City of Santa Fe



Agenda

CITY CLERK'S OFFICE

TIME

9:202

\*\*<u>SECOND AMENDED</u>\*\* BOARD OF ADJUSTMENT Tuesday, August 21, 2012 at 6:00 P.M. (Note New Time)

200 Lincoln Ave. Santa Fe NM City Council Chambers

Field Trip – August 21, 2012 at 3:30 P.M. Land Use Department SCHOOL FOR ADVANCED RESEARCH <u>660 GARCIA STREET</u> Meet at Reception (main building on left)

## A. ROLL CALL

- **B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: July 17, 2012 minutes
- E. FINDINGS/CONCLUSIONS: Case #2012-41. 614 Acequia Madre Special Use Permit
- F. OLD BUSINESS
- G. NEW BUSINESS

<u>Case #2012-77</u>. 341 Magdalena Street Variance Jennifer and Brent Cline, owners, request a variance to allow garage doors to be set back 8 feet from the front property lines where 20 feet is required. The property is 0.2<u>+</u> acres and is zoned R-21 (Residential, 21 dwelling units per acre). (Dan Esquibel, Case Manager)

<u>Case #2012-69</u>. Holy Trinity Orthodox Church Special Use Permit. Holy Trinity Orthodox Church requests a Special Use Permit for dormitory boarding and monastery use. The property is zoned R-1 (Residential, one dwelling unit per acre) and is located at 207 East Cordova Road. (William Lamboy, Case Manager)

<u>Case #2012-71</u>. School for Advanced Research Special Use Permit. JenkinsGavin Design and Development, agents for School for Advanced Research, request a Special Use Permit to allow a museum use at 660 Garcia Street. The property is zoned R-2 (Residential, two dwelling units per acre) and R-3 (Residential, three dwelling units per acre). (William Lamboy, Case Manager)

- H. BUSINESS FROM THE FLOOR
- I. STAFF COMMUNICATIONS
- J. MATTERS FROM THE COMMISSION
- K. 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.

City of Santa Fe



Agenda DATE 8-13-12-HATE SERVEL BY

**CITY CLERK'S OFFICE** 

RECEIVED BY

4:25

AMENDED

BOARD OF ADJUSTMENT Tuesday, August 21, 2012 at 6:00 P.M. (Note New Time) 200 Lincoln Ave. Santa Fe NM City Council Chambers

> Field Trip – August 21, 2012 at 3:30 P.M. Land Use Department City Hall 1<sup>st</sup> Floor Lincoln Avenue

- A. ROLL CALL
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- I. STAFF COMMUNICATIONS
- J. MATTERS FROM THE COMMISSION
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City of Santa Fe



**BOARD OF ADJUSTMENT** Tuesday, August 21, 2012 at 6:00 P.M. (Note New Time) 200 Lincoln Ave. Santa Fe NM **City Council Chambers** 

1.4

CITY CLERK'S OFFICE

Agenda DATE 7-30-12

SERVEL BY

RECEIVED BY

- A. ROLL CALL
- **B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: July 17, 2012 minutes
- E. FINDINGS/CONCLUSIONS: Case #2012-41. 614 Acequia Madre Special Use Permit
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# SUMMARY INDEX OF THE BOARD OF ADJUSTMENT MEETING Tuesday, August 21, 2012

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APPROVAL OF SECOND AMENDED AGENDA	Approved [amended]	1-2
APPROVAL OF MINUTES -JULY 17, 2012	Approved	2
FINDINGS/CONCLUSIONS CASE #2012-41. 615 ACEQUIA MADRE SPECIAL USE PERMIT	Approved	2
OLD BUSINESS	None	2
NEW BUSINESS		
CASE #2012-77. 341 MAGDALENA STREET VARIANCE. JENNIFER AND BRENT CLINE, OWNERS, REQUEST A VARIANCE TO ALLOW GARAGE DOORS TO BE SET BACK 8 FEET FROM THE FRONT PROPERTY LINES WHERE 20 FEET IS REQUIRED. THE PROPERTY IS 0.2± ACRES AND IS ZONED 4-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE) CASE #2012-69. HOLY TRINITY ORTHODOX CHURCH SPECIAL USE PERMIT. HOLY TRINITY ORTHODOX CHURCH REQUESTS A SPECIAL USE PERMIT FOR DORMITORY BOARDING AND MONASTERY USE. THE PROPERTY IS ZONED	Withdrawn by staff	2
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CASE #2012-71. SCHOOL FOR ADVANCED RESEARCH SPECIAL USE PERMIT. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR SCHOOL FOR ADVANCED RESEARCH, REQUEST A SPECIAL USE PERMIT TO ALLOW A MUSEUM USE AT 660 GARCIA STREET. THE PROPERTY IS ZONED R-2 (RESIDENTIAL, TWO DWELLING UNITS PER ACRE) AND R-3 (RESIDENTIAL,		
THREE DWELLING UNITS PER ACRE)	Approved with additional cor	iditions 7-30

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ITEM	ACTION	PAGE
BUSINESS FROM THE FLOOR	None	30
STAFF COMMUNICATIONS	Information	31
MATTERS FROM THE COMMISSION	Discussion	31
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# MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENT CITY HALL COUNCIL CHAMBERS SANTA FE, NEW MEXICO Tuesday, August 21, 2012

# A. CALL TO ORDER AND ROLL CALL

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Gary Friedman, Chair, at approximately 6:00 p.m., on Tuesday, August 21, 2012, in the Council Chambers, City Hall, Santa Fe, New Mexico.

## MEMBERS PRESENT:

Gary Friedman, Chair Rachel L. Winston, Vice-Chair James A. Brack Alexandra G. Ladd Patricia Hawkins Monica Montoya Daniel H. Werwath

## **OTHERS PRESENT:**

William Lamboy, Land Use Planner Senior, Current Planning Division Tamara Baer, Planning Manager, Current Planning Division Kelley Brennan, Assistant City Attorney Melessia Helberg, Stenographer

There was a quorum of the membership in attendance for conducting official business.

# B. PLEDGE OF ALLEGIANCE

# C. APPROVAL OF SECOND AMENDED AGENDA

Ms. Baer said Case #2012-77 under New Business, was withdrawn by staff. She said after staff started the analysis, they determined the variance was not necessary, so this case is proceeding directly to the Historic Design Review Board.

**MOTION:** Commissioner Montoya moved, seconded by Commissioner Werwath, to approve the Second Amended Agenda as amended.

VOTE: The motion was approved unanimously on a voice vote.

# D. APPROVAL OF MINUTES – July 17, 2012

**MOTION:** Commissioner Brack moved, seconded by Commissioner Werwath, to approve the minutes of the meeting of July 17, 2012, as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

# E. FINDINGS/CONCLUSIONS - CASE #2012-41. 615 ACEQUIA MADRE SPECIAL USE PERMIT

A copy of the Findings of Fact and Conclusions of Law in Case #2012-41, 615 Acequia Madre Special Use Permit, are incorporated herewith to these minutes as Exhibit "1."

**MOTION:** Commissioner Winston moved, seconded by Commissioner Werwath, to approve the Findings of Fact and Conclusions of Law in Case #2012-41, 615 Acequia Madre Special Use Permit, as presented by staff.

**VOTE:** The motion was approved unanimously on a voice vote.

# F. OLD BUSINESS

There was no old business.

## G. NEW BUSINESS

## 1. <u>CASE #2012-77.</u> 341 MAGDALENA STREET VARIANCE. JENNIFER AND BRENT CLINE, OWNERS, REQUEST A VARIANCE TO ALLOW GARAGE DOORS TO BE SET BACK 8 FEET FROM THE FRONT PROPERTY LINES WHERE 20 FEET IS REQUIRED. THE PROPERTY IS 0.2± ACRES AND IS ZONED 4-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). (DAN ESQUIBEL, CASE MANAGER)

This case was withdrawn by staff.

2. <u>CASE #2012-69.</u> HOLY TRINITY ORTHODOX CHURCH SPECIAL USE PERMIT. HOLY TRINITY ORTHODOX CHURCH REQUESTS A SPECIAL USE PERMIT FOR DORMITORY BOARDING AND MONASTERY USE. THE PROPERTY IS ZONED R-1 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) AND IS LOCATED AT 207 EAST CORDOVA ROAD. (WILLIAM LAMBOY, CASE MANAGER)

A Memorandum prepared August 8, 2012, for the meeting of August 21, 2012, with attachments, to the Board of Adjustment, from William Lamboy, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "2."

A copy of a letter dated August 21, 2012, to the City of Santa Fe Land Use Department, from Fr. John Bethancourt, Pastor, Holy Trinity Orthodox Church, regarding Bethany House of Prayer Special Use Permit, is incorporated herewith to these minutes as Exhibit "3." The original letter is in the case file, and copies can be obtained from the Land Use Department.

## Staff was sworn

## Staff Report

The staff report was presented by William Lamboy, which is contained in Exhibit "2."

**Staff recommendation:** The Land Use Department recommends approval of the Special Use Permit with the Conditions of Approval from the Fire Marshal at the end of this report [Exhibit "2"]

# Public Hearing

# Presentation by the Applicant

**Ralph Nava, 2303 Callejon Hermosa, was sworn.** Mr. Nava said the Church had the opportunity to purchase facility next door, and it was a perfect opportunity to expand the Church and open a house of prayer. He said there are several people who are interested in developing their faith a little deeper, and this is a good place for them to do that. He said, as Mr. Lamboy said, this is not a substance abuse place, or anything like that, but it is just for people who are trying to develop themselves to a higher spiritually. It is a 5 bedroom, and they believe they can have 5 residents. He said they don't plan to make any changes to the house. He said they understand if they start doing different things, they need to come back to the City. However, for right now it will be a continuation of how it has been used for the past 40 years.

Father John Bethancourt, Founding Pastor of the Holy Trinity Orthodox Church, 2161 Candelero Street [previously sworn]. Fr. Bethancourt said 17 years ago they bought the house next door, both of which basically are the same kind of ranch style house. He said, "The Church we morphed into a church 9 years ago, so it looks more like a church now." He said the family who has been living there for a long long time came to him and asked if the Church would be interested in purchasing the house, noting their mother had passed away. He said he had a long vision of having a house where some of their single people could live in close proximity to the Church spiritually and physically, and be able to come to services frequently.

Fr. Bethancourt said they will be calling it the Bethany House, after the place where Lazarus, Mary and Martha lived near Jerusalem, which also was a place Jesus often would go. He said they are looking at more long term, rather than short term. He said they have lots of St. John's students who come, and it is conceivable that students who are Orthodox might want to live in close proximity to the church for 9 months during the school year. However, they are looking for longer term people, who want to live in a community, get to know each other and spend time together. He said this is their vision and he doesn't believe it would have much impact on the community.

Fr. Bethancourt said the main concerns he has heard have been whether it will be a house for the homeless, rehabilitation, home for unwed mothers, which are all good ministries, but that is not what they are planning to do.

# Speaking to the Request

**Former Councilor Karen Heldmeyer, 325 E. Burger Street, was sworn.** Ms. Heldmeyer said she is the Past President of the Don Gaspar Neighborhood Association, and she filling in tonight for current President Peter Komis. She said his mother is in the hospital and he couldn't be here this evening.

Ms. Heldmeyer said Mr. Komis contacted all of the neighbors who attended the ENN meeting, and a few others who were in the general area. She said, in general, people are very supportive of this. She said the concerns expressed to the Neighborhood Association are whether this house will stay the way it is being described, and if not, what is the recourse of the neighborhood. She said no one has mentioned unwed mothers, but they did mention a homeless Shelter, and whether it would become all St. John's students. She said the neighborhood has had problems with houses like that in the past. She said presumably the Church might keep more of an eye on this group. She said it is zoned residential, and the neighborhood wants to be sure it stays residential and people are living there as a place to live and not as some other kind of facility. She said the neighborhood would appreciate if this Board consider this concern when it considers the special use permit in any possible conditions of approval you might impose.

**Father Bethancourt** said on Sunday, the neighbor directly across the street came to see him with a very similar concern. He said he gave him his word this was not to be as a kind of dormitory or as a rehabilitation facility. He said the neighbor asked him what would happen to the property when Fr. Bethancourt, "What happens when you go. How can we have some sense of assurance that will continue." The neighbor suggested that he write a letter to be placed in the file with this. Fr. Bethancourt asked the neighbor to help him to construct the letter so it voiced his concern, as well as to express the concerns of any other neighbor.

Fr. Bethancourt said he has written the letter, and said the crucial part of that letter is as follows:

"We wish to advise that the personal conduct of the occupants of the house will be guided by the Church's internal code of conduct, and shall be consistent with the Church's mission.

The Church hereby assures that it will not tolerate inappropriate behavior by the residents, be it substance abuse, physical abuse, or sexual abuse, nor will the facility be used to knowingly house or rehabilitate anyone engaging in these activities. In the event that any resident should commit any such abuse, the Church shall arrange for their prompt eviction.

The Church understands that its continued enjoyment of the special use permit is contingent upon its diligent and prompt management of this requirement."

Fr. Bethancourt said he signed the letter as the pastor, and it would be a binding letter. Fr. Bethancourt submitted the letter for the record [Exhibit '3"].

## Questions and Comments from the Board

Chair Friedman asked the staff to provide guidance on this. His understanding is that if it is not listed as a condition of approval, then it is not a condition even though it is something which has been discussed at our hearing.

Kelley Brennan said, "That is correct. I also want to point you to the Special Use Permit provisions of the Code, Section 14-3.6, which limits the approval of Special Use Permits, as granted for a specific use and intensity. Any change or more intensity shall comply with Chapter 14, and any change shall require a new or amended special use permit."

Chair Friedman asked if staff would like to comment in terms of how the current conditions relate to some of the neighbors' concerns.

Ms. Baer said, "There is a provision, and these are just ideas or possible conditions that the Board can make under those, which are provided in your packet and in the staff report There is a condition that you can create to establish a date of annual or other periodic review at a public hearing. So, if you wanted to, you could ask them to come back in two years, five years, whatever you chose. Actually that's O. And then there's also the provision right before that, N. to establish an expiration date. So if you wish to do that, you could establish an expiration date which could be coincident with the Church moving, for example. But otherwise, I think that the testimony from Father Bethancourt is substantial and we would place that into the record as well as into the file, and we would have that to rely on."

Commissioner Hawkins asked Fr. Bethancourt if there is a plan to charge the residents at the dormitory or the monastery for their housing, or upkeep, or anything else.

Fr. Bethancourt said they aren't charging a rent, but they will accept donations, noting the donations would not be tax deductible because there is a service which would be attendant to that – they will be asking for donation to keep the house going.

Commissioner Montoya said, "This is a question for staff, and this leaning toward the idea that the neighbors and the applicant are coming together – the neighbors are supporting and the applicant is committing – to add some conditions to their application. I just wanted to clarify that in the event, by Code, would a change in use, if they decided they did want to become one of the uses that the neighbors were opposing, for example a homeless shelter, would that be, in staff's mind, or by Chapter 14 a qualifying change of use which would trigger coming back to the Board."

Ms. Baer said, "Absolutely. The special use permit is granted for a specific use, and any change in the intensity or nature of that use would require a new special use permit and a return to this Board."

Mr. Brack asked if the special exception would limit the number of occupants at the residence to no more than 5.

Ms. Baer said this would be up to the Board, and believes this is what is proposed in the application because of the number of bedrooms in the house. It is not a condition currently, but the Board can impose this as a condition if it would like to do so.

# The public testimony portion of the public hearing was closed

Commissioner Winston said her sense is that if there was a proposed change of use, it would require coming back to this Board for a hearing, so that somewhat obviates the need to put a condition on the use. However, at this point, she is thinking that might not be necessary.

**MOTION:** Commissioner Montoya moved, seconded by Commissioner Brack, to approve Case #2012-69, Holy Trinity Orthodox Church Special Use Permit, with conditions of approval as recommended by staff, and an additional condition that the application be approved for the specific intensity and use; that any change of use would come back to this Board for approval, and as part of the condition, a change of use to a Homeless Shelter would constitute a change of use; and that a cap not be set on the number of people who can live in the house.

**DISCUSSION:** Commissioner Montoya said she isn't interested in capping the number of residents, unless the other members of the Board would like to do so, and said she trusts that the staff can monitor that.

**VOTE:** The motion was approved unanimously on a voice vote.

3. <u>CASE #2012-71.</u> SCHOOL FOR ADVANCED RESEARCH SPECIAL USE PERMIT. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR SCHOOL FOR ADVANCED RESEARCH, REQUEST A SPECIAL USE PERMIT TO ALLOW A MUSEUM USE AT 660 GARCIA STREET. THE PROPERTY IS ZONED R-2 (RESIDENTIAL, TWO DWELLING UNITS PER ACRE) AND R-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)

A Memorandum prepared August 8, 2012, for the August 21, 2012 meeting, with attachments, to the Board of Adjustment, from William Lamboy, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "4."

A copy of the overhead presentation by JenkinsGavin Design and Development, is incorporated herewith to these minutes as Exhibit "5."

A copy of the staff notes from the School for Advanced Research (SAR) Field Trip on August 21, 2012, submitted by staff for the record, is incorporated herewith to these minutes as Exhibit "6."

A copy of a Memo dated August 21, 2012, to the Board of Adjustment from the Current Planning Division, regarding Additional Correspondence which was not in the Board packet, with the following attachments:

Case #2012-71 SCHOOL FOR ADVANCED RESEARCH SPECIAL USE PERMIT

- a) Email from Kelsey Daly Brown, dated August 20, 2012;
- b) Letter from Dr. Corinne A. Kratz, dated August 17, 2012;
- c) Letter from Malena Mörling, dated August 18, 2012;
- d) Letter from Old Santa Fe Trail Neighborhood Association, dated August 18 2012;
- e) Email from Helena Ribe, dated August 20, 2012;
- f) Letter from Kristin & Nancy Perryman, dated August 21, 2012; and
- g) "<u>Proposed Declaration of Restrictions.</u>" JenkinsGavin Design & Development, Inc., received on August 20, 2012.

is incorporated herewith to these minutes as Exhibit "7."

A letter dated August 21, 2012, to the Board of Adjustment, from Nancy Adams Perryman and Kristin L. Perryman, regarding Case No. 3012-71 School of Advanced Research Special Use Permit, submitted for the record by Karl Sommer, Esq., is incorporated herewith to these minutes as Exhibit "8."

A copy of the Statement for the record from Elizabeth B. Roghair, CPA, entered for the record by Elizabeth B. Roghair, is incorporated herewith to these minutes as Exhibit "9."

A letter dated August 21, 2012, to Gary Friedman, Chair, Board of Adjustment, from Irwin and Maya Hoffman, regarding Case #2012-71 School for Advanced Research Application for Special Use Permit, is incorporated herewith to these minutes as Exhibit "10."

A copy of the first two pages, 124-125 of the Final Decree, signed by Reed Holloman, District Judge, from the records of Santa Fe County, dated September 15, 1930, regarding the Amelia White property, is incorporated herewith to these minutes as Exhibit "11."

A copy of the School for Advanced Research Mission Statement, submitted for the record by Jim Rubin, Esq., is incorporated herewith to these minutes as Exhibit "12."

A copy of *What is a Museum*?, submitted for the record by Jennifer Jenkins, JerikinsGavin Design & Development, Inc., is incorporated herewith to these minutes as Exhibit "13."

