough to drag home values down by 5 to 10%.

There's a reason prospective homebuyers are advised to visit homes at all times of day and more than a few times - noise can be a property value killer.

"I've seen many situations where external factors, such as living near a bad neighbor, can lower home values by more than 5 to 10 percent," Appraisal Institute President Richard L. Borges says. "Homeowners should be aware of what is going on in their neighborhood and how others' bad behaviors could affect their home's value."

We all bought our homes in a what we knew as a quiet residential area in Santa Fe. Most of us are substantially upgrading our homes and our neighborhoods. Many of the home owners took a big financial hit when the housing market crashed. Santa Fe's real estate values never fully recovered. The last thing anybody wants to see is a further erosion of home values, which of course will also have an effect on property tax the city of Santa Fe can collect, the largest benefactor of which are the local schools. In essence one school of perhaps a maximum of 35 students could have an impact on schools with hundreds of students. This does not seem right.

The intended use -that of operating a private school- has not changed from the time that the Special Use Permit was granted. We are not only committed to offering a superior educational experience, to our students,

but also are committed to the needs and input of our neighbors. As such, we will continue to be mindful and responsive to any expressed concerns. During these five years, there has been one complaint, of a night light, that we quickly outfitted with a shade so as not to negatively impact a home, across the arroyo from our property.

Student drop-off and pick-up generally involves no more than 8 to 10 vehicles (since car-pooling occurs and many of our students are part of families that have several attending students).

No new construction is planned for this the existing structures will be used exactly as they have been used for the last five years.

**We have expressed a willingness to plant trees as a way of providing natural screening for neighbors if that is their stated wish.**

The neighborhood did not complain, because the "temporary" permit had been given and what was done was done. We were biding our time to 2017, when we knew the temporal permit would expire and the school would move. Just because we did not complain to anybody, does not mean we approved of the noise created at all daylight hours by the students.

My husband and I do not live directly across the school, but a couple of streets over on Camino de la Sierra, yet we also hear the school yard noise. I do not think that planting a row of trees would make much difference in reducing the noise pollution, it would shield the "temporary" trailer though from those neighbors who can see it.

**Please don't hesitate to contact me if you have further questions or comments. Again, we appreciate the Board Members' careful consideration of this request.**

And an excerpt from page 2 of the July 22, 2017 letter under the heading: **Special Use Permit Approval Criteria (Section 14-3.6(0) SFCC 1987) Attach a separate letter stating:**

**1. That granting the special use permit does not adversely affect the public interest (Sorry, see above comments and all other letters from the community. We are not happy!); and,**

**2. 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.**

Wrong again, there are single family residential houses surrounding this

"temporary" school. Between Bishop's Lodge Rd and the parallel Arroyo many of the homes have been there for decades and are historical interesting adobe structures. In the Valle del Sol neighborhood it is not allowed to have any trailers or temporary buildings. Everybody takes pride in keeping their homes and the neighborhood look inviting and clean. The school buildings are definitely not in keeping with the other properties.

---

**3) Now here some excerpts from the original City of Santa Fe, NM memos from Sep 10, 2012:**

**Case #2012-93 Adventist Academy Special Use Permit Board of Adjustment: September 18, 2012**

**.....1. SUMMARY and ANALYSIS:**

The property is zoned R-1 (Residential-I dwelling unit per acre). A modular classroom building is proposed for the northeast corner of the site. This turned out to be a very ugly trailer-like modular unit that does not fit into the aesthetics of the neighborhood.

The purpose of the R-1 residential districts is "to be residential areas with low population densities." Our side of Santa Fe has grown over the years and we do not consider our district to be low density.

.....The Seventh Day Adventist Church has served the community from this location since 1975. The Church ran a school from the premises twice before. Most recently the Santa Fe Christian School operated here through the 1980s until financial and enrollment issues forced its closure in 1990.

Please notice that at the time the school really was isolated from most neighborhoods. The whole Valle del Sol neighborhood was built around the time the last school in this location closed. There are some 8,000 Adventist Church schools worldwide and over 800 in the United States including two elementary schools and a high school in Albuquerque. Enrollment is open to the general population. Students don't have to be members of the Church to attend the Academy.

The applicant proposes a "temporary" school for grades 1 through 8 with a maximum enrollment of 20 students. The Academy obtained a temporary

permit to operate a school at this location until such time that the Board of Adjustment acts upon the Special Use Permit request. The four Seventh-day Adventist congregations in Santa Fe will operate the Academy. Each congregation is represented on the school board. The proposed Academy would be housed in the existing gymnasium. In addition, a 28X60 modular classroom unit is proposed for the northeast corner of the property adjacent to the gym. It is expected that over the next five years, as the Academy's enrollment increases, the operations at this location will cease and the school will relocate to another site. Let's do what was promised and planned for. Things did not work out the way it was projected. At this point - 5 years later - another solution must be found. If there are no funds for building a new school and certainly not the time, then appropriate rooms or buildings can be rented. There are plenty of empty buildings, including class rooms in Santa Fe.

.....Applicant Responses to Approval Criteria (b)

"that granting the special use permit does not adversely affect the public interest, and that the use and any associated buildings are compatible with and adaptable to buildings, structures and used of the abutting property and other properties in the vicinity of the premises under consideration.

Applicant Responses to Approval Criteria (b) and (c)

Applicant's Response to criterion (b) "that granting the special use permit does not adversely affect the public interest:" See my comments from above.

In our view the granting of the special use permit does not adversely affect the public interest because it is the revival of a school that was at this site in previous years, in the 1960s and the 1990s. Schools are an important component of the fabric of society and our community will benefit from young people who receive a quality education to prepare them to serve as good citizens and community leaders. Indeed, we believe this is the best thing that can happen to the lower Bishops Lodge neighborhood. We foresee no negative impact on the community, indeed, the presence of a school rounds out the benefits of living in proximity of a school and is known to increase property values, especially for the closest neighbors,



and community dynamics come full circle when local families can avail themselves of school services. The school will have open enrollment and local children will be very welcome to attend.

Most of the surrounding houses and entire surrounding neighborhoods were built in the 1980ies, about the time that the last of the school closed. Until then the school property was pretty isolated in Santa Fe. Since then that very same district has grown tremendously. The demographics of that part of Santa Fe shows that it is not a regular "family" environment neighborhood.

Most of the houses are owned by retirees or empty nest professionals. In fact I do not recall seeing children in any of the adjoining neighborhoods. The only area I see children is in Marcy Park for exercise or an event and the parked cars and increased car traffic indicate that they do not live nearby.

Just as the Adventist School has not correctly foreseen the stagnation in its own growth or its lack of raising funds, their statement from above -and I quote again "We foresee no negative impact on the community, indeed, the presence of a school rounds out the benefits of living in proximity of a school and is known to increase property values... just does not reflect the reality of things (please see again real estate values being impacted by noise pollution and unsightliness).

**Applicant's Response to criterion (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:**

"We intend to utilize the gymnasium on the site for school activities - it's a building that has been on the property longer than most of the residential homes surrounding the church site. However, this building does not have adequate classroom space so we are therefore asking permission to install a modular classroom unit temporarily for 2-3 years until the School Board can find a property more suited to future growth. It has been 5 years with no end in sight? We will make sure the modular unit blends in as completely as possible with the surrounding buildings in color, height and style. We are committed to working closely with both neighbors on the

abutting properties concerning appropriate fencing along their property lines and on noise and any other issues they may have. We want to make the school an integral part of the community; compatible with its surrounding neighborhood and with open enrollment we look forward to involving neighbors in school functions . We already addressed the discrepancies here earlier. The school is an aesthetic eyesore. In the adjoining neighborhoods it is not allowed to have trailers or temporary, modular buildings anywhere. We have strict building codes which we must adhere to.

We look forward to having the Church Property returned to its intended use of simply being a church and have Sabbath Day services. Also on behalf of the students I believe, they deserve better. They should be educated in an environment that is aesthetically pleasing and appropriately designed as a school. Our neighborhoods of quiet mostly child-free professionals and empty nest retirees are not the right environment for a school. As I said earlier, there are plenty of empty buildings and large-roomed rentals in Santa Fe, that would be in a more appropriate location. Neighborhoods need to remain authentic to their own wishes and requirements.

#### .....Conditions

(n) establishment of an expiration date, after which the use must cease at that site; I wholeheartedly agree with this statement.

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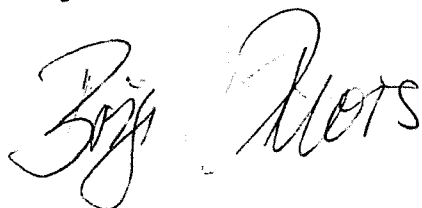
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I want to make sure that you know that my wife and I understand the value of a good education totally. I myself have been an educator for almost 50 years at a major University. So our criticism has nothing to do with not being supportive of different learning venues. But as we repeated several times it is the location we object to, the poor aesthetics and the noise pollution as well as the way the Academy is trying to rush this issue through the Board of Adjustments at the same time a new school year is starting or already has started. This whole issue should have been resolved in the first half of this year giving everybody enough time to resolve this issue and

find new appropriate housing for the students well in advance of a new school year. The Academy basically has gambled the future of its students on a hope to get another exemption. This was as shortsighted as any of the "rosy" projections were 5 years ago.

We hope the City of Santa Fe Board of Adjustments will answer to the many more homeowners' complaints and concerns, rather than to a small special interest group that did not put the interest of their own students first and look for permanent class rooms earlier.

Sincerely,  
Richard and Brigitte Davis

A stylized, handwritten signature in black ink, likely belonging to Richard Davis, followed by a horizontal line.A handwritten signature in black ink, likely belonging to Brigitte Davis, written in a cursive style.

To: Santa Fe City Board of Adjustment

Re: Request by Adventist Academy to make portable school buildings permanent.