## Staff Report

The staff report was presented by William Lamboy which is contained in Exhibit "4."

Mr. Lamboy noted the Board went on a field trip this afternoon and he provided a copy of the staff notes for the Board [Exhibit "6"].

**Staff recommendation:** The Land Use Department recommends approval of the Special Use Permit with the Conditions of Approval from the Fire Marshal at the end of this report [Exhibit "4"].

## Public Hearing

## Presentation by the Applicant

Jennifer Jenkins, JenkinsGavin, was sworn. Ms. Jenkins introduced her partner, Colleen Gavin who is in attendance on behalf of SAR, and Dr. James Brook, CEO for the School for Advanced Research.

Ms. Jenkins presented information via overhead. Please see Exhibit "5" for specifics of the photos, documents and maps used in the overhead presentation

Ms. Jenkins said she and Ms. Gavin are here on behalf of the School for Advanced Research and request for a special use permit. Ms. Jenkins pointed out the location of the subject site on the aerial map, noting, for purposes of the presentation, the location of Garcia Street [the front door of the campus and the pretend north] and Old Santa Fe Trail [the pretend north], and the existing SAR campus, which is 8½ acres, noting it is the former estate of Amelia White. The School has been at this site since 1972. She noted the location of neighboring property, which is about 7.4 acres, which SAR has put under contract for purchase. She said SAR has had interest in the property for years as the place to meet its future facilities needs, commenting institutions need to evolve and this property would allow SAR to continues its evolution and its current mission.

Ms. Jenkins showed a series of photographs of the subject site buildings, noting the mature landscaping and walls are as they were when the White sisters lived on the property. She noted SAR was granted the Stewardship Award by the Historic Santa Fe Foundation this year for its preservation efforts of this special property and estate. She said the house isn't visible from Garcia. She said everything on the

property is of residential scale and the new buildings over time have maintained the residential scale and character of the property and the surrounding neighborhood.

Ms. Jenkins said the two properties – existing and neighboring – are a combination of R-3 and R-2 zoning, most of which is an R-3. She said in the packet is the existing campus and the near term facility needs, and the what the School has determined is its primary priorities over the next 5 years. It includes a work plaza building, an office studio building and a casita compound of 3 small casitas for resident scholars, noting the proposed location on the aerial map, and the adjacent 7.4 acres which currently is vacant and the school has under contract.

Ms. Jenkins said the special use permit process accomplishes two things. It addresses what is there and what is existing, handling that regulatory issue so they're not non-conforming in any way. The special use permit for the existing campus would also allow for those two buildings. She said it makes no sense for SAR to acquire the property if they can't use it for its current use needs. Currently, the uses are a combination of office, the meeting space, residences, art studios, archival storage space. She noted there is an incredible Native American art collection at the Indian Research Center. She said these are the nature of the uses, and those uses aren't changing and are the same uses currently in practice on the campus. However, as the school evolves and its facility needs change it is looking to expand its facility into the neighboring property.

Ms. Jenkins, using the aerial photograph in Exhibit "5," said, "So this is an aerial, again, the existing campus, Garcia Street to our pretend north, Old Santa Fe Trail to our pretend south, and this shows the buildings that we discussed. And through our dialogue with our neighbors.... We've had many meetings with our most adjacent neighbors, our abutting neighbors as well as our Early Neighborhood Notification meetings, as well as the Old Santa Fe Trail Neighborhood Associations. We've had a series of about 18 meetings over the last year, and a few things came out of that process, one of which is the green area that you see here. This is a 50 foot no-build buffer area. The setback requirements in a residential zone, depending on if you're a rear yard, side yard or a front yard, range from 7 to 15 feet. We have established this in order to provide a sense of protection with respect to our most adjacent neighbors here."

Ms. Jenkins continued, "We are proposing that a covenant be recorded that runs with these properties that establishes this no-build area. In addition, the covenant will address the fact that we have agreed to only single level, single-story construction. We are in the Historic Districts here, so we are going to be limited further by the maximum allowable heights through the Historic Review Districts in the Downtown and East Side. So, in addition to this kind of near term plan, which you have in your packet, we also worked with the neighbors and showed them what's the bigger picture, what's the long term. What we could expect to see maybe over the next 25 years, and so we have developed this."

Ms. Jenkins continued, "So the intent here, with respected to these, and this is very conceptual, is to... we have a very pedestrian oriented campus. The desire is to maintain a pedestrian oriented campus. So any new construction is going to be focused to the north. It's going to be focused to relate directly to the existing buildings, the existing improvements. And so this is for illustrative purposes that shows the buildings that we talked about before, these buildings here and the casitas. And then this shows some more residential casitas here. This shows archival, library and office space here. This is a potential

addition to the existing Indian Arts Research Center and office studio buildings here. And when we were developing this sort of master plan concept of, again this is like a 25-30 year plan... is we looked at the buildings around us. So these footprints that you see are modeled after existing houses in the neighborhood in terms of size and scale."

Ms. Jenkins continued, "So it's our desire that if you could see this which... the wonderful thing about the property is the high point is right here. There's really a natural buffer in terms of the terrain of the property, so what is visible from here looking north or northeast toward the mountains, yes there will be some rooftops visible, but the terrain provides a natural buffer. But if this was visible from Old Santa Fe Trail for example, which is really not, you would think they were houses. And so, it's about maintaining that residential scale and residential character for these non-residential buildings."

Ms. Jenkins continued, "And again, this is a topographic map of the property, so again you can see there's this ridge here that comes through. And that again that really serves.... because this is really the low point here. Everywhere we're proposing these potential buildings over time is in the lower part of both properties. This area here is the low point, so it really keeps it intimate and keeps it tucked in, so we are staying away from the high point here."

Ms. Jenkins continued, "So these are some images... we erected some story poles on the property at a 14 foot height, because we're agreeing to single levels. These buildings aren't designed yet, obviously, but that seemed an appropriate height to demonstrate a single level structure. So this looking kind of northwest and there are story poles here, but again because of the elevation changes they are a little difficult to see, and I'm having trouble seeing them myself. Let me see if I can point them out. Yes, here they are. So right back in here are kind of the office studio buildings that we pointed out that is probably the furtherest out, maybe that's a 25 year improvement. And then, as we look toward the Sangre de Cristos, looking northeast, say kind of with Old Santa Fe Trail at your back, you can see the edge of the Indian Arts Research Center here and then there are poles here that demonstrate where the new library archival buildings could potentially go. And it is important that there is no... with any new buildings there will be no blocking of those Sangre views for neighboring residents which is very important."

Ms. Jenkins continued, "And this is another view here. And again, this is kind of the top parapet of the existing Indian Arts Research Center. And then you can see, if you can see them, they're again a little difficult to point out, but there are some poles here and some poles here."

Ms. Jenkins continued, "And with that, I wanted to point out just a couple of other items before we close our presentation. And with respect to the... this original subdivision was created by Amelia White. It was called the DeVargas I Subdivision when these properties along the Old Santa Fe Trail were created. And there was a covenant put in place at that time that said each lot is entitled to one single-family residence."

Ms. Jenkins continued, "And the neighbors, property owners who adjoin a particular lot have the right to enforce that covenant. And you're going to probably hear about this covenant this evening. We are very aware of the covenant. We are aware that prior to any non-residential construction on the neighboring vacant property that a release of that covenant will be required by adjoining property owners.

SAR is very much informed and aware of this. However, the granting of a special use permit to allow a museum designation in no way violates those covenants in and of itself. There is a recognition that in the future there are additional steps to be taken. But obviously, those steps don't make a lot of sense until such time as SAR actually acquires the property and knows they can come forward with plans. Coming back, we'll be submitting future development plan applications that will go before the Planning commission. We'll be submitting future applications to the Historic Design Review Board for future meetings, and we will be addressing the covenant issue as we move forward. This is the first step. And with that, we will be happy to answer any questions, and thank you for your attention."

# Questions from the Board

Commissioner Winston said, "The images up there, you are saying it is potentially up to a 20-25 year plan." Ms. Jenkins said yes.

Commissioner Winston said, "It says that a development plan will be required once the cumulative development exceeds 10,000 square feet. I'm just wondering how many square feet that is."

Ms. Jenkins said, "This right here is about 8,000 sq. ft. We pretty much figure, once we get beyond this initial 5-year plan, we're going to submit a development plan, maybe phased development plans. Because, again we're probably not going to design a building right now. It's 25 years away. So we'll have an initial development plan that hopefully will cover us for maybe the next 5 years."

# Speaking in Favor of the Request

## All those speaking were sworn en masse

Chair Friedman asked all those speaking to give their name and address. He asked those speaking to try to keep comments to a reasonable limit, and if he finds that comments are being drawn out and duplicative, he is going to ask that person to wrap-up their comments. He wants to be respectful to let both sides speak.

Karl Sommer, P.O. Box 2476, SF 87504 [previously sworn]. Mr. Sommer said he is here on behalf of the immediate neighbors to the northwest, noting they were calling it the west in their project. He said the neighbors, Nancy and Chris Perryman, couldn't be here this evening. He said he is here on their behalf, and asked permission to submit a letter of support for the record on their behalf [Exhibit "8"]. At the request of Commissioner Montoya, Mr. Sommer pointed out the location of his clients' property "on Jennifer's map." Mr. Sommer said the Perrymans own two lots right there. That's their home and they own that lot right next door to the northeast. It's a vacant lot. He said their letter of support evidences the very strong support by the Perrymans. They're the most highly impacted by this immediate first initial phase, which is the work plaza.

Mr. Sommer said, "And what I would like to do is to talk to you a little bit about SAR's approach to what they did with the Perrymans, talk a little bit about how we've seen them as a good neighbor and, just briefly, how we see them as an important neighbor and an important member of this community, and then

I'll sit down. The Perrymans' property looks right at where the work plaza will be and it actually looks at the area... you can see this, the casitas or the office studio buildings there, and this is going to be obviously right outside their backyard. They have a very usable backyard and so they were highly concerned about the impact. All of their concerns have been addressed, both as to scale, location, appearance and the like. I think it's going to be a fine project and I think the Perrymans support that. I think their letter indicates their support in terms of that part of it."

Mr. Sommer continued, "For the Perrymans, SAR has been a good neighbor, not only in their actions, but in the plan they've proposed and the use that they have made of the property historically. As Jennifer said, they had countless meetings and the Perrymans and myself were at many of them. And they also had meetings that probably weren't in that number with us to address, particularly our concerns. So in that outreach, they've been a good neighbor and that has been important to the Perrymans. It's been good to know that this institution, which carries a lot of weight in this community, was sensitive to the Perrymans specifically and I think to everybody in the neighborhood."

Mr. Sommer continued, "The property that it currently occupies, as you all know if you went out there today, is immaculately kept. That's a benefit to all of the neighbors around, including the Perrymans and they greatly appreciate that. The plan that is being proposed is sensitive to the neighbors in many many respects. And I'm sure that they have to comply with David's requirements, but I think that they've done a good job in what they're done already. And if that's any sign of what's to come, I think they're going to be a really valuable addition to this portion of the neighborhood. I think, most importantly, the Perrymans see this as an important institution."

Mr. Sommer continued, "If you look around Santa Fe and you just count up the number of homegrown institutions that have become world-famous – you have the Opera, you have our chamber music, you have the McCune Foundation, you have the Santa Fe Institute, you have the O'Keeffe Museum, you have IAIA – all of these are parts of this town, part of what makes Santa Fe interesting. Part of why people come here. They're real, they're not part of a Disneyland approach. They actually give this place substance and they pay tribute to the important parts of our culture. SAR is no different. And their ability to expand and their ability to have a long term presence in our community is important. And so, with that, I would like to express support for the Perrymans on this project. Thank you."

Karen Walker, 205 Delgado, 87501 [previously sworn]. Ms. Walker said she has heard no objections this evening, and said one person somewhere asked what this will do to the value of their property. Ms. Walker said she has been a real estate broker for "more years than I'm going to tell you." She said with the exception of grade schools where exuberant children are out in staggered playground recesses, being near an institution is an enhancement to your property, not a denigration to it. She said the reason for this is the open space. She said the existing SAR campus covers 15% of its land area, and the proposed improvements over the years will cover 15%. She said these properties are zone R-3 and R-2 which allows 40% lot coverage as you know. So the neighbors around SAR will have a great deal more open space than they would have under alternative uses. She said most people aren't aware that SAR exists. She said they create so little ruckus that's hard to attract anyone's attention. The scholars are there to be quiet and work, and "it's like a tomb if you go through there, unless there is some gathering

which is fairly unusual." She said she is heartily in favor of this and in the class of Santa Fe institutes and it is also in a residential area. It was General Patrick Hurley's estate and there was a bit of flack and they wanted to put the institute there and now we're world known for that. This is a fabulous resource and she is totally in favor of their proposals.

Elizabeth Roghair, 34 Monterrey Road, 87508 [previously sworn], read her statement into the record in support of SAR's proposal, and asked that the Board approve it. Please see Exhibit "9" for the complete text of Ms. Roghair's statement for the record.

**Norman Yoffee, 209 Polaco Street, in the West Guadalupe Historic District [previously sworn].** Mr. Yoffee said he is a recently retired Professor from the University of Michigan. He is based in Santa Fe and teaches at the University of New Mexico, the University of Nevada Las Vegas and at New York University, commenting, "I'm a peripatetic scholar." He also has had visiting professorships at the University of California Berkeley, the University of Sydney, Australia, the University of Oxford England and the Free University of Berlin. He said, "I mention this section of my resume for two reasons. First, I owe a significant part of my career to my association with the SAR. I have been participant in a number of the advanced seminars, week-long gathering of scholars who discuss various issues in anthropology and archaeology, and then have the proceedings published by the SAR Press. And I spent a year as a resident scholar in 1991-1992, working on a book that was published about 10 years after I was actually at the school, but I would not have begun that book, and I could not have finished it without another summer of support that SAR provided. There are many grants possibilities to sustain research. There are very few opportunities to write that research. The SAR and anthropology and archaeology is unique in providing this opportunity for people like me. And I speak really on behalf of hundreds of others whose careers have been advanced and transformed through their SAR experiences."

Mr. Yoffee continued, "The second reason I recited this section of my resume is that the SAR is internationally known. Every place that I have traveled and worked knows the SAR, they value the SAR for its publications, its advanced seminars and the possibility of getting a year to contemplate their field of study and to write uninterruptedly the projects that they can hardly get to in the course of their other lives, busy, teaching and research careers. So I am here simply to support the SAR's mission. It's a great opportunity to expand that mission by providing space for a few more scholars for research facilities, for the expanded archives and libraries. It's an amazing opportunity for it, and I hope that you will approve their submission. Thank you."

Peter Balleau, 665 Garcia [previously sworn], said the School is at 660 Garcia, and believes he is the closest neighbor to the SAR driveway entrance. He said he is here in support, because he has seen their neighborly good effect on his reach of Garcia Street. He said they have events, such as talks, and there is never a car parked on Garcia, because they move the vehicles inside and put them in designated parking. He has experienced sounds twice from the students, usually in the nature of violin or other instruments coming from the open windows in the summer when the students are practicing, but this isn't offensive to the neighborhood. He said he only intrusion has been when there was a big yellow sign outside their door, and visible from his breakfast window. He said one request would be for smaller signs. He uses the library which is made available to members and that takes a load off the City Library, and also

attends their talks and field trips. He is professional hydrologist and has found hydrological features during the field trips, such as erosion protection on earthen reservoirs in the Pueblos from pre-Columbian times. He said the pueblos designed erosion protection is as good as we are using today and are still standing 400 years later. He said all of this makes him urge you to let them get the museum designation and doesn't believe it will change the future of the neighborhood. Mr. Balleau read SAR's Mission Statement into the record as follows: *The School for Advanced Research provides a dynamic environment for the advanced study and communication of knowledge about human culture, evolution, history and creative expression.* He said, for the record, he is authorized to speak on behalf of Wilson Mason, 659 Garcia Street.

Amy Villarreal, 1333-B Hickox, [previously sworn] said like most people who have spoken on behalf of SAR, she is a native of Santa Fe, a graduate of Santa Fe High School and New Mexico State University. She was a research associate at SAR in 2011-2012. She said some would think that "SAR is kind of like an ivory that doesn't really benefit people like me," but that is very far from the truth. She attended graduate school out-of-state, because she was told that if she ever wanted to teach at UNM, she would have to have a degree from elsewhere. This is what a lot of scholars face who grew up in New Mexico - unfortunately, they have to leave to be considered valuable when they come back. SAR allowed her to return to New Mexico to write what she likes to call home town ethnography. She is a Ph.D. candidate in anthropology at the University of California at Santa Cruz, and her research is about Santa Fe and the immigrants rights movement here, the sanctuary movement of the 1980s, and about the idea of a sanctuary city. She said SAR allowed her to return and write her dissertation in peace and guiet in a beautiful place, in a beautiful office. Her aspiration is to continue to live in New Mexico, to contribute to NMSU or any institutions here, to do community work, and to serve local students and local communities. SAR has helped her to further and accomplish these goals. Also, through SAR, she was able to connect with a lot of native American artists and scholars who helped further her research and writing. She supports expansion the expansion of SAR and it can only serve us as Santa Feans, New Mexicans and as scholars, activists and community workers.

Steve Bohlin, 1444 Seville Road, 87505 [previously sworn]. Mr. Bohlin said his experience with SAR spans 3½ decades since the mid-70s, noting his friend's parents were associated with SAR. He said over the years he has taken clients through the vaults or to lectures. He said he has served on the SAR Board for about 5 years. He said SAR has been in Santa Fe for about 105 years. He said the idea behind the zoning change and the purchase of the property is that we will still have SAR here in Santa Fe in another 105 years. It is a vibrant, exciting but quiet, scholarly institution which is known nationally and internationally. He said it would behoove the neighborhood to try to keep SAR here, and he thinks this is one step in doing so.

Jim Leonard, Head of Santa Fe Preparatory, for 14 years, 1853 Sun Mountain Drive, was sworn. Mr. Leonard said he is in support of this plan, noting SAR is in the same neighborhood as Santa Fe Prep. He said there are many thriving institutions on the east side – SAR, St. John's College, the Immaculate Heart of Mary Retreat & Conference Center, Santa Fe Prep, Rio Grande School and Atalaya and so forth. The area is a real mix of residential and institutional use which serves the community quite well. He said for over 100 years SAR has done tremendous work internationally, increasingly internationally. He is always surprised that there are people who live and work in Santa Fe who don't know

that SAR exists or where it is located. He said it doesn't have a big footprint in terms of its use. It is a quite refuge for scholars and a real jewel for Santa Fe. He said he hopes the Board will support their application.

Larry Archibald, 803 Camino Atalaya, was sworn. Mr. Archibald said he is in support of the proposed project for two reasons. First, SAR is and has always been an excellent neighbor for the 26 years he's lived here and previously in other locations. He said they do good work. He has friends who have gone to SAR as scholars, and he thinks it's extraordinarily worthwhile and needs to be encouraged rather than discouraged. Additionally, the proposed uses for the property are by far the best possible uses. He said he has worried over the 26 years what would happen to the vacant property, knowing it could be developed and 22 or so homes could be built there, which would irrevocably change the neighborhood. He believes what SAR will do will be consistent with the existing neighborhood and will have very little impact.