Sept. 1, 2017

Gail A. Rekers  
Owner: 236 Valle Del Sol Drive  
Santa Fe, NM 87501

Dear Members of the City Board of Adjustment,

I am writing to register my objection to the application of the Adventist Academy to make their portable trailer classrooms permanent and to increase the enrollment numbers of the school while also expanding the school to 12<sup>th</sup> grade.

As I am sure you know schools, children and noise go together. While their parents may love the noise, I think neighbors do not love it as much. I am one of those neighbors and I do not love the noise.

I believe that establishing this school in this residential neighborhood is wrong for many reasons. First portable buildings are ugly and will decrease home values in what is now a lovely neighborhood. Second, noise decreases home values by 5 to 10%.

Finally, If I look to the future, which I think we must consider when thinking about this request by Adventist Academy, we can see the day when the school will want to and be able to afford to add more temporary buildings, and possibly decide to build permanent buildings and, almost certainly expand the school even more.

Opening this window of opportunity is not a good idea especially since they had agreed to a five-year term and promised to build a permanent school elsewhere. Now they are going back on that agreement. This feels very much like taking a little and taking a little and taking more until we are confronted with a much larger school in a residential area.

For all these reasons I strongly urge you to reject the request by the Adventist Academy to make their temporary buildings permanent and to expand school enrollment while expanding the school from K through 8<sup>th</sup> grade to K through 12<sup>th</sup> grade.

Thank you for your consideration of my concerns,

Gail A. Rekers

John and Jackie Dickinson  
239 Camino de la Sierra  
Santa Fe, NM 87501

September 4, 2017

**Letter of Opposition re Case No. 2017-71, the application of the Adventist Academy of Santa Fe, 702 Bishops Lodge Road, Santa Fe, for a Special Use Permit to permanently operate an elementary and secondary school in a residential neighborhood.**

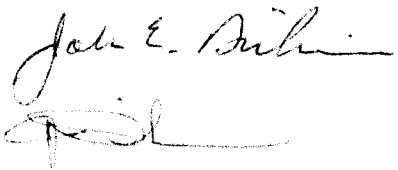
**To the Santa Fe City Board of Adjustment:**

As owners of a nearby residence directly impacted by the above application, we respectfully request that the Board of Adjustment deny the application. The Adventist Academy's original Special Use Permit was granted as a temporary solution with a more limited impact on our neighborhood. Now the Adventist Academy is requesting an extension for an indefinite period of time and permission to expand the scope of their activities on the property.

We believe the current use, and even more so the proposed future expansion, is incompatible with the character of our neighborhood. We are concerned that the proposed use will adversely impact both the quality of life in our neighborhood and or property values. The unsightly "temporary" buildings along with the extra noise and traffic generated by the school are a nuisance to our neighborhood that will only grow worse as the operation is expanded and continued. It is time for the school to find a permanent location in a more suitable area.

We are aware that other owners in our neighborhood have written letters to the Board of Adjustment opposing this application and that some of them intend to appear at the September 5 public hearing to further express their objections. We are out of town at the moment and cannot attend in person but we fully support the objections of our neighbors and request that the Board deny the application for the reasons stated in those letters as well as the further arguments to be made at the public hearing.

Sincerely,

A handwritten signature in cursive script, appearing to read "John E. Dickinson", written in dark ink.

John and Jackie Dickinson



Barb Bianchi <santafebarb@gmail.com>

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## Adventist Academy

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sfviva@aol.com <sfviva@aol.com>

Sat, Sep 2, 2017 at 11:52 AM

To: santafebarb@gmail.com, Lookpc440@cox.net, lookpc440@aol.com

Dear Barbara and Dennis,

This is to register our deepest concerns about the prospect of allowing the Adventist Academy to make permanent classrooms and expand the school in their current site. They promised they would move the school by 2017 and would be moving it elsewhere. The proposed expansion would create more traffic and noise that would directly effect the residents of Valle del Sol and it's surrounding residents. We feel we fulfilled our agreement to let the build a temporary school in good faith that it would be moved in 2017. Therefore we strongly oppose said expansion.

Sincerely,

Kathryn and Robin Cooney

270 EL DUANE CT  
SANTA FE, NM 87501

August 30, 2017

To: Santa Fe Board of Adjustment  
Santa Fe Current Planning Division

From: Pamela Harper and Jack Fuchs  
234 Valle del Sol, Santa Fe, NM 87501  
Permanent Santa Fe residents

Re: Adventist Academy of Santa Fe, expansion proposal

We have recently learned that the Adventist Academy located at 702 Bishop's Lodge Road, is asking the city to approve a proposed expansion of the school. The academy is asking for a permanent special use permit in an area zoned residential and also wishes to increase both the number of students and the number of grades. We oppose approval of the academy's request. Such an expansion would increase both noise and traffic in this residential area where we permanently reside. Furthermore, the portable classrooms used for the academy are eyesores; such buildings should not be allowed in a residential area just a few blocks north of the Plaza.

In 2012 the academy promised that the school on Bishop's Lodge Road would be temporary. We believe the academy should honor that promise and find a new location for the school.