**Bill Deuschle, President, Old Santa Fe neighborhood Association, 501 E. Coronado Road, 87505, was sworn.** Mr. Deuschle said he is here on behalf the Old Santa Fe Trail Neighborhood Association, he considers their position to be a segue between those in favor and those opposed. He said he unequivocally support all of tonight's testimony on the worth and value of SAR, to education, historic preservation, maintaining artifacts and such, and that it has been a good neighbor.

Mr. Deuschle said, "However, as President, and I wasn't sure if I should speak now or speak in opposition. Our Board and the Old Santa Fe Trail Neighborhood Association are not in opposition to the proposal. However, the request for Museum status is combined with that of adding buildings. The museum status has nothing to do with building as both he and his Board see this issue. These are two separate things which need to be addressed and considered. A long letter was sent to the BOA and a number of people in the City and to Jenkins/Gavin, stating the concerns and the conditions that we hoped would be taken into consideration with the approval of this."

Mr. Deuschle continued, "And again, I restate, we're not in opposition to this, but there needs to be some conditions which are considered, forgoing anything that has been said in support of what a great institution it is. It is a great institution. I have many many friends who have asked questions during this, why would you not support it. It's not a matter of not supporting the institution. It is a matter of covenants and future developments that need to be taken into consideration. And the covenants which Jennifer already acknowledged are going to be violated. That doesn't mean something can't be worked out. But a blanket approval is certainly not the way to go about that."

Mr. Deuschle continued, "SAR and JenkinsGavin have been very friendly, very helpful, very informative during the whole process tonight. There's a lot of information has been given in reference to our intent. Intent and doing are two different things. We ask that the Board impose some of the restrictions and the conditions in writing and codify those, so they can be upheld in the future. We speak a lot about the 14 foot height. It's a single story. That's wonderful. However, a concern of the Neighborhood Association, and I'm speaking again on behalf of neighbors that have contacted us. I wish some of the neighbors in support had contacted us as well, then I would have had a better idea of what

really is intended by our Neighborhood Association and what they want. It would be nice to hear both sides as President."

Mr. Deuschle continued, "Tonight, I wish I was not President, and that's the truth. I don't have time to be and this is a delicate matter. But I believe it has to be taken into account that an intention of a single story building, of a 14 foot height, with the added consideration of whatever Historic Review will allow, that's already been stated, because I believe it is in the Historic Review District, part of the property. Part of it is in the East Downtown Historic District. Two different height restrictions there. The 20-23 feet that I just read about that David has stated would be allowable, has nothing to do with the Eastside Historic District, I don't believe. David can certainly comment on that. But to allow this on the basis of 14 feet, the intention is one story with the caveat that possibly there can be 20 or 23 foot buildings, I think would be an error in judgment on behalf of the Board. I think there should be a condition issued here. The story poles are at 14 feet. That really doesn't give a representation of what possibly could be done here."

Mr. Deuschle continued, "So, with that said, the Board and all the other parties do have our letter with the conditions that we have asked to be considered. I do not expect that all of those would be upheld. However, I would hope that the Board would take those into consideration, and tonight not give a blanked approval without acknowledgment of the conditions and codification of some of those conditions. Thank you."

There was a break from 7:45 p.m. to 8:00 p.m.

# Speaking in Opposition to the Request

# All those speaking were sworn en masse

**Jim Rubin, 123 E. Marcy, Santa Fe**, said he has been a Santa Fe resident for 40 years, and lived for 10 at 850 Old Santa Fe Trail, which is across the street once removed from this property. Mr. Rubin distributed copies of SAR's Mission Statement and Vision Statement [Exhibit "12"]. [Mr. Rubin's remarks here are inaudible because he was away from the microphone.]

Mr. Rubin said, "As a long time Santa Fean, I won't dispute for a moment the importance of SAR to the community, and I agree with all the wonderful things people said about SAR, and I've had an opportunity to take advantage of some of those programs, etc., over the years. The question that I have here though, is whether SAR is an educational institution or a museum. They involve different types of special use permits. If you take a look at Santa Fe Institute, for example, it's an educational institutions. Other ones are churches, etc., and you deal with them all the time."

Mr. Rubin continued, "If we look at the Mission and the Vision Statement of SAR, it is an educational institution. And so what's the big deal about that. Well, if come in as educational institution, I think there's a lot more planning and other things that need to go, particularly in this sensitive area, rather than a small site plan for a museum. And I also really believe that what SAR is doing is putting the cart before the horse here. I represent Roger and Jane Griffith and you have a letter from them, and they live at

828 Camino Atalaya. They are the last house on Atalaya, the last house on the right, not on the left. They live up there and Howell's property is directly adjacent to them."

Mr. Rubin continued, "And so the first question, if they are putting the cart before the horse about the Howell's property that they don't own. And my staff in my office found out from City staff there doesn't appear to be an owners letter on file from the Howells with the City. Then the application is really limited to the existing SAR property. And perhaps that meets a museum designation, as opposed to something they don't own yet and where they want to do a lot of expansion, and where you have received many letters about covenants, etc., that I'm not going to talk about here, because I think you're probably all up to speed on that. So there is a question here as to whether the application ought to be instead one for an educational special use permit. And number two, should it only be on the existing SAR property. Or, number three, should it be on the whole at acres. My clients are very concerned. Clearly they don't think that a 50 foot no-built area adjacent to them is going to handle the concerns they have with respect to the existing covenants."

Mr. Rubin continued, "Now I want to note some things from the Staff Report, and in particular, on page 26, it says: 'To grant a special use permit, a land use board shall make the following findings: (b) that the granting the special use permit does not adversely affect the public interest...' Well, clearly, doing something for SAR is in the public interest, but there's more to the public than just SAR. There's the other people surrounding it and throughout the Amelia White land that have protections that were matters of public records for 60-70 years."

Mr. Rubin continued, "There's also been litigation on these covenants, the most recent one that I know about was in the 1980's. And I believe the holding in that case by the New Mexico Supreme Court was that the stricter of covenants or of City zoning is what's going to control. And if that's the case here, and they don't get an agreement with all the extended neighbors, you've got a situation with a special use permit on a piece of land that can never be used for those purposes. So they say, we're going to get that taken care of before we go in for a building permit. But it's certainly within your purview to consider when you do that what conditions you put on, and whether a special use permit ought to be limited to the existing SAR land."

Mr. Rubin continued, "The next part says [page 26] says that you have to make a finding '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.' You've read the application, you've see the maps up here, you've seen the site plan that they presented, and I'm not sure if it's been withdrawn, what the status of that is, but you've heard 52,000 sq. ft."

Mr. Rubin continued, "You know, I remember when I worked on the Tierney property which eventually became the Tom Ford property, the covered roofed area of that, including all the portals, was about 11,000 sq. ft. on 10 acres. We know that Tom built up there on Talaya Hill. We look at those things, we say there is 52,000 sq. ft. right out here in this area. You put all the square footages together, it's the size of a large strip shopping center. So, you have... if I may say, I submit to you, you have that duty to make those decisions."

Mr. Rubin continued, "The next part is under the special use permit and procedures and fruitful criterias and conditions page 26]. Conditions. I think this is 14-3.6(D)(2): 'Conditions. The land use board may specify conditions of approval that are necessary to accomplish the property development of the area and to implement the policies of the general plan, including:...(g) arrangements of buildings and use areas on the site.... (I) maximum numbers of employees or occupants permitted... (n) establishment of an expiration date of the special use permit... (o) establishment of a date for annual or other periodic review at a public hearing...' Other things that might be involved with regulating the land."

Mr. Rubin continued, "We have some vague numbers of how many employees, scholars, etc., they intend to put on this property, but I submit to you that the Board has a duty to make these findings to consider these conditions, just as the Association has talked about and some of the other people have talked about in these letters that have come to you. And so, there's a lot more to be considered just besides how wonderful SAR is, and as I said, I totally agree with that. And I would love to see it prosper. But I think that if we're going to protect the character of the community and the character of the neighborhood with respect to a special use permit, which is not an everyday ordinary thing, it's incumbent on all of us, my clients too, to consider what the appropriates uses are, what the appropriate numbers of people are on the property, how much asphalt you're going to have out there for parking, etc. it's a 15 acre tract in a very sensitive part of town."

Mr. Rubin continued, "And so I ask you to consider those types of conditions, those types of decisions as to whether [it is an] education institution or museum institution and how you want to go forward, and some way or another, we have to figure out a way that the neighbors can be happy and that SAR can prosper. And in setting your guidelines, should you decide to approve a special use permit, I think it's very important to give these types of first steps, so that when SAR starts negotiating with the neighbors over a waiver of the covenants, as Jennifer talked about, we have some direction from all of you, so we have an idea of where this needs to go. If you find that there shouldn't be any more than 75 employees on this tract and resident scholars, you'll know they can't build numerous numerous homes in order to have 5 or 6 people living in there, while they're scholars, on the property. But all of those things are within your purview and I ask that you consider them. Thank you."

Stephen Dunn, 915 Old Santa Fe Trail, [previously sworn]. Mr. Dunn said he lives in one of the properties adjacent to the Howell's property, noting he one of 6 adjacent neighbors. At the request of Commissioner Montoya, Mr. Dunn indicated the location of his property on "Jennifer's map on the overhead." He said the Board received letters in opposition to this request from 5 of the 6 neighbors, including himself. He said Mr. Rubin did a good job of outlining those points. He said if he had known this was going to be a popularity contest, he could have brought some character witnesses "for me.' He said he spent 20 years raising money for non-profit institutions including museums across the nation. He has no problem with SAR's stewardship as a neighbor. He said the application before the Board is a little overwhelming and confusing to the neighbors, because it accompanies over 52,000 sq. ft. of development, and no indication from SAR, although they've been asked by us whether they would limit that development to that 52,000 [sq. ft.]." he said they've just recently presented them with the 50 ft. setback, but he believes they could develop right up against that. He said most of the property owners around the Howell property are well aware of the covenant that existed when they purchased the property which would limit

development substantially. He said he feels this kind of development would impact their property values, and the quiet and enjoyment of their homes, even as they build it out, especially if they build it out even more.

Mr. Dunn said the other objection he has is the lack of what museum designation means. He said SAR definitely is not a museum, nor becoming a museum, but it is asking for a museum designation, which is a stepping stone to do this development. On the other hand, he said it could mean they could become a museum in the future – a museum bringing busloads of people in. He said right now, what the museum designation means to the neighbors to develop in a way with which the numbers of the association disagrees.

Ben Cordova, 909 Old Santa Fe Trail, [previously sworn]. Mr. Cordova said he lives south of these properties, and most of the neighbors object to this plan for the simple reason that many of their properties might depreciate because of the units being "built in there, but we're not so sure about that though." He said there will be a lot of objections to the many things that are going to take place, commenting "I object to this plan anyhow, but I don't know really what's going to happen. I see this as a very long journey before it adjourns, and we really don't know what will happen at the end. That's all I have to say. Thank you."

**Peyton George, 907 Old Santa Fe Trail was sworn.** Mr. George said his property backs up to the Howell property. He has submitted a letter of opposition and invites Board attention to the letter. He says he has tremendous respect for SAR, its mission and the things they do, but from a property owner's standpoint, they're on a trajectory to violate the restrictive covenants that were placed there by Amelia White herself and impacts all the adjacent property owners. At the request of Commissioner Brack, Mr. George indicated the location of his property on Jennifer's map on the overhead, noting he is right beside Ben Cordova.

**Former City Councilor Karen Heldmeyer [previously sworn]** said, "I'm not going to speak for or against. What I am going to say is a few observations based on my experience on land use bodies over the years, and I'm attending more of the public meetings that have occurred on this. Clearly this isn't a referendum on whether SAR is a good group or good for the community, nobody disagrees with that. And as you know, sitting up there it doesn't matter whether they're wonderful or scurrilous. This is a land use decision, and that's what you need to be considering."

Ms. Heldmeyer continued, "This particular land use decision is being thrown in your laps and you're being put in a very difficult position. One, because you are being asked to approve a particular use permit for which no definition was put into the Code, which I hope staff will fix very soon. And so that just makes your life very difficult."

Ms. Heldmeyer continued, "The other thing is that unlike a case that's been going through my neighborhood, where there is a special use and a development plan going through at the same time, because they are doing 17,000 sq. ft., which is over the 10,000 sq. ft. limit. In this case, you're being asked just to look at the special use permit, and not look at anything else. Even the first, if you want to call

it phase one or phase one through three, it's been called both, but the first three 'black' buildings that were up there are still under 10,000 sq. ft. And, as you, probably more than any other body knows, the difference between something that works... a development that works and a development that doesn't often lies in the details. That's why you are allowed to put conditions of approval on a special use permit. And you've been asked by the neighborhood to consider a variety of conditions of approval. These are based, in part, on promises, intents that have been discussed in the various public meetings. Intents the neighborhood has tried to pin down and has had a hard time doing it. And they just want some clarification that the intent actually will be followed through."

Ms. Heldmeyer continued, "For instance, one of the intents that has been mentioned at several of the larger meetings, is that the bottom half of the property won't be developed. Today, for the first time, some of us heard about this 50 foot buffer. That's not the bottom half of the property, that's a 50 foot buffer. Why has that changed. It sounds like it has because of negotiation with one or more individual neighbors. But, things that are said to people, don't worry, this isn't going to impact you too much, because X, Y and Z is going to happen, shouldn't those be conditions of approval, even if you're not the body that's going to get the development plan. And in fact, one of the conditions of approval that is requested, is that for the first three buildings, they in fact do a development plan, so that some of these specifics that can make or break a project will make a difference. And again, as you more than any other body... my neighborhood... a special use permit went before the Planning Commission and they're kind of new to that. You guys aren't, and you know that special use is in the Code, because there are things that can add greatly to an area, and certainly SAR does, but can also have negative effects as well. And the point of conditions on a special use permit is to mitigate those negative effects and heighten the positive ones so that everybody comes away happy. And it's more complicated than just a simple yes or no, but that's the job you're facing tonight. Thank you."

Susan Bernstein, 908 Old Santa Fe Trail, was sworn. Ms. Bernstein said she lives directly across the streets. She said, "I was [living] there when covenants were discussed and litigated by the former owner, Steve Dunshouse, I think the mid-90's, not the 80's, I believe, and that was a case that went all the way up to the Supreme Court, and the covenants were backed up. I will just make several, independent separate points. It's curious that a buffer was suddenly created, as if that portion in the upper level, which if you don't know the area, if you go from the Old Santa Fe Trail houses that [inaudible] and go directly north, that's a big flat area and that's where that buffer is, and it's curious and makes people wonder whether or not that could be easily built on, that's why we need a buffer. Or it could be sold and built on without buffer as a covenant, we don't know for sure. A second point is the neighbors really want an ENN at every single stage, if that's possible. We understand there is no development plan required at all if it's under 10,000 [sq.] feet, and a condition that would require that would really help codify all the many many things that were said at these meetings, but are not get written down. It also seems there is a complete confusion of the issues of getting museum designation, asking neighbors to break the covenants, and the question of adding buildings, and they're all wrapped-up together tonight in this single designation and that seems somewhat complex for the issues that you can consider. I actually live in a house where in 1990 the owner paid neighbors to break the covenants and broke up our property and built 10 houses around the sold parts. So there are many many ways for covenants to be diminished. So we would request strongly in the neighborhood that you put very specific conditions if you decide to approve a museum designation. Thank you."

# **Closing Statement of Clarification by Applicant**

Ms. Jenkins distributed copies of a document What is a Museum? [Exhibit "13"].

Ms. Jenkins said, "Let's talk about what a museum is. We're going to pass out some widely accepted definitions of what a museum is, and we are in agreement with staff that the activities that are currently occurring on the SAR campus, and would occur in any future facilities as part of their growth is also museum. It's a body of research. It houses an important collection. It provides access to that collection to the public as well as to scholars. The American Planning Association talks about a building that has public significance by reason of its architecture or former use or occupancy. I think that we can all agree that the former Amelia White estate in and of itself is the physical built environment there, is and of itself important to this community. And it serves as a repository for a collection of natural, scientific or literary curiosities or objects of interest. I think we've established that they have a significant Indian art collection on site, and they are intended to be used by members of the public, and it is available. We do not have tour buses. There are regular weekly tours that you can sign up for to visit the collections. And then we also have an institution devoted to the procurement, care, study and display of objects of lasting interest or value . A room or building for exhibiting, or an institution in charge of a collection of books or artistic, historical or scientific objects. There is no evidence before you that this is not the truth and that this is not accurate characterization of exactly what is happening at SAR."

Ms. Jenkins continued, "And you already heard what the American Association of Museums states about museums, so I won't go into that again. And we can also just look at Merriam-Webster, what was stated in the staff report, 'An institution, again, devoted to the procurement, care, study and display of lasting interest or value and where they can be exhibited." So I don't want to spend a lot of time on that, but I think these are important points. And yes, it is not yet defined in the Code, but I think that we can all agree that based upon these definitions that are before us, that we are talking about a museum designation that is appropriate for the existing activity."

Ms. Jenkins continued, "And also, we, I neglected in my earlier presentation to ask that a couple of conditions of approval be added, and one of which we reference in the covenants which have been drafted. We can pass that out if you want it."

Commissioner Winston said I think we have it.

Ms. Jenkins continued, "You all have the covenant, okay great. So the covenant references... let me get down to the right drawing here... references a couple of items. It references the 50 foot no-build area, and it also references SAR's commitment to single level construction. This would be recorded and it would run with the land. It would run with the Howell's property. We would like that to be a condition of approval that that be recorded."

Commissioner Ladd said, "I think the one we have is the original."

Commissioner Winston said, "And we also have the proposed that's in the packet.. The stapled thing."

Ms. Jenkins said, "We have copies if anybody needs it."

Ms. Jenkins continued, "And one other condition of approval we would like, with respect to the work plaza here. There's a wall that surrounds kind of an interior courtyard. So there is vehicular access that can come in here and, you know, maintenance vehicles and such can park in this area here. And an adjoining neighbor didn't want to look at vehicles, which we respect that. And so the maximum allowable wall height here is 6 feet. We intend to ask for a variance from you at a certain point for an 8 foot wall. We know that that is discretionary and there's no guarantee that variance will be granted. But we would like there to be a condition of approval that we come back before this body, or the Planning Commission, whichever, however that all works out, and request a variance for that courtyard wall at the work plaza to be 8 feet in height. So we would like those two conditions to be added to any motion."

Ms. Jenkins continued, "And I think it's an important thing to remember that the existing campus has 15% lot coverage. 15% of the entire 8½ acres. And in 30 years, if all of this is built 30 years from now, 25 years from now, we're still going to be at 15% lot coverage. Still. SAR never said nothing until the time would ever be built in this area. Didn't say that. We said that our desire and our need for facilities, is that the facilities be tucked in and close to the existing campus, maintaining that pedestrian oriented design. For SAR to invest significantly in this southern parcel here, and then agree that nothing forever will be built there that... we cannot tie the hands of the next generation. But what we are showing you here is a 25 year plan, where the buildings are associated with the existing campus and pulled away from the adjacent neighbors. That is what we have presented. And we added the buffer as an extra layer of... just trying to address the concerns about any buildings... people feeling any future buildings could be potentially on top of them. We don't want that. We want our buildings to be next door to our campus. That's what's key."

Ms. Jenkins continued, "And, as was stated, we do have a lot of process ahead of us over the years. We have development plan submittals to the Planning Commission. We have Historic Design Review Board submittals. There is going to be significant public input and public process as we move forward."

Ms. Jenkins continued, "And, with respect to the 52,000 sq. ft., there is a limitation. Our special use permit says... the special use permit is a permit for an additional 52,000 sq. ft. maximum. If at some point in the future there is a desire by the next generation of leadership at SAR to exceed that, they have to come back here. It absolutely is a limitation, and I think that's a very important point. It is a limitation with respect to our application. We've discussed the permissible uses, and the 52,000 sq. ft. is the maximum per this special use permit that we're requesting today. So with that, I will be happy to stand for any more questions. And I appreciate your time. Thank you."

## The public testimony portion of the public hearing was closed

Commissioner Winston said there has been much made of preserving the existing covenants. She asked staff, if the 3 lots were sold off for residential development, what would be the lot coverage and if there would be a 50 foot buffer zone adjacent to the existing properties..

Ms. Baer said there is no 50 foot restriction on the property currently, so this is the sort of thing which really should be platted as an easement as we go forward, if that's a condition, or if SAR purchases the property and wishes to place that as a condition on the property. If the property is sold, she said she can't speak to the legal aspects of the standing of the covenants. If this were a straight R-3 zone, and it came to the City, staff would not necessarily be looking at covenants. In a straight R-3 zone, the lot coverage would be 40%, and the setbacks would be 5 feet on the side and 15 feet at the rear.

Ms. Brennan said, "With respect to the private covenants, the City does not enforce private covenants, and that is for enforcement by the people who benefit from the covenants."

Chair Friedman said a question he heard is with respect to the adjacent property which is not owned by the applicant. He asked if he is correct that the property is under contract, and Ms. Jenkins said yes. He asked if there is a recording memorandum of that contract that is recorded to show that SAR has a potential interest in that property.

Ms. Jenkins said, "It has not been recorded, but with that purchase agreement with the Howell family, SAR was authorized to engage in this process on their behalf, because it is a contingency obviously to the purchase. And we would be happy to provide evidence of that to staff."

Chair Friedman asked staff, "If you have reviewed that and if you are content with the fact that the applicant has the right to ask for these changes to the property on behalf of someone else."

Ms. Baer said staff has not seen that document. She said, "The application is on behalf of SAR, authorizing JenkinsGavin as their agent."

Chair Friedman asked Ms. Jenkins to provide that to staff so they can confirm this is correct. He asked if Ms. Jenkins has that document with her, and Ms. Jenkins said no.

Chair Friedman asked, "What is the difference if the applicant had come forward and asked for a special use exception as an educational use, versus as a museum use."

Ms. Baer said, "Museum is under the educational category. It's a subcategory of educational uses in the Code."

Chair Friedman said, "So what they could do would be the same."

Ms. Baer said, "What they could do is governed by the specifics of the special use permit."

Commissioner Montoya asked staff, "Am I correct in that the question before us this evening is for use, for the museum use and not a site plan question."

Ms. Baer said, "No, you're actually reviewing both. You are approving the special use, but the special use is specific to a certain intensity. The Code requires that a site plan be provided for a special use permit and your review and approval is also for that site plan. So you approval, as per the applicant's

request, is for the 52,000 sq. ft., with the understanding that if you give them the special use permit, the use is approved, and under 10,000 sq. ft., by law, they don't need a development plan. They can go in with a building permit. Once they exceed 10,000, sq. ft., and that's cumulative, they can't build 8,000 sq. ft. the first year and come back and build 8,000 sq. ft. more the following year. With the cumulative total that is over 10,000 sq. ft., they would then be required to submit a development plan. And because development plans are approved by the Planning Commission, that's the body that would review that aspect."

Ms. Brennan said, "The special use permit requires 'approval of a site plan, and other site development drawings necessary to document that the type and extent of development proposed can be accomplished in conformance with applicable development standards.' So it is a concept that indicates it can be developed in the future as it goes forward."

Commissioner Montoya said, "It sounds to me like... this is partly a comment... the use is unanimously, I think, acceptable by the neighbors. And acceptable by both those in support and those opposing it. It sounds to me like the issues are the unknowns, perhaps, how does the site planning affect the immediate neighbors, for example. I'm wondering if the applicant would consider providing a little more information to the neighbors, and perhaps tabling for one month, and going back to the neighbors with a site plan. Because I'm still a little bit confused Tamara. The Board of adjustment is essentially is an 8,000 sq. ft. cap, and yet the Planning Commission takes over after 10,000 sq. ft. So, I'm still a little confused about what our authority is, in terms of the site plan."

Ms. Baer said, "Let me try again. Your approval, or the request for your approval this evening would include 52,000 sq. ft. as a cap. They couldn't come back and build 53,000 sq. feet. Once they exceed 10,000 sq. ft., they would have to present a development plan for review and approval by the Planning Commission."

Commissioner Montoya said, "So, essentially, we're delaying the site plan review to the Planning Commission."

Ms. Baer said, "No. And let me make the differentiation between a site plan and a development plan. The site plan is more of a schematic plan that shows the basic configuration and layout and size of buildings and circulation and other site factors. A development plan is a detailed plan that would show details, including elevations of buildings, exact size of buildings, utility plans and engineering, including grading and drainage. So there is a considerable level of detail in a development plan than in a site plan. I think what the applicant has shown tonight qualifies as a site plan."

Responding to the Chair, Ms. Baer said, "No. The site plan includes all of the buildings that total 52,000 sq. ft. It is a schematic, conceptual plan."

Chair Friedman said we are looking at a diagram of three proposed future buildings.

Ms. Baer said it is her understanding that these are the three buildings that would be built in the first phase that would not require development plan approval and could be built, with your approval, with a building permit, and they would also have to go to the Historic Design Review Board.

Chair Friedman said this is correct, with the criteria that the total square footage is less than 10,000 sq. ft., and Ms. Baer said this is correct.

Chair Friedman said, "Based upon this, we're approving... if those buildings were in a different location and we approved what we are looking at tonight, would the applicant have to come back to us, or could they put those buildings in a different location."

Ms. Baer said, "I would say that minor variations in location if they were offset 5 feet in one direction or another it would be a degree of change that wouldn't require coming back to this Board, but there isn't a threshold which would require return to this board."

Chair Friedman noted the Escarpment Overlay District has created building envelopes as to where someone could or couldn't place a building. We're not doing that here, unless the Board wanted to and Ms. Baer said that is correct.

Chair Friedman said, "But if those buildings were to be taken and moved all the way down to the.. I don't remember talking southern section or... I think southern section of the property, that would not be permissible as far as the City is concerned."

Ms. Baer said this is correct.

Commissioner Ladd said, "Let me, just also building on this conversation, clarify what we're approving tonight. Because I think I understand why the applicant doesn't want to submit a detailed development plan for the 52,000 sq. ft., because they're looking at buildings that may not be built for 25 years, and needs and technology and everything's going to change. I think we're all, perhaps with what I'm hearing, is we're all a little uncomfortable seeing these little black blobs up there [on the map on the overhead]. The first three blobs, I think everybody feels that's making sense, 8,000 sq. ft. I guess, I'm just sort of thinking out loud here. It's a hard approval to make, without other square footage being out there and being so undetermined at this point."

Chair Friedman said, "What we're saying is we're relying on another branch of City government to review that, because it's outside our purview. It's typically outside our purview to review... we never review development plans. That's something the Planning Commission does."

Ms. Baer said you actually are relying on three branches of City Government: The Planning Commission, Historic Design Review Board and the City Building Permit Review process.

Commissioner Ladd said, "To build these first three buildings, it would just be the Historic Design Review Board and building department."

Chair Friedman said it doesn't go to permit, so there will still be a system of checks and balance. It's not that they can do whatever they want "willy-nilly."

Commissioner Brack said it is his understanding that what is being requested for the 52,000 sq. ft., would be limited to a single level development, so we could include that in the special exception.

Chair Friedman said the applicant has agreed to that, and Ms. Jenkins said this is correct. .

Chair Friedman asked the maximum height of a single-story structure.

Ms. Jenkins said David Rasch with Historic Preservation, conducted a maximum height calculation for the proposed buildings, the maximum allowable height is a range of 16 feet to 23 feet. She said they already have agreed with their most adjacent neighbors, that the work plaza here is going to be a maximum of 14 ft., so that's already handled, even though 18.6 ft. is the maximum allowable. She said they have agreed to single level construction, noting single-story construction is somewhat subjective, but they aren't looking at multiple stories, multiple level buildings. She said they have agreed to this, it is in the covenant, and would be happy for the Board to include that as a condition of approval.

Chair Friedman said he wants to be clear on all the conditions to which the applicant is amenable, and asked to do that now.

Ms. Jerikins said, "There is a proposed Declaration of Restrictions that addresses the 50 ft. nobuild area, as well as the commitment for single level construction above grade."

Chair Friedman asked where the 14 ft. is included.

Ms. Jenkins said, "It's not. It's referenced as a single level. These buildings aren't designed yet. We have not hired an architect to design all these buildings."

Chair Friedman said, "But you folks would be okay saying it would be 14 ft., if we want to put that as a condition, is what you're saying."

Ms. Jenkins said, "No, I would be more comfortable... because of grading and terrain issues and everything, and the fact that these buildings aren't designed, if we're going to be asked to agree to an absolute maximum for every new building for the next 25 years. I would ask for a little more flexibility there. Like I said, the work plaza building, which we've worked very closely with our most adjacent neighbors, that we've agreed to at 14 feet. That building has some schematic plans already."

Chair Friedman asked which building is that, and Ms. Jenkins identified that building, "right here in the corner."

Ms. Jenkins said, "Again, we're looking so far into the future, that little bit of flexibility would be helpful, but again, we're looking so far into the future, that a little bit of flexibility would be helpful, so we would be happy to discuss some options there. And then the other condition of approval was that we will

request a variance for the courtyard wall at the work plaza, hopefully we can achieve an 8 foot wall there, and that would be the nature of the request."

Commissioner Ladd said, "One question. I believe Tamara referenced the fact that the 50 ft. buffer isn't official unless it is an easement. Is that what you said, it's made into an easement in the development plan."

Ms. Baer said it could be done other ways, as a restrictive covenant as well.

Ms. Jenkins said they currently are proposing to do it as a covenant that runs with the land.

Commissioner Ladd asked, "Are you comfortable with adding to your proposed Declaration of Restrictions that the work plaza is limited to 14 feet, since you agreed to it."

Ms. Jenkins said, "Sure. It's already documented in other places."

Commissioner Ladd said, "And I guess my only other thought on this, the proposed Declaration, is the period of 25 years, maybe that's not long enough, because you're looking at that as your proposed buildout, but we know that these things often can take longer. And if these were to expire, that's a long time away, probably no one here is going to be working on that problem. It could easily fail through the cracks, so I don't know legally if that makes a difference."

Ms. Jerikins said she would need to confer with the client on that, and see what they can come up with.

Commissioner Ladd said, "I mean, I guess if you were saying it was a 10 year buildout and this is a 25 year restriction, that would make sense. But saying it's 25 years, maybe 30 years and this is only 25 years, I'd like to see it longer."

Chair Friedman asked, "If we approve this, how long does the applicant to build out to 10,000 sq. ft."

Ms. Baer said the special use permit is good for 3 years, and any start of any construction solidifies that approval.

Chair Friedman said then they just have to break ground within that time, and Ms. Baer said this is correct.

Commissioner Winton said the Old Santa Fe Trail Neighborhood Association has provided this Board with additional special conditions of approval they are approving, and she wanted to address those as well with the applicant, because some of them have been addressed by the applicant, and may not have a problem including those as a special condition. No. 1 is a limitation/elimination of an Old Santa Fe Trail entrance. Her understanding is that that was going to be a limited use entrance with a gate. Ms. Jenkins said, "Right here off of Old Santa Fe Trail, if you can see where the hand is floating down here at the bottom of the screen, there are a series of access and utility easement that access this vacant property here. For the initial phase of construction over the next 5 years, all of this access will be happening from Garcia Street, and internally from the existing access points within the campus. As new buildings come in over time, eventually the Fire Marshal is going to say, we need another point of access. And also as we provide parking in this area, we're going to need to provide that. So the access from Old Santa Fe Trail is going to be limited to staff and resident scholars. The only public access will remain on Garcia Street. The access at this point will be gated, so we are limiting it as much as we reasonably can limit it, and still function to serve these buildings in this area."

Commissioner Winston said, "An additional requested condition is no entrance from Camino Atalaya."

Ms. Jenkins said, "We've already agreed to that and we would be happy to... we would only ask for the caveat if, at some point, the Fire Marshal wanted that for a secondary emergency access, that that be available. But we have no interest in using Camino Atalaya as any sort of access to the campus."

Commissioner Winston said, "We discussed the height limitations which is number 3. Number 4, we discussed, buildings on the southern part of the property. Number 5 Architectural details should be provided for review before approval, and I assume they will be."

Chair Friedman said that is up to the Historic Design Review Board.

Commissioner Winston said, "So, then that's required, so I don't think that needs to be a condition, because it is a condition. Adequate on-site parking for public events."

Ms. Jenkins said, "Sure. It's part of the plan."

Commissioner Winston said, "Okay, that makes sense. Traffic Impact Study."

Ms. Jenkins said, "If the City's Traffic Engineer, as we move through the process that are bringing in future development plans, if the City Traffic Engineer asks for a traffic impact analysis, we of course will provide one. I just don't want us to make that decision right now, that that is going to be necessary or warranted in the future."

Commissioner Winston continued, "Okay. The SAR stated they will limit themselves to, quote unquote, existing activities. They should be stated in writing and defined."

Ms. Jenkins said, "That's in our application actually. We have stated and defined the permissible uses with respect to offices, studios, residences, meeting space, archival space, library space, storage space, physical plant space – everything, all the activities that are currently going on, but I believe that those are memorialized."

Chair Friedman asked if staff agrees with this statement, and Ms. Baer said yes.

Commissioner Winston continued, "Since SAR wants to put its maintenance shop at the top of a drainage that goes right into the neighborhood, there's concern about adequate protection from industrial runoff, and that it should be more than is required in City Code. I'm not sure. Is that part of the initial construction."

Ms. Jenkins said, "It's the work plaza, where there is a small workshop for doing minor furniture repairs or different things, as far as maintaining the campus. And vehicles would be parked here. Obviously, we will be disposing of any sort of anything that could be deemed toxic – that will be disposed of properly. You know, as you change your oil in your car in the driveway, you dispose of the oil properly, and I'm not quite sure how to characterize that or state that, but that any potentially hazardous substances or toxic substances will be disposed of properly, and will not be permitted to infiltrate the ground, something like that. The work plaza activities and such have been vetted extremely well and I'm sure Mr. Sommer could speak to that if you would like any more further information about that. There are lots of protections in place with respect to that."

Karl Sommer said, "We're very satisfied that the uses that are going to be in that work plaza are very close to what would be in a normal garage. We're talking what they do to just maintain those buildings, or the use list that we have agreed to, are very protective of the concern that is raised by the neighborhood there are about non-disposal, non-storage of toxic thing. All of that is taken care of to our satisfaction and we're right next door. So I feel very confident that the uses in the work plaza will comport with, not only the spirit of that condition, but actually the absolute letter. It's far more strict than you will find in the City's Code as to a use in a garage. So people have in their garages a lot more than these people are going to be able to have, so we're satisfied."

Commissioner Winston said the last proposed condition is protection of important landscape historical or archaeological feature, must be part of the proposed development plan to include the ruts or important trees.

Ms. Jenkins said, "We obviously will be complying with the City's significant tree preservation ordinance. So, a lot of this building siting that we've done, has been based upon the location of significant trees, so there's already provisions in place in Chapter 14 that require the preservation or the replacement/ relocation of significant trees if necessary. There are already some cultural archaeological easements in place for some ruts, and any future archaeological studies that will be required, we will obviously comply with that, and easements that need to be done. I think the City's own Code addresses those item pretty clearly and pretty well, so obviously we'll be complying with all of those provisions."

Commissioner Montoya said, "And I'm sure you've covered this already Bill, but there is also a condition that staff recommends from the Fire Marshal -- what was that condition.

Mr. Lamboy said it's under Exhibit A, page 31 of the Staff Report.

Chair Friedman said then that's part of the conditions of approval, and Mr. Lamboy said yes.

Ms. Brennan said, "I would ask that if and when establishing conditions from this Declaration of Restrictions, that you not adopt the Declaration as a condition, but pick the conditions out and make them conditions apart from this."

**MOTION:** Commissioner Montoya moved, seconded by Commissioner Ladd, to approve Case #2012-71, School for Advanced Research Special Use Permit, finding that the special use permit meets the criteria of Chapter 14, under the purview of the Board of Adjustment, with all conditions of approval recommended by staff, with additional conditions of approval, subject to the incorporation of Items #1, #2, #3 and 4 of the proposed Declaration of Restrictions provided by applicant [Exhibit "7"], as follows:

- no structure except utility lines, drainage facilities and improvements for ingress and egress (including directional signs not to exceed six feet in height) shall be built within fifty (50) feet of the southwestern boundary (generally parallel to Old Santa Fe Trail), or the northwestern boundary (generally perpendicular to Camino Atalaya) of the Property. The area subject to this restriction is generally shown on the attached illustration, which is not a survey;
- Structures anywhere on the property are limited to a single level above grade and shall have a height no greater than that permitted by Santa Fe City ordinances, including Historic District overlay ordinances, even if a variance permitting a greater height is granted;
- 3) The foregoing restrictions shall be effective on recording of this Declaration and shall remain in effect for a period of twenty-five (25) years from the date of recording; and
- 4) The foregoing restrictions shall run with the land and shall be binding on the School for Advanced Research and its successors in interest, if any, with respect to the property or any portion thereof. For as long as these restrictions are in effect, they (or either of them) may be enforced by the owner of any land which has a common boundary with the property;

and with the following additional conditions of approval:

- 5) to include, in addition, a 50 foot buffer zone as shown on the Survey provided to the Board in the Board packet;
- 6) and further subject to a single story height limitation;
- 7) agreement by application to seek a variance to the height of the courtyard wall at the work plaza for a height of 8 feet;
- 8) a specific restriction that the buildings at the work plaza is limited to 14 feet in height;
- 9) a limitation on the use of the Old Santa Fe Trail entrance to staff and resident scholars with a gate, or as use as a possible fire or emergency access if required by the City; and
- 10) no entrance other than fire vehicles from Camino Atalaya unless the Fire Marshal required it for secondary emergency access.

VOTE: The motion was approved unanimously on a voice vote.

# H. BUSINESS FROM THE FLOOR

There was no business from the floor.

#### Ι. STAFF COMMUNICATIONS

Ms. Baer noted that the new meeting time for the Board of Adjustment will be 6:00 p.m.

#### J. MATTERS FROM THE COMMISSION

Chair Friedman said the Board did a great job of asking the right questions and being sensitive to both sides and Commissioner Winston going through the comment memo from the Neighborhood Association point by point, commenting this was really helpful, as well as the additional questions asked by the members of this Board.

The Board, with respect to special use permits, discussed the process, the issues, vague definitions in the Code, the need for additional information, and the difficulties presented in this regard, in terms of this Board's ability to make fair and informed decisions on requests for special use permits.