John Haynes &lt;jeh404@gmail.com&gt;

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**Seventh Day Adventist Petition**

1 message

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**Lonnie Dillard** <lonniedillard@hotmail.com>  
To: "jeh404@gmail.com" <jeh404@gmail.com>  
Cc: sandi sain <sandisain@hotmail.com>

Thu, Aug 31, 2017 at 10:50 AM

Dear Mr. Haynes,

My name is Lonnie Dillard. I am not certain you and I have met. My wife and I are absentee owners of a townhouse on Valle del Sol Drive.

Thank you for representing our interests and those of the VDS6 HOA at the hearing on the Seventh Day Adventist Petition. We appreciate very much your time and efforts— and those of Chuck Alexander and Richard Davis— on all our behalf.

Thank you very much.

Lonnie Dillard and Sandi Sain

Sent from Mail for Windows 10



September 5, 2017

To Santa Fe Board of Adjustment:  
From: John E. Haynes

My partner and I live at 227 Camino de La Sierra. We like it very much and hope to remain here permanently. I have taken a great interest in the neighborhood and am now a member of the Board of Directors of the Valley del Sol phase 6 Home Owners Association.

The Academy immediately abuts the east side of our neighborhood along Valle del Sol Dr. Our home is on a ridge and from our living room and side deck we are close to and look down at the school's two unsightly portable classrooms and hear the children shouting and their teachers blowing whistles periodically during the day as they play in the school yard. There are no other homes or structures between us and the Academy. (There are a number of other homes on the east side of our neighborhood similarly oriented toward the school.)

When we purchased the home in 2013 we were aware of the existence of the Academy. *The existence of the school would have discouraged our purchase except that we were assured that the school was temporary and would soon move.*

*Who assured us? You did.* I have here a Santa Fe City Planning Division memo of September 10, 2012, addressed to you, the Board of Adjustment, supporting the Academy's request for a *temporary* special use permit.

*The 2012 memo specified that the Academy promised that the school at this site will be "temporary" (stated twice on page 2) and "temporarily for 2-3 years" (stated on page 4). The memo further set that enrollment at a maximum of "20" (stated on pages 2 and 6) and would be limited to grades k-8.*

Well, one can easily put up with some unsightly portable classrooms and with playground noise in an otherwise peaceful residential neighborhood when it is for only two or three years.

But now the written promises of 2012 face being turned into *falsehoods*.

The Academy now requests a **permanent** special use permit. Further, the Academy states that it intends to expand from grades k-8 to k-12 and grow its enrollment to a "self-imposed" limit of 35. At the mandatory "Early Neighborhood Notification Meeting" one of the Academy spokesmen suggested an eventual goal of 40 or 45 students.

If you grant the request and join the Academy in repudiating the promises of 2012 the noise in our neighborhood will greatly increase as the enrollment increases. And, if the enrollment increases as the Academy wants, surely it will be back with a request for a third and fourth unsightly portable classroom.


The damage to the peaceful ambiance of our neighborhood as well as the damage to our property values will be considerable.

Let me add, the damage to the credibility of the Board of Adjustment will also be considerable. Your **TEMPORARY** special use permit of 2012, which assured me and my neighbors that the school was **TEMPORARY** will be turned into a falsehood.

If you grant this request, you will be turning your promise of 2012 into a conscious, knowing, and deliberate deception.

*I ask that the promise you made in 2012 be kept.*

Thank you for your attention.

A handwritten signature in black ink, reading "John Haynes". The signature is written in a cursive style, with the first name "John" and the last name "Haynes" clearly legible.

---

**K**

Dear Board of Adjustment,

The property of the  
"Adventist Academy zoned  
residential" seeks a permanent  
school designation. Surrounded  
by homes, this place should not  
be re-zoned or made a larger

permanent school. Please do  
not allow this.

sincerely,

Kathleen Webster  
240 Valle del Sol Drive  
Santa Fe NM 87501

## SF BOARD OF ADJUSTMENT MEETING

### LAND USE PERMIT EXTENSION FOR ADVENTIST ACADEMY

September 5, 2017

My name is Carol Armbruster. I live at 227 Camino de la Sierra, the house that sits on the ridge along Valle del Sol directly behind and above the Adventist Academy. We receive the full brunt of the noise produced from the school and its use of the outdoor space. The high-pitched squealing and screaming of children playing in the schoolyard, running to and from the vehicles that drop them off, and, a new development, doing calisthenics in the parking lot penetrate every room in our house five days a week. Add to this the use of whistles by teachers to control the children. Because the houses of our neighborhood are elevated above the Academy, there are, nor can there be, any barriers (walls, landscape, etc.) to abate this noise. Noise moves full force across the narrow arroyo and up the slopes of our HOA. It's **LOUD** and frequent.

Ours is a full-time residence, as it was for the previous and original owners. It is and always has been a full-time residence. Like so many other Santa Fe homeowners, we have home offices in which we work. We are historians and use those offices for our work, work that is constantly disrupted by the screams and squealing from the school. Children play, as they should, and as a retired teacher said at the Early Neighborhood Notification Meeting, they cannot be controlled. Precisely.