#### K. ADJOURNMENT

There was no further business to come before the Board,

**MOTION:** Commissioner Brack moved, seconded by Commissioner Hawkins to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 9:00 p.m.

Gary Friedman, Chair

Melessia Helberg, Stenographer

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

<u>Case #2012-41</u> – 614 Acequia Madre Special Use Permit Owner's Name – CP-AM, LLC Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Board of Adjustment (<u>Board</u>) for hearing on June 19, 2012 (<u>Hearing</u>) upon the application (<u>Application</u>) of JenkinsGavin Design & Development, Inc. as agent for CP-AM, LLC (<u>Applicant</u>).

The Application seeks a special use permit to operate a museum (<u>Project</u>) at the Curtin-Paloheimo House at 614 Acequia Madre (<u>Property</u>). The Property is zoned RC-8 (Residential Compound – 8 dwelling units/acre).

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 and members of the public interested in the matter.
- 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 Santa Fe City Code (Code).
- 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 Code 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 Code 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 §14-6.1(C) Table 14-6.1-1, entitled "Table of Permitted Uses", museums are permitted Educational uses in RC-8 districts if reviewed and approved as special use permits in accordance with the review procedures of §14-3.6.
- 5. The Property is located in an RC-8 district.
- 6. 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

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Case #2012-41 614 Acequia Madre Special Use Permit Page 2 of 4

- (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)].
- 7. 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)];
  - (b) That granting a special use permit for the Project does not adversely affect the public interest [Section 14-3.6(D)(1)(a)]; and
  - (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)].
- 8. 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.
- 9. 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)].
- 10. Notice was properly given in accordance with the notice requirements of Code Section 14-3.1(H)(1)(a)-(d).
- 11. An ENN meeting was held on March 26, 2012 at the Santa Fe Main Library on Washington Avenue.
- 12. The ENN meeting was attended by the Applicant, City staff, and other interested parties, and the discussion followed the guidelines set out in Code Section 14-3.1(F)(6).
- 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 dated May 25, 2012 for the June 19, 2012 Meeting (<u>Staff Report</u>) evaluating the factors relevant to the proposed special use permit and recommending approval by the Board of such special use permit.
- 15. Granting the special use permit for the Project will not adversely affect the public interest in that the museum use will not result in increased development on the Property, but will preserve the Curtin-Paloheimo House as an historic resource; will not burden the neighborhood with increased pedestrian and vehicle traffic and related concerns, as it will not be open to the general public, but will instead provide access to scholars and researchers to archival material currently located at the Property; and is consistent with other educational and commercial uses in the vicinity that serve the predominantly residential neighborhood and with the Property's recent use as a cultural resource for the community.
- 16. The Project is compatible with and adaptable to adjacent properties and to other properties in the vicinity of the Project in that the Curtin-Paloheimo House is similar in style and scale to adjacent residential properties; is residential rather than institutional in character; the preservation of the Curtin-Paloheimo House will help to preserve the historic character of the neighborhood; and there are other educational and commercial uses in the vicinity.

Case #2012-41 614 Acequia Madre Special Use Permit Page 3 of 4

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Commission CONCLUDES as follows:

- 1. The Board has the power and authority under Code §§14-2.4(C)(2) and 14-3.6(B) and Code §14-6.1(C) Table 14-6.1-1 to grant the special use permit applied for.
- 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 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.
- 7. 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 one hundred eighty (180) days.
- 8. The Board approves and grants the special use applied for.

### IT IS SO ORDERED ON THE \_\_\_\_\_ OF AUGUST 2012 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE

Gary Friedman	
Chair	

Date:

FILED WITH THE CITY CLERK:

Yolanda Y Vigil City Clerk Date:

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date:

Case #2012-41 614 Acequia Madre Special Use Permit Page 4 of 4

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City of Santa Fe, New Mexico MEMO		
DATE:	August 8, 2012 for the August 21, 2012 Meeting	
то:	Board of Adjustment	
VIA:	Matthew S. O'Reilly, P.E., Director, Land Use Department	
FROM:	William Lamboy, AICP, Land Use Planner Senior, Current Planning	

### HOLY TRINITY ORTHODOX CHURCH SPECIAL USE PERMIT

<u>Case #2012-69</u>. Holy Trinity Orthodox Church Special Use Permit. Holy Trinity Orthodox Church requests a Special Use Permit for a house of prayer (dormitory, boarding, monastery) use. The property is zoned R-1 (Residential, one dwelling unit per acre) and is located at 207 East Cordova Road. (William Larnboy, Case Manager)

### RECOMMENDATION

The Land Use Department recommends APPROVAL of the Special Use Permit.

### I. SUMMARY and ANALYSIS

The application is for a Special Use Permit to allow for a house of prayer use, (boarding, dormitory, monastery), at 207 East Cordova Road. The property is zoned R-1 (Residential-1 dwelling unit per acre). The purpose of the R-1 *residential* districts is "to be residential areas with low population densities." In addition; Table 14-6.1-1 establishes that "boarding, dormitory, & monastery" uses may be permitted in R-1 districts subject to a Special Use Permit.

Per 14-2.4 (C)(2) Powers and Duties of the Board of Adjustment (BOA), "The BOA has the review and decision-making responsibilities set forth in Table 14-2.1-1 to be carried out in accordance with the provisions of Chapter 14 and has the following additional responsibilities:

(2) to hear and decide applications for special use permits as provided in Sections 14-3.6 and 14-6 (Permitted Uses and Use Regulations), unless jurisdiction for such special use permits is specifically reserved to another land use board;

Holy Trinity Orthodox Church Special Use Permit – Board of Adjustment: August 21, 2012

Page 1 of 6

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Eshibit "2"

City of Santa Fe, New Mexico	
	memo
DATE:	August 15, 2012 for the August 21, 2012 Meeting
то:	Board of Adjustment
VIA:	Matthew S. O'Reilly, P.E., Director, Land Use Department Tamara Baer, Planner Manager, Current Planning Division
FROM:	Daniel Esquibel, Land Use Planner Senior, Current Planning Division

### 341 MAGDALENA STREET VARIANCE

<u>Case #2012-77.</u> 341 Magdalena Street Variance Jennifer and Brent Cline, owners, request a variance to allow garage doors to be set back 8 feet from the front property lines where 20 feet is required. The property is 0.2+ acres and is zoned R-21 (Residential, 21 dwelling units per acre). (Dan Esquibel, Case Manager)

### SUMMARY

This case has been removed from the agenda. Upon review and analysis of the Variance request, the Land Use Department has determined that no variance is required and that the matter can proceed to Historic Districts Review Board for their consideration.

Special Use Permits are approved for specific uses and intensities and are intended to allow flexibility in providing for, regulating or preventing specified uses within various districts; Approval is required so that potential detrimental effects may be reduced or avoided and conflicts in land use may be prevented. Any change in use or intensity will require review and approval of a separate Special Use Permit.

The church recently purchased the property with the intent of using it as a spiritual retreat for individuals seeking contemplative prayer and spiritual transformation. It is not intended to serve transients, the homeless, abused or battered individuals. The house of prayer will serve church members allowing them to live in close physical and spiritual community with the church. The anticipated use is not exactly "boarding, dormitory or monastery" but it fits most appropriately under this category.

The 1.12-acre property contains a primary residence (approximately 3,000 square foot), a carport and storage area. The house is mostly a one story building with a small second story addition over the carport/storage on the west side. No additions or external changes are proposed. Up to five individuals might reside in the house at any given time. The interior of the facilities will be separated into men and women's sections. The church plans to institute a formal application process along with limits on alcohol consumption and time curfews. No additional development is proposed with this application.

Holy Trinity Orthodox Church is located immediately east of the subject property at 231 Cordova Road. The prayer house will serve the needs of Church members. Founded in 1996 and consecrated in 2006, Holy Trinity Orthodox Church has been at this location for sixteen years, transforming an old residence into a distinctive house of worship for the entire congregation. Work on the church continues, with a series of recently completed murals above the altar, and additional frescoes planned for the near future. The property is located on a busy collector road on the edge of a residential neighborhood. Non-residential uses are located throughout the general vicinity. Within a ¼ mile radius of the subject property are found eight churches as well as commercial and retail uses.

The property can be accessed from Cordova Road or Seville Road via a loop driveway. No access changes are foreseen.

Parking requirements are based on type of use. Table 14-6.1-1 categorizes "boarding, dormitory & monastery" uses as Residential Group Living; however, the Code does not provide specific parking standards for the category. The closest category would be "Group Homes for 8 or Fewer Residents" which requires 2 parking spaces per group home. Existing parking areas on the 1.12-acre property can easily accommodate sufficient parking spaces to hold at least 5 vehicles, one each per proposed number of occupants. Holy Trinity Orthodox Church has expressed a desire to route some overflow church parking to the site.

### II. APPROVAL CRITERIA

14-3.6(D) lists the following approval criteria and conditions for Special Use Permits:

(1) Necessary Findings

To grant a special use permit, a land use board shall make the following findings:

- that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit,
- (b) that granting the special use permit does not adversely affect the public interest, and
- (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.

### 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:" Granting of this special usage will not adversely impact the public interest. Usage of the location will be very similar to any family living in the residence. We are currently meeting with people having monastic backgrounds to help us develop the rules and requirements for people who will be staying there. We will operate just like other monasteries where the monks are expected to earn enough money or do enough work to sustain the facilities. The people staying there will not necessarily be living a monastic lifestyle. There will be no foreseeable change in amount or frequency of activity on the property.

**Staff Comments**: The applicant is requesting a Special Use Permit for boarding, dormitory, monastery uses to operate a house of prayer in an R-1 zoning district. Boarding, dormitory and monastery uses are permissible as Special Use Permits within R-1 districts subject to restrictions and requirements intended to preserve and protect the residential character of the districts (14-4.2(B)). The proposed house of prayer is on a busy corridor that links Old Pecos Trail, Saint Francis Drive and Cerrillos Road. The use will provide a degree of transition from the busy transportation corridor to the residential neighborhoods to the north. While generally residential in character, other uses are scattered around the neighborhood; educational and commercial uses among them. The property has been occupied by the same structures since the 1960s. No additional structures or site development changes are proposed or

envisioned on the property. Occupancy should seldom exceed more than five individuals at any given time. Impacts on the surrounding neighborhoods should resemble those of a single family residence.

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:" The use of the existing buildings will be compatible with the buildings, structures, and usage of all abutting properties, and properties in the adjacent vicinity. The proposed use is residential in nature. Approximately 1 to 5 individuals will live there at any given time. Only single adult members will reside in the house of prayer. in addition, limitations on alcohol use and time curfews will be implemented. We do not plan to change the exterior of the building, but do plan to make some minor alterations to the interior in order to separate the house into male and female living guarters. We do not plan to make any alterations to the landscaping other than planting additional plants and shrubs. The new facility has lots of parking available, and we would like to be able to use it instead of having to use side streets for overflow parking for church services. We do not plan to have any street signs, but would like to put a cross, and possibly a sign on the building to indicate that it is the house of prayer.

**Staff Comments**: The current facilities, extant from the 1960s, do not essentially differ in height, massing, or area from neighboring buildings. The building on the property is residential in nature and appearance. The proposed use would not conflict with the character of the neighborhood. No changes are planned that would alter the appearance of the property or its affinity with its residential neighbors. The proposed house of prayer would accommodate up to five individuals, seeking spiritual growth. Total occupancy would not differ greatly from the average family group.

(2) Conditions

The land use board may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan, including:

- (a) special yards or open spaces;
- (b) fences, walls or landscape screening;
- (c) provision for and arrangement of parking and vehicular and pedestrian circulation;
- (d) on-site or off-site street, sidewalk or utility improvements and maintenance agreements;
- (e) noise generation or attenuation;

- (f) dedication of rights of way or easements or access rights;
- (g) arrangement of buildings and use areas on the site;
- (h) special hazard reduction measures, such as slope planting;
- (i) minimum site area;
- (j) other conditions necessary to address unusual site conditions;
- (k) limitations on the type, extent and intensity of uses and development allowed;
- (I) maximum numbers of employees or occupants permitted;
- (m) hours of operation;
- (n) establishment of an expiration date, after which the use must cease at that site;
- (o) establishment of a date for annual or other periodic review at a public hearing;
- (p) plans for sustainable use of energy and recycling and solid waste disposal;
- (q) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate development and use of land; and
- (r) conditions may not be imposed that restrict the use to a specific person or group.

### III. ENN

An Early Neighborhood Notification (ENN) meeting was conducted on May 24, 2012 in the Church's social hall. Around 18 individuals attended the meeting. Concerns centered on the number of individuals occupying the premises and impacts of the proposed use on residential neighbors.

### IV. CONCLUSION

The proposed Special Use request would bestow the property with a residential use for up to five residents; therefore the use is consistent with previously approved and established uses for the property and should not adversely affect the public interest. No new construction or appearance changes are anticipated with this approval. The Land Use Department has reviewed the application and determined that it complies with the necessary findings to recommend approval. These include: 1) that the Board of Adjustment has the authority under Chapter 14 to grant a Special Use Permit; and 2) that granting the permit does not adversely affect the public interest; and 3) that the use and associated building are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity.

The Board of Adjustment may specify conditions of approval, including but not limited to those listed from 14-3.6 (D)(2) above.

### V. EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Maps

- 1. Zoning
- 2. Aerial
- Exhibit C: Applicant Submittals
  - 1. Letter of Application
  - 2. Site Plan
- Exhibit D: ENN Notes
- Exhibit E: Photographs

City of Santa Fe, New Mexico

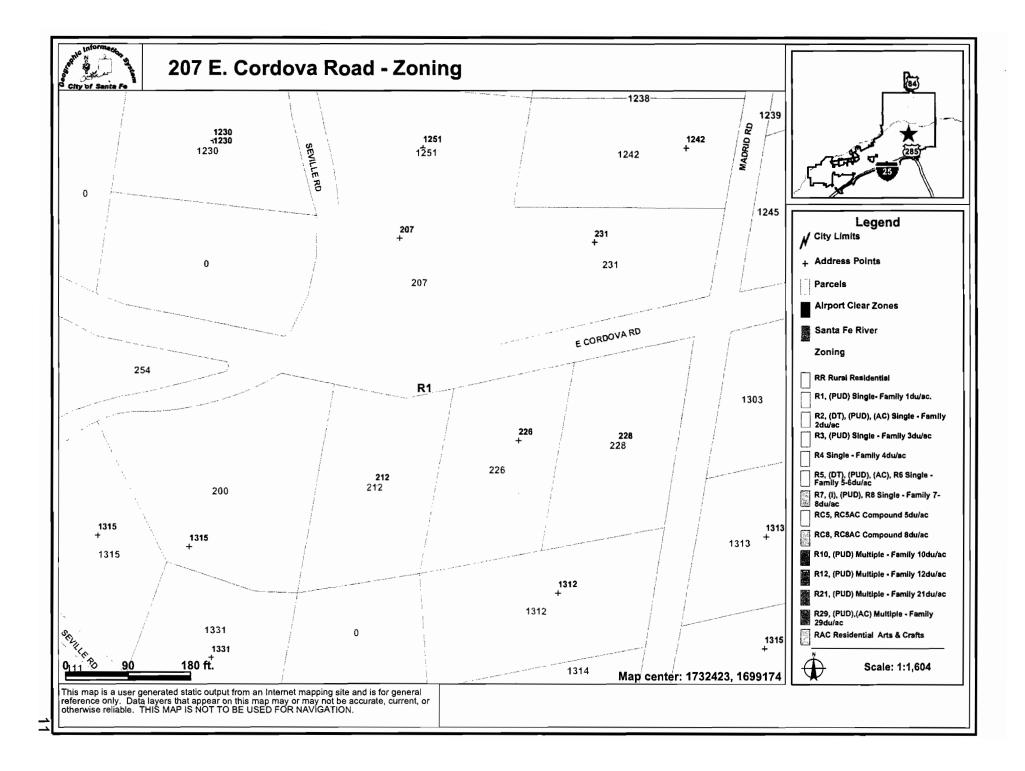
## Exhibit A Conditions of Approval

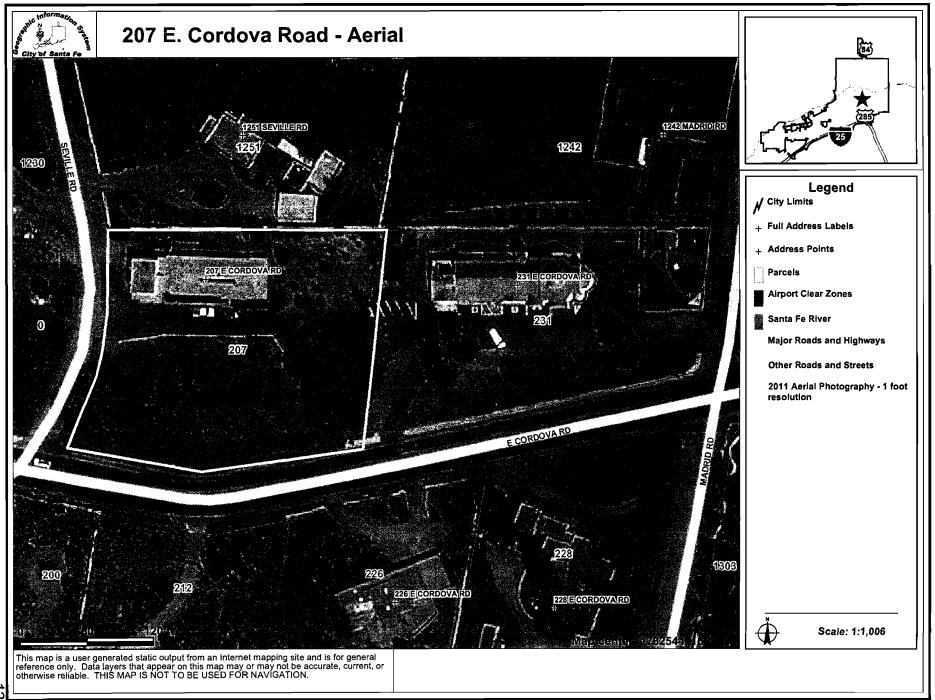
### Holy Trinity Orthodox Church – Conditions of Approval Board of Adjustment Case 2012-069 Holy Trinity Orthodox Church Special Use Permit

	Conditions	Department	Staff
1	<ul> <li>Fire Marshall Requirements to apply at time of construction:</li> <li>Shall comply with International Fire Code (IFC) 2009 Edition.</li> <li>Shall provide smoke detection in or adjacent to all sleeping areas.</li> </ul>	Fire Department	Reynaldo Gonzales June 29, 2012
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City of Santa Fe, New Mexico

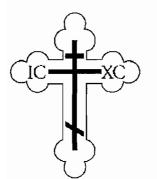
# Exhibit B Maps







## Exhibit C Applicant Submittals



### **Holy Trinity Orthodox Church**

A Church of The Self-Ruled Antiochian Orthodox Christian Archdiocese of North America 231 E. Cordova Rd. Santa Fe, New Mexico 87505 The V. Rev. Fr. John Bethancourt, pastor (505) 983-5826 <u>FrJohnB@aol.com</u>

June 5, 2012

Mr. Matthew O'Reilly Land Use Department Director City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87504-0909

Dear Mr. O'Reilly,

This is our letter of application from Holy Trinity Orthodox Church to request a special use permit for the property at 207 E Cordova Road to be used as a House of Prayer (boarding, dormitory, monestary).