The noise, the daily disruptions of the use and enjoyment of our homes, the disrespect of the neighborhood and of the official **temporary** permit about to expire, which includes an agreement of a 2-3yr **temporary** school are appalling. The disrespect is blatant as is the intent to continue that disrespect and disregard for the neighborhood zoning. Expansion of the school will only exacerbate an already intolerable situation. Our patience, which has been generous so far, for a temporary arrangement is spent.

We strongly oppose the granting of a permanent special unit permit and urge the Santa Fe City Planning Division to enforce the ending of the current temporary when it expires next month.



John Haynes &lt;jeh404@gmail.com&gt;

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**Letter**

2 messages

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**Kay Dunkley** <dunkley.kay@gmail.com>

Sat, Sep 2, 2017 at 4:48 PM

To: John Haynes &lt;jeh404@gmail.com&gt;

City of Santa Fe  
Land Use Department  
Current Planning Division  
200 Lincoln Ave., Box 909  
Santa Fe, NM 87504-0909

To Whom It May Concern,

RE: Board of Adjustment Public Hearing, September 5, 2017  
Case 2017-71 Adventist Academy of Santa Fe  
702 Bishops Lodge Road

My wife and I reside at 234 Camino De La Sierra and like many of our neighbors are very much concerned about the application of the Adventist Church to convert their school's temporary occupation of 702 Bishops Lodge Rd. into a permanent installation.

Unfortunately, we are currently out of town and will not return home until after the September 5th meeting scheduled, on your authority, to discuss this matter. We have read copies of some of our neighbors' communications to you expressing their concerns, and we agree wholeheartedly with their objections to such a conversion in the use of the property in question. It seems to us that their comments have already made the case in opposition to the application with sufficient clarity.

We would only add that a fundamental aspect of this business is now one of credibility. That is to say, the credibility of both the church and the city have with this application taken center stage. We believe the documents drawn up in 2012 in framing the church's use of the site to be completely unambiguous. The church made certain promises and the city accepted those promises, which led to thoughtful stipulations as to the temporary nature of this situation. Our neighborhood, in turn, accepted the outcome in good faith. Is that history of promises now simply to be disposed of?

Yours truly,  
Kay and Peter Dunkley

---

**John Haynes** <jeh404@gmail.com>

Sat, Sep 2, 2017 at 5:32 PM

To: Kay Dunkley &lt;dunkley.kay@gmail.com&gt;

Cc: Charles Alexander &lt;chuckhalexander@aol.com&gt;, Izzy Barr &lt;izzy@westgatepm.com&gt;, "J. David Levy" &lt;jdavidlevy@earthlink.net&gt;, "John E. Haynes" &lt;jeh404@gmail.com&gt;, Mary

*229 Camino de la Sierra  
Santa Fe, New Mexico 87501*

September 5, 2017

To: Santa Fe City Board of Adjustments

Ref: Request to renew Special Use Permit to Adventist Academy of Santa Fe

Dear Board Members:

As a permanent resident of Valle de Sol I am **opposed** to any extension of the special use permit for the Adventist Academy of Santa Fe. The basis for my opposition is provided below.

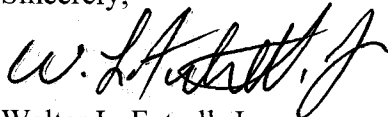
- First, I concur with the concerns raised in the Richard & Brigitte Davis letter to the Board, along with the concerns raised by other residents of Valle de Sol.
- The current request proposes to expand the academy to include grades 9-12, and to increase the number of students from 20 to 35. This will only increase the noise level produced by students when they are outside at play.
- For the original special use permit request, the academy stated that the need would only last 2-3 years and the school would relocate. It has now been 5 years and based upon information provided in the request, the academy is no closer to finding a new permanent home than it was 5 years ago. In fact it appears that due to low enrollment and financial difficulties the existing site is becoming the permanent home for the academy by default. Certainly not an action that I concur with.
- I was temporarily working away from Santa Fe when the special use permit was issued in 2012. Had I been aware of the permit request I would have opposed it at that time based upon concerns in this letter including but not limited to noise pollution and potential negative impact on home values.
- Further, I would not have bought the property had a school then existed or been proposed at the church.
- My homes value has yet to return to its pre-recession value. I am opposed to any action that has the potential to negatively impact my home's value.

- Contrary to the academy's stance, enjoyment of my deck is often diminished by the sound of loud screaming kids at the academy. I am a permanent Santa Fe resident and retired. I often use my deck for views of the mountains, enjoying the clean air, or eating under our blues skies. The loud noises produced by the Academy's students distracts from my enjoyment of these.
- The presence of a modular trailer is in conflict with the surrounding construction of single family homes. As noted by others, Valle del Sol does not permit the installation of modular structures such as trailers, or the parking of recreational vehicles such as travel trailers. The obtrusive classroom trailer is clearly visible from my deck.
- Counter to the Academy's stance, use of the property for a school does adversely affect public (neighbors) interest through noise pollution and the potential for impacting property values and thus the generation of tax revenues for the City.
- I also question whether continued use now violates the terms of the 2012 approval associated with the Special Use Permit.