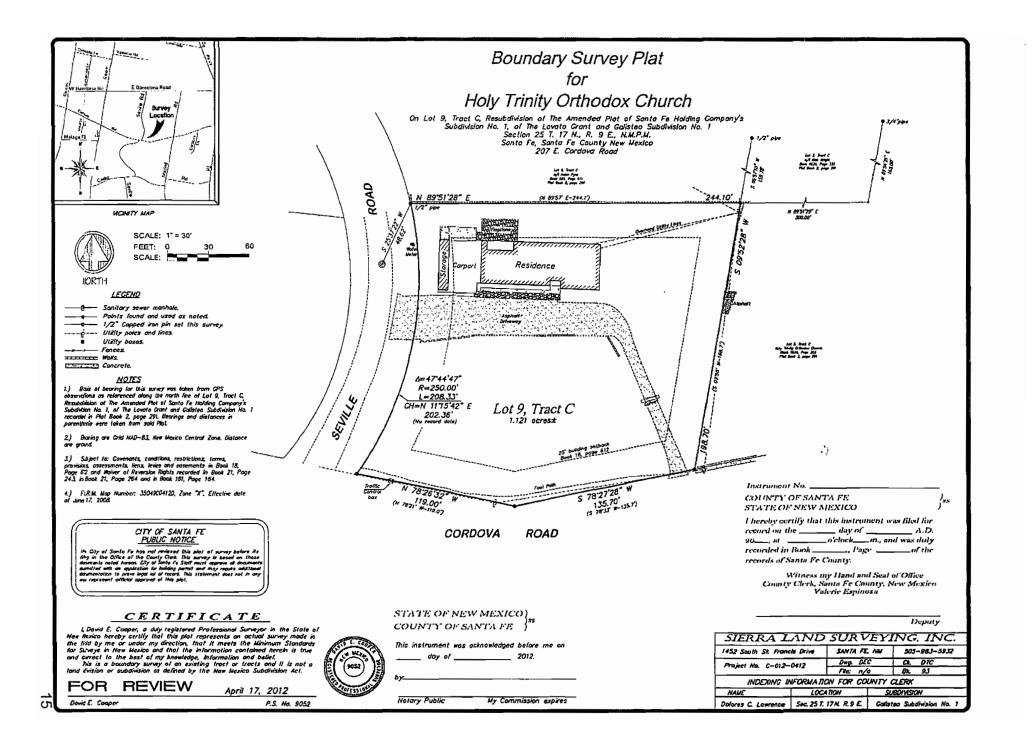
The house will be used by people who are interested in deepening their prayer live, living in community, and worshiping at Holy Trinity Orthodox Church.

We recently purchased the house immediately West of our current Church location of 231 E Cordova Road. The house sits on approximately 1.121 acres. We plan to keep the house as is with only minor interior changes to separate the house into men's and woman's areas

Sincerely,

Ralph Non

Subdeacon Raphael (Ralph) Nava Treasurer



City of Santa Fe, New Mexico

## Exhibit D ENN Notes



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

Project Name	Holy Trinity Orthodox Church House of Prayer
Project Location	207 E. Cordova Road
Project Description	Special use permit for a house of prayer (boarding, dormitory, monastery).
Applicant / Owner	Holy Trinity Orthodox Church
Agent	Ralph Nava
Pre-App Meeting Date	April 27, 2012
ENN Meeting Date	May 24, 2012
ENN Meeting Location	231 E. Cordova Road
Application Type	Special Use Permit
Land Use Staff	William Lamboy
Other Staff	None
Attendance	18 – (12 signed-in)

### Notes/Comments:

William Lamboy addressed the ENN process leading to application, and additional opportunities for neighborhood participation.

John Bethancourt introduced the proposal and spoke about the history and role of the church in the community. He said the proposal was not intended to be a boarding house for transients, homeless or unwed mothers. The vision is for single adult members to live in a family-like community in close physical and spiritual proximity to the church.

Mr. Bethancourt stated that the life was quasi-monastic – not involving life-long vows but looking for long term commitment of greater relationship with each other. He said that the Church's commitment – observed for the last 16 years – to be the best possible neighbors - will continue in the house of prayer.

A parishioner added that there will be separate rooms for men and women, and a de facto division of the house into male and female quarters. It will not be cohabitated.

A participant asked how many individuals would be living there at a time and Mr. Bethancourt responded: 5 members.

Another participant asked if there was any connection between Christ Church and Holy Trinity. Mr. Bethancourt responded that it was coincidental that both churches were holding ENN meetings within days of each other. He also stated that a representative from Christ Church was present.

A third participant asked about restroom connections – it seemed to her that the upper area lacked restroom facilities. The church spokesman said that the gentlemen's restroom will be downstairs.

Mr. Bethancourt said that a formal application process for residence in the House of Prayer would be required and that limitations on alcohol and time curfews will be implemented.

A participant asked about the possibility of Saint John's students residing at the location. Mr. Bethancourt said that they would also have to go through a formal application process and the rules would be similar for everyone. He said details would best be discussed in private.

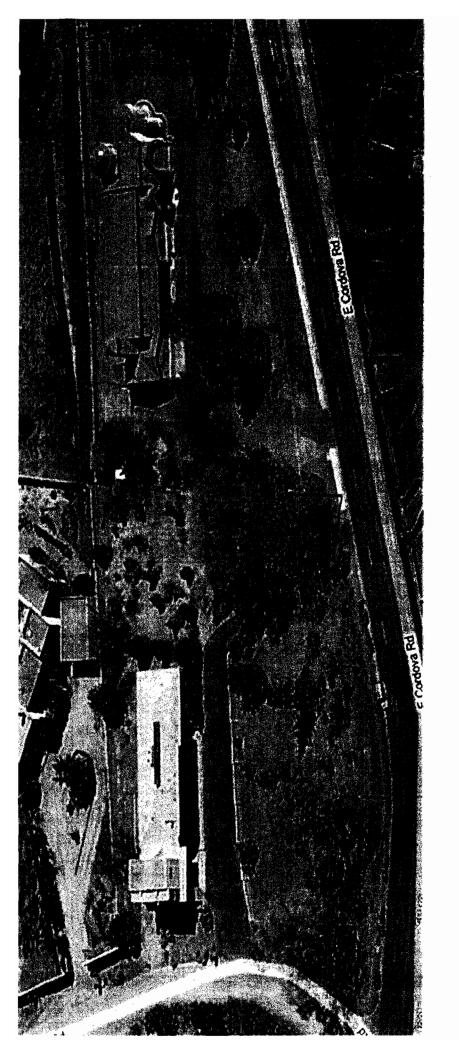
Another participant reminded staff that participants could and should review the ENN guidelines and submit any dissenting opinions to staff.

A participant asked what was meant by long term commitment. Mr. Bethancourt stated that the church has been here for 16 years and expects to be here for the long haul. They have a long term commitment to the community.

The meeting ended around 6:00 PM.

City of Santa Fe, New Mexico

### Exhibit E Photographs

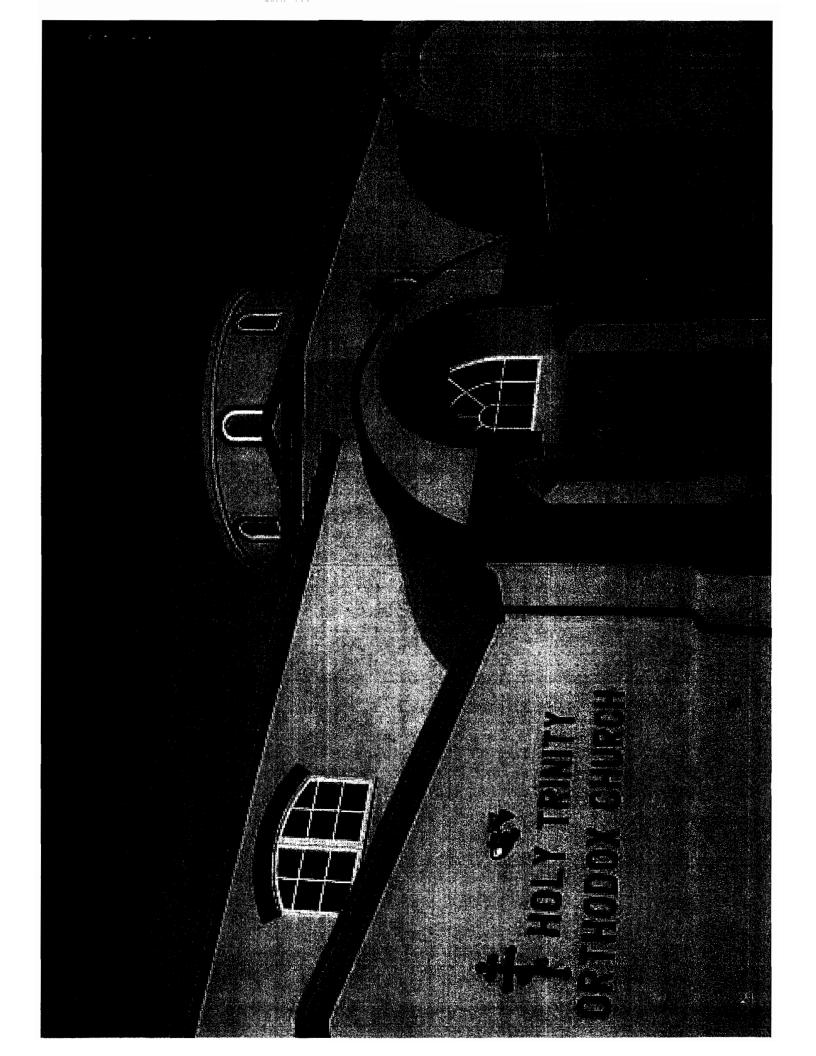


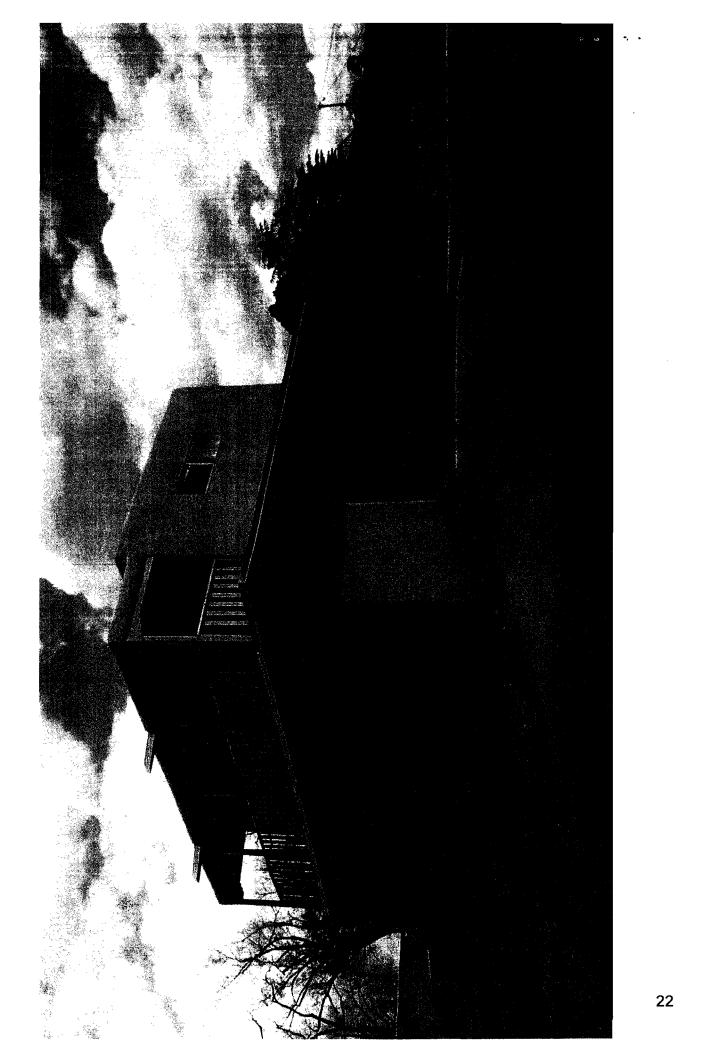
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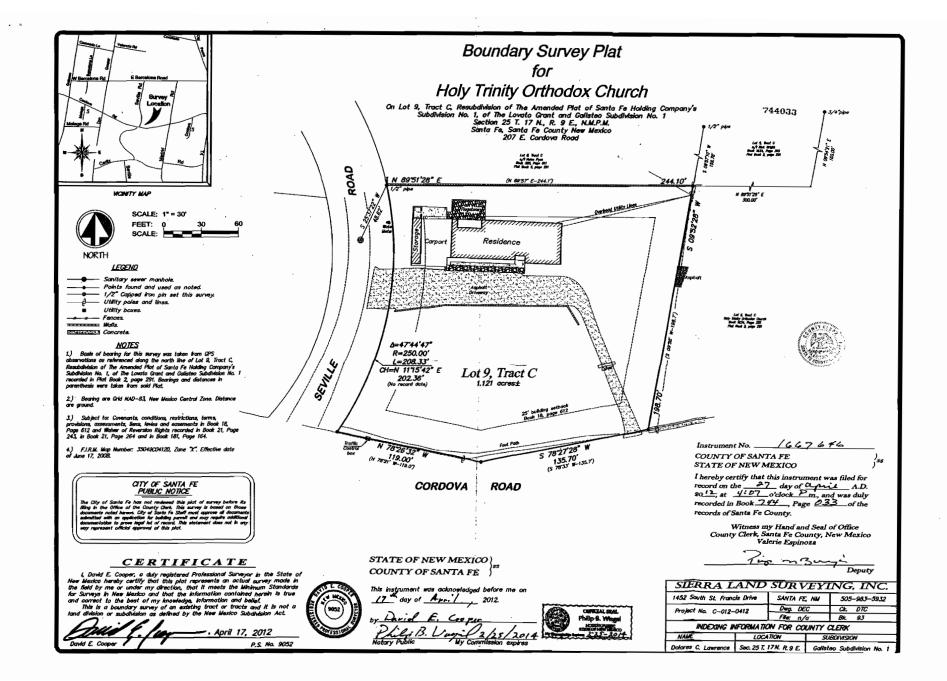
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### **Holy Trinity Orthodox Church**

A Church of the Antiochian Orthodox Christian Archdiocese of North America

231 E. Cordova Rd. Santa Fe, New Mexico 87505 The Very Rev. Fr. John Bethancourt, pastor (505) 983-5826 FrJohnB@aol.com

+ August 21, 2012

To: The City of Santa Fe, Land Use Department 200 Lincoln Avenue Santa Fe, New Mexico

Re: Bethany House of Prayer Special Use Permit

Dear Members of the Land Use Department,

Holy Trinity Orthodox Church is currently seeking a special use permit in relation to the adjacent residential property at 207 E Cordova Road, for use as a residential house of prayer for single Orthodox Christians in our Church community.

We wish advise that the personal conduct of the occupants of the house will be guided by the Church's internal code of conduct, and shall be consistent with the Church's mission.

The Church hereby assures that it will not tolerate inappropriate behavior by the residents, be it substance abuse, physical abuse, or sexual abuse, nor will the facility be used to knowingly house or rehabilitate anyone engaging in these activities. In the event that any resident should commit any such abuse, the Church shall arrange for their prompt eviction.

The Church understands that its continued enjoyment of the special use permit is contingent upon its diligent and prompt management of this requirement.

Sincerely,

Fr. John Bithancourt Fr. John Bethancourt, Pastor

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City of Santa Fe, New Mexico		
	memo	
DATE:	August 8, 2012 for the August 21, 2012 Meeting	
TO:	Board of Adjustment	
VIA:	Matthew S. O'Reilly, P.E., Director, Land Use Department	
FROM:	William Lamboy, AICP, Land Use Senior Planner, Current Planning	

### SCHOOL FOR ADVANCED RESEARCH SPECIAL USE PERMIT

<u>Case #2012-71</u>. School for Advanced Research Special Use Permit. JenkinsGavin Design and Development, agents for School for Advanced Research, request a Special Use Permit to allow a museum use at 660 Garcia Street. The property is zoned R-2 (Residential, two dwelling units per acre) and R-3 (Residential, three dwelling units per acre). (William Lamboy, Case Manager)

### RECOMMENDATION

1

The Land Use Department recommends **APPROVAL** of the Special Use Permit with the Conditions of Approval from the Fire Marshall at the end of this report.

### I. SUMMARY and ANALYSIS

The application is for a Special Use Permit to allow for a museum use at 660 Garcia Street. The property is zoned R-2 (Residential–2 dwelling units per acre) and R-3 (Residential–3 dwelling units per acre). The purpose of the R-2 and R-3 residential districts is "to be residential areas with low population densities." Furthermore, Table 14-6.1-1 establishes that museum uses may be permitted in R-2 and R-3 districts subject to a Special Use Permit.

Per 14-2.4 (C)(2) Powers and Duties of the Board of Adjustment (BOA), "The BOA has the review and decision-making responsibilities set forth in Table 14-2.1-1 to be carried out in accordance with the provisions of Chapter 14 and has the following additional responsibilities:

(2) to hear and decide applications for special use permits as provided in Sections 14-3.6 and 14-6 (Permitted Uses and Use Regulations), unless

School for Advanced Research Special Use Permit - Board of Adjustment: August 21, 2012

Page 1 of 7

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jurisdiction for such special use permits is specifically reserved to another land use board;

Established in 1907, the School for Advanced Research (SAR) provides a "dynamic environment for the advanced study and communication of knowledge about human culture, history, and creative expression." Specializing in the study of the archaeology and ethnology of the American Southwest, SAR's vision is to promote initiatives for "increasing opportunities to exert significant influence on academic, professional, and public audiences through discourse, publications, and emerging communications technology."\*\*

Located at 660 Garcia Street since 1972, SAR occupies the 8.5-acre former Amelia White Estate, and anticipates acquisition of three adjacent and vacant lots, intended for future expansion, and comprising an additional 7.47 acres. The total area of all four lots is roughly 15.97 acres. Approximately 49,578 square feet of improvements occupy the Amelia White Estate (Tract 6A). SAR's long range vision for the entire site foresees up to an additional 52,000 square feet of new construction at build-out. In the immediate future, over the next five years, SAR plans to build approximately 8,000 square feet of additional improvements consisting of offices, studios, residential units and a new physical plant building. In accordance with 14-3.8(B)(2)(b), at the time when cumulative development exceeds 10,000 square feet the applicant will be required to submit a Development Plan for the entire 15.97-acre property for review and approval by the Planning Commission.

Founded in 1907 as the School for American Archaeology, the School for Advanced Research (SAR) "supports advanced scholarship and creativity in the social sciences, the humanities, and Native American art." The New Mexico territorial legislature made available the Palace of the Governors to SAR as a permanent home, and in 1909 established the Museum of New Mexico as an agency of the school, a relationship that would continue until 1959. In 1922, SAR sponsored the first Southwest Indian Fair, precursor of Indian Market. Edgar Lee Hewett, archaeologist and anthropologist specializing on the Native American communities of the Southwest, headed both SAR and the Museum of New Mexico from their creation until his death in 1946.