My recommended action:

The Board should deny the request for extension of the special use permit, and the property should cease use as a school no later than June 2018.

Sincerely,



Walter L. Futrell, Jr.

*229 Camino de la Sierrita*



# City of Santa Fe, New Mexico

# memo

**DATE:** September 5, 2017

**TO:** Board of Adjustment

**FROM:** Current Planning Division

**RE:** Additional Information

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The attached information is not in your September 5, 2017 Board of Adjustment packet. The information is in the following order:

**Case #2017-71. 702 Bishops Lodge Road (Adventist Academy of Santa Fe) Special Use Permit.**

- Neighborhood correspondence.

**EXHIBIT**

tabbles

F

RECEIVED

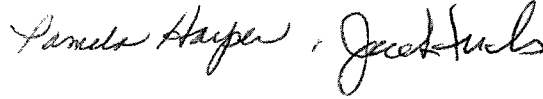
August 30, 2017

AUG 31 2017

To: Santa Fe Board of Adjustment  
Santa Fe Current Planning Division

Land Use Dept.

From: Pamela Harper and Jack Fuchs  
234 Valle del Sol, Santa Fe, NM 87501  
Permanent Santa Fe residents

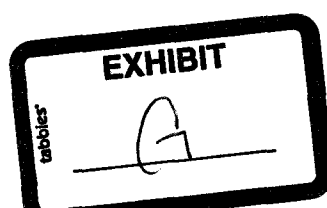


Re: Adventist Academy of Santa Fe, expansion proposal

We have recently learned that the Adventist Academy located at 702 Bishop's Lodge Road, is asking the city to approve a proposed expansion of the school. The academy is asking for a permanent special use permit in an area zoned residential and also wishes to increase both the number of students and the number of grades. We oppose approval of the academy's request. Such an expansion would increase both noise and traffic in this residential area where we permanently reside. Furthermore, the portable classrooms used for the academy are eyesores; such buildings should not be allowed in a residential area just a few blocks north of the Plaza.

In 2012 the academy promised that the school on Bishop's Lodge Road would be temporary. We believe the academy should honor that promise and find a new location for the school.

702 Bishops Lodge Rd. Adventist Academy August 24, 2017



SEARCH TYPE: Parcel Number

SEARCH VALUE:

Search

### PROPERTY INFORMATION

Parcel Number: 910017719

Find all properties around this property.

Print a friendly version of this property.

UPC: 050092179146000000

#### Physical Address:

62 A VAN NU PO

SANTA FE, NM 87508

#### Owner Name:

TEXICO CONFERENCE ASSOCIATION

Find all properties for this owner.

#### Owner Mailing Address:

PO BOX 1366

CORRALES, NM 87048

Tax Code Area: CO-N

#### Section Township Range:

S28 T16N R9E

#### Legal Description:

T16N R 9E S28 T16N AC LOT 1-A-2 WINDMILL

RODGE UNIT 1

#### Plat Book:

6501024

#### Most Recent Deed:

1475544 REC ON 4/20/07 JU

Neighborhood: 3211015

RANCHO VIEJO

Find all properties for this neighborhood

#### Property Class: COMM

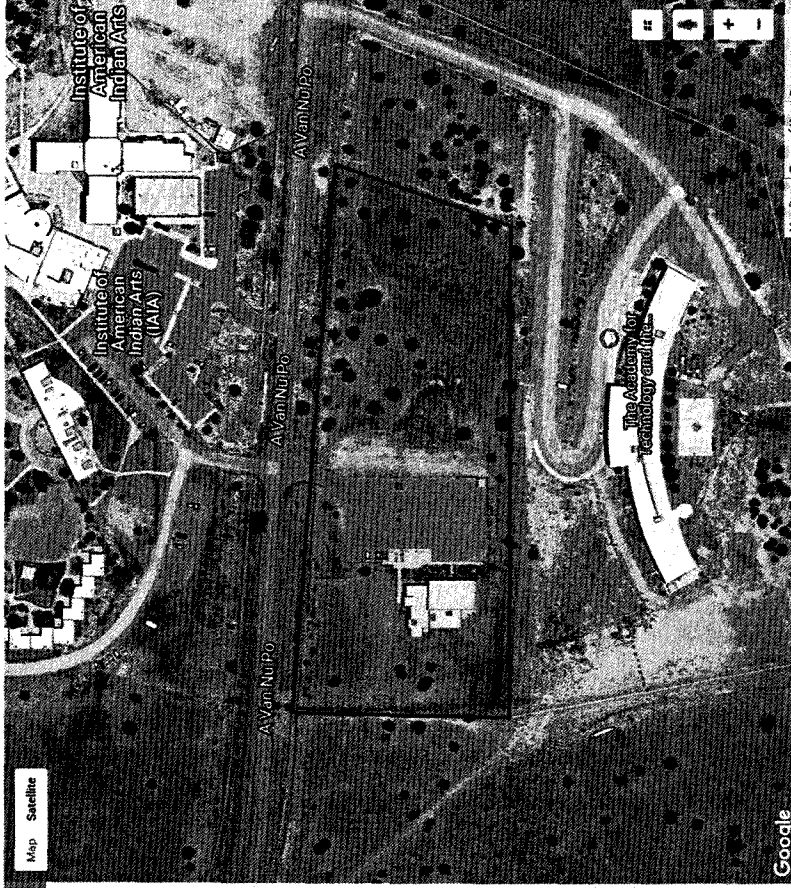
#### Assessed Value:

See Notice of Value on Document Manager Page

If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click here to complete a Property Correction Form. Submission instructions are available on the form.