Since its inception, SAR has been a leader in archaeological research, excavation and education in the Southwest, as well as Central and South America; however, early on, its focus shifted *"from education to anthropological research and scholarly publication."* In the 1960s its mission was expanded to include *"advanced scholarship in anthropology and the humanities worldwide and to promote the study, preservation and creation of Southwest Indian art."* 

Relocating several times over the years, SAR found a permanent home in "El Delirio" the home of Martha and Amelia White. The White sisters were wealthy east coast businesswomen known for their patronage of Indian art. Built for the White sisters by William Penhallow Henderson between 1924 and 1929, "El Delirio" was a "center of the City's intellectual life." The property was bequeathed to SAR upon the death of Amelia White in 1972. Several of the structures on the property, including the main house, date back to the 1920s.

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The property is in a residential neighborhood where various zoning districts converge, including, RC-8, RC-5, R-5, R-4, R-3 and R-2. While R-1 through R-6 residential districts are intended to be low density districts, RC-5 and RC-8 residential compound districts are envisioned as medium density residential areas. Under optimal conditions, the development potential of the 3 vacant lots under current R-3 density standards is 22 dwelling units; however, private covenants applicable to the properties would limit residential subdivision is proposed. The long term vision for the entire property includes development of up to 52,000 square-feet of offices, studios, archives, storage, library space and residential facilities. An addition to the existing Indian Arts Research Center is also planned. A Development Plan will be required once cumulative development exceeds 10,000 square feet.

Fewer than 60 individuals, including employees, scholars and researchers, usually occupy the premises at any given time. The proposed additions in the near future are intended to accommodate existing programs, remediate current space constraints, and modernize the physical plant.

Currently, SAR is accessed from Garcia Street via two access driveways. The existing access easement from Old Santa Fe Trail to the three vacant lots will be gated and limited to resident-artists, scholars, SAR staff and employees. The access easement from Camino Atalaya will not be utilized, although it could be designated as emergency access by the Fire Department in the future.

Parking requirements are based on type of use; for museums, one space is required for every 250 square feet of net leasable area. Chapter 14 defines net leasable area as: *"Present or potentially habitable space designed for owner or tenant occupancy and exclusive use."* The net leasable area for the proposed 5,000 square feet of non-residential development is calculated at 3,750 square feet, therefore requiring 15 parking spaces. Parking for attached dwelling units is determined at 2 parking spaces per dwelling unit (for 2 to 5 attached dwelling units); or a total of 6 spaces. Therefore, 21 parking spaces are required for the proposed short-term development. The property can easily accommodate the required number of parking spaces.

The term "museum" is not defined in Chapter 14. Webster defines museum as: "an *institution devoted to the procurement, care, study, and display of objects of lasting interest or value; also: a place where objects are exhibited.*" While not exclusively a museum use, the multiple functions of the School for Advanced Research fit generally into this use category.

\*\*All quotations are from the School for Advanced Research website: <u>www.sarweb.org</u>.

### II. APPROVAL CRITERIA

14-3.6(D) lists the following approval criteria and conditions for Special Use Permits:

(1) Necessary Findings

To grant a special use permit, a land use board shall make the following findings:

- that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit,
- (b) that granting the special use permit does not adversely affect the public interest, and
- (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.

### 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:" SAR currently offers an array of programs, including the Indian Arts Research Center, fellowships for scholars-in-residence; week-long gatherings of scholars in advanced seminars; the annual J.I. Staley Prize for excellence in anthropological writing; residential fellowships for native American Artists; and SAR Press, which publishes scholarly books arising from SAR's programs, as well as general-interest books on the Southwest and Native American arts. The proposed Special Use Permit will benefit the public interest by allowing for future development of SAR's studio, library, and residential space, thus enhancing SAR's capability to fulfill its mission of encouraging advanced scholarship in anthropology, related social science disciplines and the humanities, and facilitating the work of Native American scholars and artists.

**Staff Comments**: The applicant is requesting a Special Use Permit for museum uses for their property which is bifurcated by R-2 and R-3 zoning districts. Museum uses are permissible as Special Use Permits within those districts subject to restrictions and requirements intended to preserve and protect the residential character of the districts (14-4.2(B)). While the neighborhood is overwhelmingly residential in character, the School for Advanced Research has been part of the local neighborhood fabric for the last four decades. SAR is a unique, private institution. It will not burden the neighborhood with increased pedestrian and vehicle traffic and related issues, as it will not be open to the general public. It will provide access to scholars and researchers to objects and documents on the property. No changes to the mission and vision of the School that would negatively impact its relationship with the neighbors are anticipated. The proposed additions are intended to accommodate existing programs, allow the facilities to meet physical, technological and other demands, and create adequate room for SAR's collections. The impact on the surrounding neighborhoods should be negligible in the near future; and Ŧ

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- (c) provision for and arrangement of parking and vehicular and pedestrian circulation;
- (d) on-site or off-site street, sidewalk or utility improvements and maintenance agreements;
- (e) noise generation or attenuation;
- (f) dedication of rights of way or easements or access rights;
- (g) arrangement of buildings and use areas on the site;
- (h) special hazard reduction measures, such as slope planting;
- (i) minimum site area;
- (j) other conditions necessary to address unusual site conditions;
- (k) limitations on the type, extent and intensity of uses and development allowed;
- (I) maximum numbers of employees or occupants permitted;
- (m) hours of operation;
- (n) establishment of an expiration date, after which the use must cease at that site;
- (o) establishment of a date for annual or other periodic review at a public hearing;
- (p) plans for sustainable use of energy and recycling and solid waste disposal;
- (q) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate development and use of land; and
- (r) conditions may not be imposed that restrict the use to a specific person or group.

#### III. ENN

An Early Neighborhood Notification (ENN) meeting was conducted on April 23, 2012. Around 18 individuals attended the meeting. Concerns centered on access to the property, the need for a special use permit, additional parking, the proposed "museum" use, appearance and location of future buildings, intensity of uses, and signage.  $7^{\sim}$ 

with sensible site, building and circulation design, negative consequences in the long run should be minimal if any.

**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:" For the past 40 years, SAR has used its campus to host visiting scholars and artists, offer programs and seminars, and publish books. The Special Use Permit is intended to allow for future expansion of the school's current programs and uses. It is not intended to change the use in any significant way.

SAR is housed in one of Santa Fe's most important historic estates. "El Delirio" was built by Amelia Elizabeth and Martha Root White in the1920s and now houses one of the world's most significant collections of Native American art. Amelia White, who supported SAR during her lifetime, deeded the property to the School upon her death in 1972. SAR has impeccably preserved the site's buildings, grounds, and collections, and will continue to do so. Any future development will be in keeping with the character and appearance of the campus and surrounding neighborhood. In fact, SAR recently received the Historic Santa Fe Foundation Stewardship Award for their sensitive preservation of the White Estate.

**Staff Comments**: The School for Advanced Research has been at this location for four decades. Most of the structures on the Amelia White site antedate the school's relocation in 1972. The facilities have grown organically across the campus, and with the help of mature vegetation are hardly noticeable from outside. Most structures on campus do not substantially differ in height, massing, or area from neighboring residential buildings. In addition, the majority of the buildings are residential in appearance and are substantially set back from the public right of way and adjacent properties. Lots 70A, 71A, and 72A are currently vacant but are expected to be developed over the next 25 years; most of that property is inside the Downtown and Eastside Historic District, and a fraction in the Historic Review District. In addition, SAR proposes to limit the height of new structures to 14 feet and to provide a 50-foot buffer along the periphery of the currently vacant property.

#### (2) Conditions

The land use board may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan, including:

- (a) special yards or open spaces;
- (b) fences, walls or landscape screening;

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#### IV. CONCLUSION

The School for Advanced Research has a longstanding place in Santa Fe and is a major asset to the community. The proposed request is consistent with previously approved and established uses for the property and should not adversely affect the public interest. Only limited development is planned within the next five years, the bulk of it within the confines of the White sisters' estate. A Development Plan is required for new cumulative development once it exceeds 10,000 square feet, allowing for further reviewed the application and determined that it complies with the necessary findings to recommend approval. These include: 1) that the Board of Adjustment has the authority under Chapter 14 to grant a Special Use Permit; and 2) that granting the permit does not adversely affect the public interest; and 3) that the use and associated building are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity.

The Board of Adjustment may specify conditions of approval, including but not limited to those listed from 14-3.6 (D) (2) above.

#### V. EXHIBITS

Exhibit A: Conditions of Approval

- Exhibit B: Maps
  - 1. Zoning
  - 2. Aerial
  - 3. Site Plan

#### Exhibit C: Applicant Submittals

- 1. Letter of Application
- 2. SAR Brochures
- 3. SAR Campus Walking Tour

Exhibit D: Correspondence

City of Santa Fe, New Mexico

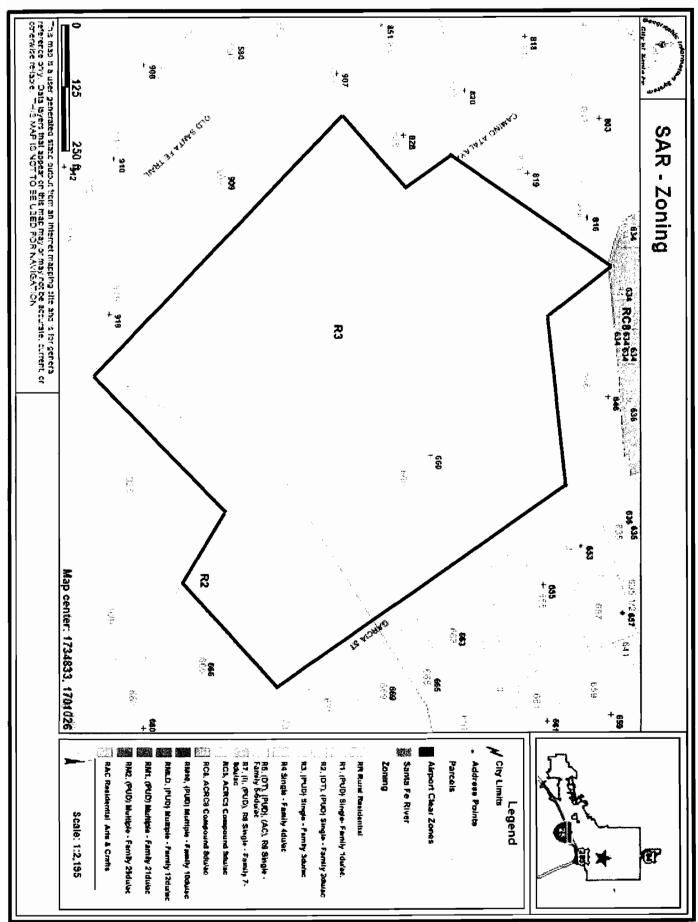
## Exhibit A Conditions of Approval

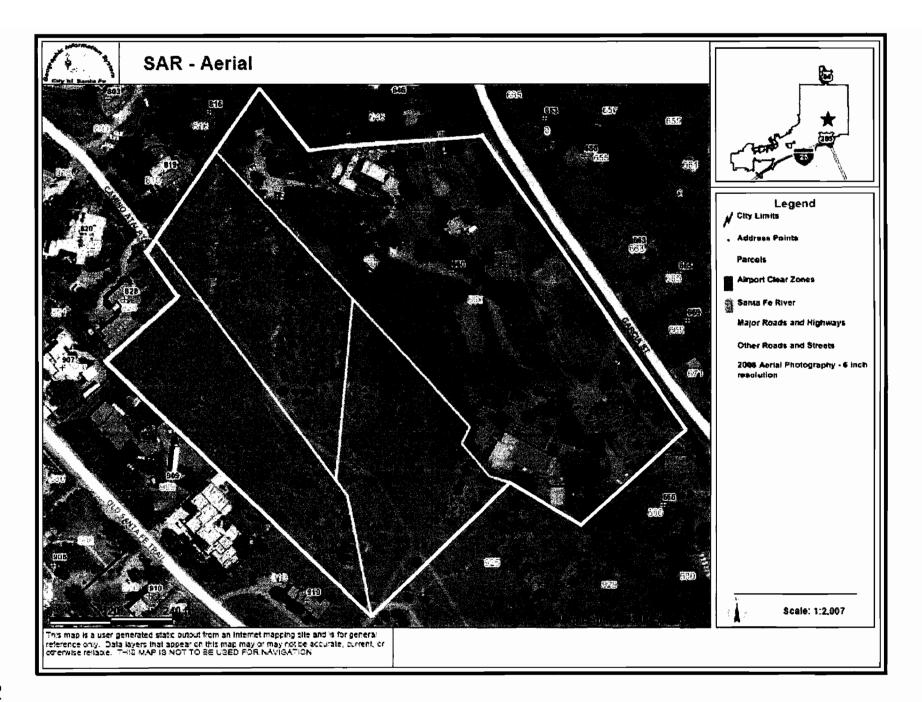
#### School for Advanced Research – Conditions of Approval Board of Adjustment Case 2012-071 School for Advanced Research

	Conditions	Department	Staff
1	<ul> <li>Fire Marshall Requirements to apply at time of construction:</li> <li>Shall comply with International Fire Code (IFC) 2009 Edition.</li> <li>Shall meet fire department access.</li> <li>Shall meet occupant requirements as per IFC 2009 Edition.</li> </ul>	Fire Department	Reynaldo Gonzales July 9, 2012

City of Santa Fe, New Mexico

## Exhibit B Maps





City of Santa Fe, New Mexico

## Exhibit C Applicant Submittals



jenkinsgavin Design & Development INC

June 11, 2012

Bill Lamboy, AICP, Senior Planner Current Planning Division City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

#### RE: SCHOOL FOR ADVANCED RESEARCH SPECIAL USE PERMIT APPLICATION

Dear Bill:

This letter is submitted on behalf of the School for Advanced Research in application for a Special Use Permit to allow for a Museum designation, for consideration by the Board of Adjustment at their meeting of August 21, 2012. The subject property consists of four parcels - Tract 6A with 8.5 acres, Lot 70A with 2.478 acres, Lot 71A with 2.478 acres, and Lot 72A with 2.478 acres for a total of 15.974 acres. The property is located at 660 Garcia Street and is zoned R-2 and R-3.

#### Project Summary

The School for Advanced Research ("SAR"), a 501(c)(3) nonprofit organization, was established in Santa Fe in 1907 as a center for the study of the archaeology and ethnology of the American Southwest. Since 1972, SAR has been housed in its current location at the historic Amelia White Estate, long a gathering place for artists and scholars, as well as an archive of Native American art. The White sisters, Amelia Elizabeth White and Martha Root White, built the estate in 1920. Avid patrons and promoters of Indian art, the sisters opened the first Native American art gallery in New York City. Amelia was a founding member of the Indian Arts Fund (IAF) in Santa Fe and sat on SAR's Board of Managers for twenty-five years. Martha Root White died in 1937. When Amelia died at age 96 in 1972, she generously left the estate, El Delirio, along with other Santa Fe properties, to the then-named School of American Research. In that same year, the IAF disbanded and deeded its superb collections of Southwest Indian art to SAR. Today, SAR continues to draw upon its roots in the American Southwest, anthropology, and indigenous arts to present programs, publications and initiatives to scholars, artists, educators, and the interested public.

SAR provides a unique environment for the advanced study of knowledge about human culture, evolution, history, and creative expression. The buildings and grounds are an essential element of SAR's mission, not only for their historic and architectural value, but because they house an

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unparalleled collection of Southwest Indian art. The buildings and grounds have also formed an integral part of the neighborhood, and the local cultural fabric, since their inception in the 1920s.

SAR is currently located on an 8.5 acre parcel, and will be acquiring the neighboring three parcels to the southwest comprising an additional 7.43 acres. The requested Special Use Permit to create a Museum designation for the entire 15.93-acre property will allow SAR to continue its mission, better accommodate present uses, provide additional housing for artists and scholars in residence, allow for incremental growth of the existing programs and services, while preserving SAR's historic presence in the neighborhood. The requested Special Use Permit will allow for the school's future moderate expansion needs, which, like the existing pueblo revival buildings, will be in keeping with the character and appearance of the surrounding neighborhood.

#### Future Use Intensity

The SAR campus currently comprises meeting/lecture spaces, offices, residences for fellowship scholars and artists, a library, publishing office, archives, research center, maintenance facilities and storage, totaling 49,508 square feet. In the near term over the next five years, SAR plans to construct the following new buildings:

		Approximate
Time Period	Future Buildings	Square Footage
1 to 5 years	Work Plaza	2,500
	Office/Studio Building	2,500
	Residential Cluster	3,000
	Total Estimated Square Footage	8,000

In the long term over the next twenty-five years, SAR anticipates the construction of additional buildings to meet their future needs, including offices, studios, archives and storage, residences, library space, and a possible addition to the existing Indian Arts Research Center. The total additional square footage in the near and long term shall not exceed 52,000 square feet. Following the initial phase of construction described above, development plans will be submitted for review and approval by the Planning Commission for any new improvements beyond 10,000 square feet.

#### Access and Parking

The SAR campus is accessed via two driveways on Garcia Street, which will continue to be the primary access to the site. As new buildings are constructed on the adjacent parcels, limited access from Old Santa Fe Trail will be provided via the existing access easements to the south of the parcels. This future access will be gated and limited to resident artists and scholars, and SAR staff and employees. The existing access to Lot 71A from Camino Atalaya via the existing right-of-way and emergency easement will not be utilized for the campus expansion.

The existing campus provides 82 parking spaces for the existing buildings. The required parking for the proposed new square footage is as follows:

New Building	<b>Square Footage</b>	Net Leasable Area
Work Plaza	2,500	1,875
Office/Studio Building	2,500	1,875
Total for Non-Residential:	5,000	3,750

1 parking space per 250 of Net leasable Area:	15 spaces
3 Attached Residential Units @ 1.5 spaces/unit:	5 spaces

TOTAL NEW PARKING REQUIRED:20 spaces

The attached plan identifies the existing parking and shows the required new parking spaces for a total of 102 spaces on site. New parking areas will be added incrementally as necessary and will be separated into small lots and localized to the new buildings to minimize impact.

#### Special Use Permit Approval Criteria

Outlined below are our responses to the approval criteria from Santa Fe Land Development Code 14-3.6(D)(1)(b) and 14-3.6(D)(1)(c).

#### §14-3.6(D)(1)(b) That granting the special use permit does not adversely affect the public interest.

SAR currently offers an array of programs, including the Indian Arts Research Center; fellowships for scholars-in-residence; week-long gatherings of scholars in advanced seminars; the annual J. I. Staley Prize for excellence in anthropological writing; residential fellowships for Native American artists; and SAR Press, which publishes scholarly books arising from SAR's programs, as well as general-interest books on the Southwest and Native American arts. The proposed Special Use Permit will benefit the public interest by allowing for future development of SAR's studio, library, and residential space, thus enhancing SAR's capability to fulfill its mission of encouraging advanced scholarship in anthropology, related social science disciplines and the humanities, and facilitating the work of Native American scholars and artists.

\$14-3.6(D)(1)(c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

For the past 40 years, SAR has used its campus to host visiting scholars and artists, offer programs and seminars, and publish books. The Special Use Permit is intended to allow for future expansion of the school's current programs and uses; it is not intended to change the use in any significant way.