Property information (above) and parcel outlines/locations are current as of Friday, August 25, 2017.

Property Detail and Sketches (below) are current as of Wednesday, March 16, 2017.



Google

Map Data Terms of Use Report a map error

### LAND DETAIL

tabbles

EXHIBIT

Rancho Viejo

### PROPERTY INFORMATION

Parcel Number: 26007872  
Find all properties around this property.  
Printer friendly version of this property.

UPC: 10530953763200000

#### Physical Address:

130 RABBIT RD  
SANTA FE, NM 87508

#### Owner Name:

CONFERENCE ASSO OF SEVENTH DAY  
Find all properties for this owner.

#### Owner Mailing Address:

BOX 7770  
AMARILLO, TX 79110

#### Tax Code Area: CO-N

#### Section Township Range:

S11 T16N R0E

#### Legal Description:

LOT 12 BLK 1 CERROS CANTADO T16N R 0E S11  
3.009 AC CHURCH ON PROPERTY

#### Plat Book:

227/050

#### Most Recent Deed:

391/465

#### Neighborhood: 3211013

#### RABBIT ROAD

Find all properties for this neighborhood.

#### Property Class: COMM

#### Assessed Value:

See Notice of Value on Document Manager Page

**!** If you are the owner of the property being researched and you believe there is a significant discrepancy in any of the information being shown, please click here to complete a Property Correction Form. Submission instructions are available on the form.

Property Information (above) and parcel outlines/locations are current as of Friday, August 25, 2017.  
Property Detail and Sketches (below) are current as of Wednesday, March 15, 2017.

### LAND DETAIL

Extension	Line	Type	Square Footage	Acres
1	1	Commercial	131072	3.009



# Rabbit Rd

EXHIBIT

4

# ADVENTIST ACADEMY OF SANTA FE

## TUITION

### Adventist Academy of Santa Fe

702 Bishops Lodge Road

Santa Fe, NM 87505

Mailing Address: PO Box 28327, Santa Fe, NM 87592

(505) 954-1845

### Tuition Rate Chart 2017-18

#### Registration/Book Fee

This fee covers the following: school supplies, student insurance, library fund, textbooks, yearbook, room funds, computers, testing, science lab equipment, and playground equipment.

**Please note: the registration fee is non-refundable.**

Kinder-4th: \$360

5<sup>th</sup>-8<sup>th</sup>: \$450

	<u>Constituent Family</u>	<u>Non-Constituent</u>
<b>1<sup>st</sup>-8<sup>th</sup> grade</b>	<b>\$3,600/year</b>	<b>\$4,600/year</b>

**See Sandia View Academy's Registration Packet for High School costs**

Payments are due the 1<sup>st</sup> of each month (billed over 10 months beginning August 1 and ending May 1).

There is a 5% late fee after the 10<sup>th</sup> of the month, unless other arrangements are made with the treasurer, and there is a 1.5% interest charge on all past due accounts.

A \$20 charge will be made for any check returned for insufficient funds, and a cashier's check or money order will be needed to cover the amount owing.

You will be able to pay tuition online, with a 5% processing fee.

#### Tuition Discounts are as follows:

- 10% for 2<sup>nd</sup> child from the same immediate family.
- 20% for 3<sup>rd</sup> child from the same immediate family.
- 30% for 4<sup>th</sup> child from the same immediate family.
- 5% for paying the entire year advance by registration day (after other discounts are applied).
- Referral Scholarship: Have a family refer you to the school, you receive \$100 off registration fee, referring family gets 50% off tuition for 1 month.
- Academic Scholarships: For students with a GPA of 3.8 and above. In effect second semester, based on first semester grades.
- Community Service Scholarship: If a student gets paid to do something for the community, and they put some of that money to their tuition, the school will match it.





Barb Bianchi &lt;santafebarb@gmail.com&gt;

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**Adventist Academy**

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Ginny Cerrella &lt;ginny@ginnycerrella.com&gt;

Sun, Sep 3, 2017 at 1:44 PM

To: santafebarb@gmail.com

To: Santa Fe Board of Adjustment:

I attended, 5 years ago, the meeting to allow The Adventist Church to place "temporary" portable trailers as classrooms on their property. The Adventist Church was granted, against my better judgment, a temporary 5-year special permit. The Adventist Church ASSURED all the homeowners in attendance that during this 5-year period they would be building a permanent school elsewhere and would be closing their temporary school in 2017. NOT! Now they are seeking to create a permanent K- 12 private school.

What I find appalling is the fact that the Minister blatantly lied to us neighbors about his future plans. A Man of God who lies should be taken to task! I am constantly picking up trash on Bishops Lodge Road that the congregation dumps with little or no respect to all the homeowners who live in the area. Not to mention the congestion from the Church's assemblies on an already busy road.

Therefore, I am protesting the Adventist Church's plans for a permanent academy. Let the Adventist Church do what they said they were going to do...Find suitable property elsewhere to build their Academy! Please help restore our lovely neighborhood to what it always was...A Residential neighborhood unencumbered with traffic and trash.

Thanking you in advance.

Ginny Cerrella  
102 Valley Drive  
Santa Fe, NM 87501



Barb Bianchi &lt;santafebarb@gmail.com&gt;

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**protest**

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**callista davis** <callista2@cox.net>

Sun, Sep 3, 2017 at 11:28 AM

To: santafebarb@gmail.com

Cc: kateholmes2@gmail.com

TO CITY OF SANTAFE

CURRENT PLANNING DIVISION

200 LINCOLN AVENUE, BOX 909

SANTA FE, NEW MEXICO 87504-0909

TO: BOARD OF ADJUSTMENT PUBLIC HEARING

I AM AGAINST THE SPECIAL USE PERMIT FOR AN ELEMENTARY AND SECONDARY SCHOOL FOR THE SEVENTH-DAY ADVENTISTS WHOSE ADDRESS IS NEXT DOOR TO ME. MY ADDRESS IS 732 BISHOPS LODGE ROAD. I AM AGAINST THE ADDITIONAL NOISE, TRAFFIC, PORTABLE CLASSROOMS AND DIS-RUPTION OF THE NEIGHBORHOOD. PLEASE LET THE ADVENTISTS CHURCH PLACE A PERMANENT SCHOOL ELSE WHERE.

## Callista Davies

**OWNER:**

732 BISHOPS LODGE ROAD, SANTA FE, NM 87501

13676 CR 250, DURANGO, COLORADO 81301

PHONE 970-749-1166





Barb Bianchi <santafebarb@gmail.com>

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## School

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Juanita Dunn <nitasantafeart1@gmail.com>  
To: Barbara Bianchi <santafebarb@gmail.com>

Tue, Aug 29, 2017 at 9:41 AM

Barbara, we own a condo at 722 Bishops Lodge Rd but can not attend the planning meeting. We are against the proposed school for a variety of reasons to include the following but not limited to them.  
Temporary buildings of any type

Additional traffic and noise

Thanks for taking the lead on this and please keep us informed.

Juanita & Jack Dunn

Sent from my iPhone



Barb Bianchi &lt;santafebarb@gmail.com&gt;

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**School**

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**Kate Holmes** <kateholmes2@gmail.com>

Thu, Aug 31, 2017 at 9:29 AM

To: santafebarb@gmail.com

Hi Dennis and Barbara, my name is Kate Holmes and I own property at 716 Bishops lodge Rd. I am part of the La patria compound. I am strongly opposed to the school staying in place and expanding. I feel we on that stretch of Bishops lodge Rd. are already over impacted with all the activity at Ft. Marcy park. Also, we were led to believe from the church that the temporary school was going to move this year. You might want to walk into the La Patria and put a flyer on the gates, as there are some part time people and a new owner. I do not think any of the owners would approve the school! I will try to attend. Thanks, Kate

Sent from my iPad



Barb Bianchi <santafebarb@gmail.com>

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## Adventist Academy

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Mary Jane Kirkland <mjakirk@yahoo.com>  
Reply-To: Mary Jane Kirkland <mjakirk@yahoo.com>  
To: "santafebarb@gmail.com" <santafebarb@gmail.com>

Mon, Sep 4, 2017 at 4:02 PM

Dear Barb,

Please present this letter to the City Board of Adjustment, Thank you.

To: City Board of Adjustment

Subject: Opposition to 702 Bishops Lodge Adventist Academy  
Expansion of 5 year Special Use Permit

We wish to oppose and object to the Adventist Academy expanding its original special use permit to make the portable trailer classrooms permanent and increase student enrollment.

When the "temporary" portable double-wide trailer classrooms were approved, it was promised that in 5 years (by 2017), a **permanent** school would be built **elsewhere**, hence closing this temporary arrangement. Allowing a double-wide trailer in a residential neighborhood is already a breach architecturally, especially along Bishops Lodge Road.

Just because they were initially granted "a foot in the door" in good faith, does NOT mean the Board of Adjustment should permit the school permanent residency. Should permanent residency be granted, then the Adventist Academy should build a school that architecturally conforms to Santa Fe norms.....and that is NOT a double-wide trailer park!

When the special use permit expires, it should NOT be renewed.

Thank you for your consideration

Yours truly,

**Nathaniel and Mary Jane Kirkland**  
**101 Valley Drive**  
**Santa Fe**