SAR is housed in one of Santa Fe's most important historic estates. "El Delirio" was built by Amelia Elizabeth and Martha Root White in the 1920s and now houses one of the world's most significant collections of Native American art. Amelia White, who supported SAR during her lifetime, deeded the property to the school upon her death in 1972. SAR has impeccably preserved the site's buildings, grounds, and collections, and will continue to do so. Any future development will be in keeping with the character and appearance of the campus and surrounding neighborhood. In fact, SAR recently received the Historic Santa Fe Foundation Stewardship Award for their sensitive preservation of the White Estate.

#### Early Neighborhood Notification

An Early Neighborhood Notification meeting was held on April 23, 2012. There were 18 neighbors in attendance. Discussion included the following topics:

- Neighbor questions regarding why a Special Use Permit is necessary. It was explained that the Special Use Permit will allow for future expansion of the school, a non-residential use, in a residential zone.
- Neighbors questioned what was permitted under the City of Santa Fe's new Museum designation; it was explained that the City is still working on that. Any of the definitions they are using would work well for SAR.
- Questions regarding access with regard to the Future Use Plan. It was stated that the two driveways on Garcia Street will remain the primary access to the campus; that Camino Atalaya would not be used, but could be utilized by emergency vehicles as it is currently; and that the 5 to 10 year expansion includes a gated driveway to the campus via a series of easements on Old Santa Fe Trail. In response to neighbor concerns about use of this easement, the applicant stated that the existing driveway would be used and would be no wider than the minimum acceptable width according to the Fire Marshal. It was emphasized that the driveway would be gated and would only be used by SAR staff, artists and scholars staying in the new proposed residences.
- In response to questions regarding staff parking, it was stated that additional parking will be provided adjacent to the proposed residences; staff parking will remain decentralized and is expected to increase only moderately through proposed expansion.
- Concerns about the appearance of future buildings and visibility from Old Santa Fe Trail. It was explained that since the high point of the property is to the southeast, the landscape provides a natural buffer from Old Santa Fe Trail. Buildings will be single story, and there will be limited visibility of structures from Old Santa Fe Trail, if any.
- Neighbors asked whether a condition of approval could be added to state that structures could be no higher than a single story.
- Questions arose regarding planned intensity of use for the campus. The applicant explained that SAR will continue to be a private institution that is open to the public by appointment only. Future buildings will better accommodate present uses, as well as allowing additional housing for artists and scholars in residence. No significant intensification of use is anticipated.
- Neighbors asked about how the DeVargas I Subdivision Covenants would affect the project. The applicant explained that any issues with the Covenants would be addressed before applying for a building permit, and that the Special Use Permit does not impact private covenants.

- A discussion arose regarding allowable square footage per lot and whether the neighboring Howell parcel comprises one lot or three lots.
- In answer to a question regarding signage, the applicant stated that no sign would be posted on Old Santa Fe Trail, as that is not SAR property and thus would not be permitted.

In support of this request, the following documentation is submitted herewith for your review:

- 1. Application Fee in the amount of \$380.00
  - Special Use Permit Application \$350.00
  - Public Notice Poster \$30.00
- 2. Special Use Permit Application
- 3. Letter of Owner Authorization
- 4. Warranty Deed
- 5. Legal Lot of Record
- 6. Future Use Plan (2 full size copies + PDF)

Your assistance with this request is greatly appreciated. Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Colleen C. Gavin, AIA

How Bue

Jennifer Jenkins

City of Santa Fe, New Mexico

## Exhibit D Correspondence

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#### LAMBOY, WILLIAM A.

From: cadyladynm@aol.com

Sent: Wednesday, August 15, 2012 3:36 PM

To: LAMBOY, WILLIAM A.

Subject: SAR PLANS

FROM: BEN CORDOVA JR. I HEREBY OPPOSE THE PLANS FOR SAR SPECIAL USE PERMIT. I LIVE ON THE OLD SANTA FE TRAIL

#### Mack Diltz 806 Old Santa Fe Trail Santa Fe, NM 87505 505 820 0222

August 11, 2012

Gary Friedman, Board of Adjustment Manager c/o Daniel Esquibel, Land Use Senior Planner City of Santa Fe 200 Lincoln Ave. Santa Fe, NM 87504

Dear Mr. Friedman:

I am opposed to the SUP requested by the School of Advanced Research for the Howell property. It is my understanding that the school is unwilling put in writing the plans shown to the public in their meeting in April. Without a <u>guarantee</u> to limit future development on the property, I feel that the SUP should be denied and the deed restrictions in force on the Howell property be enforced.

Sincerely,

Mar Dite

Mack Diltz

Gary Friedman, Board of Adjustment Manager c/o Daniel Esquibel, Land Use Senior Planner 200 Lincoln Ave., Santa Fe, NM 87504

Re: Opposition to SAR Special Use Permit, Case Number 2012-71

Dear Mr. Friedman,

We are full time residents and owners of 915 Old Santa Fe Trail, directly south of SAR. Our lot borders a 7.5 acre parcel owned by William Howells which is under contract to be sold to SAR should a special use permit be granted by the city for an expansive development proposed by SAR.

This development, as SAR presented several times to various groups of neighbors, includes over 50,000 sq ft of non-residential and residential building on their existing property as well as the Howells lot. (Although only a small portion of the Howell property development is shown on their SUP application, SAR recently made it clear to a group of adjacent neighbors that their intention was to pursue their complete development plan should they be granted a special use permit.)

We strongly oppose SAR's application for this special use permit and "museum designation" for the following reasons:

- 1. The development SAR is proposing violates the existing zoning regulations on both its own lot and the Howell property.
- 2. Its application for "museum designation " is misleading and inappropriate. SAR is nor currently a museum and has expressed to neighbors that it does not intend to become a museum. However, such a designation would leave the door open for museum development, which, considering the residential nature of the neighborhood would be highly disruptive. Although the city has not clearly defined what "museum designation" means, SAR is clearly trying to use this designation to be able to override current zoning restrictions that would prohibit their proposed development.
- 3. The multiple multi-family dwellings SAR is proposing as part of their full development of the Howell property, including parking lots and roads, violate the deed restriction on the Howells property that limits development to one single family residence. Although the City of Santa Fe cannot enforce covenants, it should know that should SAR's application for a building permit on what is now the Howells property violate the deed restriction, it will be challenged in civil court by us and other neighbors.

4. Property values could be negatively impacted by a museum in our neighborhood and further impacted by the development of the proposed dormitory-like casitas on the Howells property. Most neighbors adjacent to the Howells lot face one of the busiest streets in the city and purchased their property well aware of the deed restrictions that would limit development behind our homes. SAR's proposed development would jeopardize the quiet enjoyment of our homes and hence their potential value.

I do not oppose SAR's mission in general, but the aggressive development plans they have proposed—and even refused to limit--in our neighborhood is not wanted by a majority of the adjacent neighbors nor is it warranted by current city regulations.

Sincerely,

Stephen and Dale Dunn

#### Roger and Jane Griffith 828 Camino Atalaya Santa Fe, NM 87505 (505) 467-8953

August 15, 2012

Gary Friedman, Board of Adjustment Manager c/o Daniel Esquibel, Land Use Senior Planner 200 Lincoln Ave. Santa Fe, NM 87504

Re: Letter opposing SAR request for a Special Use Permit, Case Number 2012-71

#### Dear Mr. Friedman,

We are the owners of the home located at 828 Camino Atalaya. This home is adjacent to Tract 6B of the De Vargas Subdivision No. 1; an approximately 7.5 acre lot that is currently owned by Howells', et al, but under contract to be purchased by the School for Advanced Research (SAR). Apparently, a pre-condition of this sale is your approval of the Special Use Permit (SUP) referenced above that will permit non-residential buildings on this residential lot. We are opposed to this request for an SUP for the following three main reasons:

- 1. The covenant and deed restrictions that run with the Howells' lot and those of all the adjacent neighbors permit only one single-family home per lot. Your approval of the SUP will force litigation to preserve these restrictive covenants.
- 2. Some actions leading up to the sale of Howells' property and approval of the SUP application appear to violate the city Land Use Code. The SUP application as it currently exists is incomplete and misleading.
- 3. Approval of the SUP is the first step for the expected development of the Howells' lot by SAR. The earlier plans that we've seen for development will double the size of the existing school and the negative impact on this residential neighborhood will be significant and irreversible. Ignoring the issues related to the development of the Howells' lot at this time is a disservice to us and to the other neighbors that live in this area.

#### Reason 1:

We purchased this home March 17, 2011 after a yearlong negotiation with the bank and the prior owners who had abandoned the home and stopped making payments. We intend to live at this home until our death and to pass this property on to our daughter. Since our lot was adjacent on two sides to the undeveloped Howells' property we invested a lot of time and effort prior to this purchase in order to confirm that future development would be restricted to a single home or a limited number of single-family homes. During that investigation we learned that Catherine Rayne, the nurse and companion of Amelia White, had originally built our home on land given to her by Amelia White. We also learned that although Amelia White that bequeathed her home to SAR, she specifically did not to include Tract 6B as part of the school, but rather chose to pass this property to a nephew along with the restrictions that only permitted residential development. This knowledge influenced the price that we paid for the home and the considerable amount of money that we spent since restoring the home.

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When we learned that SAR intended to purchase Tract 6B and expand the school we asked the Howells' if the would consider selling us a portion of Tract 6B so that we could guarantee a minimum no-build area along our property boundary. We were told that the land was already under contract for sale and that this could not be done. More recently we have approached SAR to ask them (through their attorney, Tom Sawtell) if they would agree to limit construction to no-more than the 12 residences, 91 new parking spaces and 50,000 ft<sup>2</sup> building areas that were shown on their Future Use Plan (dated June 11<sup>th</sup>, 2012). We were told that they would not agree to limit development.

#### Reason 2:

Last August we learned from neighbors that SAR intended to build a maintenance facility on their Garcia St. property. Since we were not included on the early neighbor notification list (ENN) I wrote James Brooks (President of SAR), provided him with our address and asked that he include us on any future neighborhood correspondence...especially any that might relate to the Howells' tract. Although he responded positively, we have been excluded from all subsequent ENN lists related to this SUP.

Once I became aware of SAR's request for an SUP to designate Tract 6-B, I started to research the related City Code. It appears that this SUP and the recent partitioning of Tract 6B into 3 lots by court order may be inconsistent with the following areas of the city Land Development Code, Chapter 14:

- Article 14-4.2 (which clarifies zoning for residential districts) states in part (B) that "...uses other than residential dwelling units ... are permissible...subject to restrictions and requirements intended to protect the residential character of the districts." The BOA's recent approval of an SUP for the Paloheimo home on Acequia Madre is a perfect example that conforms to this article and the Board should be commended for this decision. The current SUP application by SAR appears counter to part (B).
- 2. The Land-use Table 14-6.1-1 indicates that both 'Museums' and residential 'Colleges and Universities' can be granted SUP's for land zoned R1-6. It seems obvious to me and to my neighbors that the School for Advanced Research has operated and intends to operate as a school with residences for visiting scholars. The American Association of Museums does not recognize them as a 'museum' and SAR's own Mission Statement and Vision Statement do not mention the word museum. We believe the Board should deny the SUP to designate this school as a museum and ask that they re-apply for an SUP as a residential school as provided for in the city code.
- 3. Article 14-3.6 describes the purpose and procedures for granting and approving Special Use Permits. It states clearly that "approval is required for certain uses so that **potential** [emphasis added] detrimental effects may be reduced or avoided and conflicts in land use may be prevented". The Board should agree that the intent of this SUP is to allow SAR to significantly expand the number of school buildings in conflict with current zoning and deed restrictions. Approving an SUP that allows for this potential expansion without a site plan that shows the intended development appears to violate the provisions of this article.
- 4. Tract 6B was partitioned by court order earlier this year (February 24<sup>th</sup>). According to Article 14-3.7(1)(6) subdivisions that are directed by court order are still subject to city approval. In early August I asked the Current Planning Division if the new lot outlines

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shown on Tract 6B represent a "new subdivision", a "re-subdivision" or an "inheritance and family transfer subdivision". The Current Planning Division informed me that they had not yet approved this partition and my question was forwarded to Kelley Brennan, Assistant City Attorney. I have not yet received a response to my question or an explanation as to why the city has not reviewed this court-ordered partition. We cannot understand why the city would consider an SUP that included this tract prior to a thorough review of this issue.

#### Reason 3:

We believe that the SUP before the Board is primarily a vehicle to facilitate the purchase of the Howells' property and it does not truly reflect the intended use of the property. Submitting plans for the maintenance building (that seems now to be such an integral part of the planned future development) in mid-2011 hides the full size and scope of the planned SAR development. It then strains belief to think that the October 2011 application to partition the Howells' property was not part of the SAR development plan, or that Mr. Brooks insistence in late December that "we do NOT have development plans for that parcel" was not disingenuous.

Whether purposeful or not, the fact that SAR was unwilling to limit proposed development or that they are not now detailing the intended development are the principal reasons why Jane and I are opposed to the SUP. If this SUP is granted we have no idea what might be built on the adjacent lot or when. Each time SAR would choose to modify or expand their development plans another SUP would need to be considered or a building permit would need to be litigated.

We hoped that this type of neighborhood conflict with SAR would not happen. SAR's contributions to academics and artists that study indigenous North American cultures are truly notable and the collection of native materials given to them by Amelia White is presumably 'museum' quality. That, however, does not make them a museum and it doesn't justify unlimited development of the adjacent residential tract. We would welcome them as neighbors if they were willing to limit development in a legally binding way that would result in an impact no greater than that expected to result from the current deed restrictions.

Respectfully,

Roger Griffith

Jane Griffith

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#### W. Peyton George 907 Old Santa Fe Trail Santa Fe, NM 87505 (505)984-2133

August 13, 2012

Gary Friedman, Board of Adjustment Manager c/o Daniel Esquibel, Land Use Senior Planner 200 Lincoln Avenue Santa Fe, NM 87504

Re: Opposition to SAR Special Use Permit, Case Number 2012-71

Dear Mr. Friedman:

I reside in the City of Santa Fe and own my residential property at 907 Old Santa Fe Trail. My single family lot backs up to the "so-called" Howell property, a seven acre parcel which joins the current School for American Research (SAR), formerly the Amelia White residence.

We understand that the SAR seeks a Special Use Permit under a "museum" designation with a view toward expanding construction on their current location, already a non-conforming use in a residential neighborhood. They also plan to build dormitories and other multi-unit structures on the Howell Property, which they reportedly have an option to purchase.

While SAR is a non-profit research organization that benefits from and is subsidized from its tax exempt status, it is not a museum as we understand a museum to be, nor open to the general public. We have four real museums on Museum Hill, and there appears to be no comparison, to this lay person. I am confident SAR does nice things for its members and those interested in what it does, but those endeavors are not necessarily restricted to its current location on Garcia Street in a residential neighborhood. A special use permit under the guise of a museum designation opens the door to future violations of the restrictive covenants of this residential neighborhood and potential litigation to protect those covenants. Expansion to a museum could likely bring more traffic including

#### Page Two

tour buses, and diminish the value of surrounding residential property. SAR as a non-profit apparently does not currently pay taxes to support the infrastructure roads etc. Expansion as a museum would mean more property off the tax rolls with infrastructure costs borne by residential home owners. Building dormitories takes away potential customers from Santa Fe hotels and motels that do pay taxes. Additionally, the city has not defined what a "museum" is under this possible museum designation.

The Howell property is covered by the same restrictive covenants that I and my adjacent neighbors must abide by, ironically placed thereon by the late Amelia White, the SAR Founder. The Howell lot has had a checkered history already. Before I purchased my property I confirmed that such covenants existed, were enforceable, and further that there had already been litigation in the past to do so when the owner attempted to develop the parcel, inconsistent with the covenants. The Howells, we learn, have recently tried to do a back door resubdivision of the parcel under the guise of an estate plan, which unique effort to do so has not been approved by the City. In any event, such a move cannot change the single family restrictive covenants originally placed there by Amelia White.

Various neighborhood meetings with SAR representatives and their retainers have failed to provide definitive plans for the remainder of the Howell lot other than dormitories, leaving the adjacent owners little choice but to oppose this museum designation effort in order to protect property values, the scenic view, and the option to oppose non-conforming structures to uphold the integrity of the covenants placed there by Amelia White.

Let me know if I may provide anything further.

Sincerely,

W. Leyton Suns

W. Peyton George

#### Mary Anne Stickler 650 Camino Lejo Santa Fe, NM 87505

Gary Friedman, Manager Santa Fe County Board of Adjustment c/o Daniel Esquibel, Land Use Senior Planner 200 Lincoln Avenue Santa Fe, NM 87504

Re: Letter Opposing SAR request for a Special Use Permit

Dear Gary:

I am writing to you as the owner of a residence at 919 Old Santa Fe Trail to protest the application by SAR for a Special Use Permit on Tract 6B (case number 2012-71).

This lot is in a residential subdivision that restricts development to one residence per lot. I believe that this covenant was thoughtfully created, and should be respected and enforced to preserve the character of the existing neighborhood, the quality of life for the exiting residents and the property values of adjacent home owners.

I assure you that I listened to the development proposal by SAR with an open mind, willing to consider that the improvements they were considering would be located to the north of the ridgeline that runs through the middle of the lot. As the applicant had hoped, I could visualize how a cluster of single-story buildings built close to the common property line with the existing SAR campus might ultimately provide more view and privacy protection than a large estate residence built on top of the ridge.

However, I am now convinced, after meeting with the SAR Board and their planning consultant, that their proposal is totally unacceptable for the following reasons:

- 1. This lot is zoned residential and is restricted to one residence by covenant.
- 2. This location is surrounded by private residences and is an inappropriate location for an expanded school/museum/residential campus.
- 3. Developing a mixed use (school/museum/residential) campus on this property with planned access from both Garcia Street and Old Santa Fe Trail would significantly increase building density, traffic, noise and light in an neighborhood of single-family residences.
- 4. The existing SAR campus has a relatively low profile presence and residential ambiance from its access on Garcia Street as it occupies a former residential estate.

- 5. SAR has the opportunity to acquire or lease additional residential units in the neighborhood and utilize all of their existing campus for their non-residential needs. In fact, I bought the home at 919 Old Santa Fe Trail from SAR as they had decided that they had no use for the home and when I later put the home back on the market, SAR showed not interest in either buying or leasing the home back even though it is in close proximity to their campus.
- 6. In meeting with both the SAR Board and their planning consultant, I was told that the SAR would NOT be willing to create meaningful protection of views or privacy for adjacent property owners by limiting the development area away from existing adjacent residences.

As a land developer myself, I respect the right of property owners to improve their land according to the applicable zoning and covenants. I do not support a change in zoning/use or a disregard for protective covenants that so dramatically alters the character of the neighborhood and the values of surrounding properties.

Please deny the SAR application for a Special Use Permit on Tract 6B.

Sincerely,

Mary Anne Stickler

#### SCHOOL FOR ADVANCED RESEARCH

660 Garcia Street Santa Fe, New Mexico



#### **Special Use Permit**

PROJECT TEAM

SHEET INDEX T-1 Title Sheet

Owner School for Advanced Research 660 Garcia Street Santa Fe, NM. 87501 T -1 Title Sheet A-1 Special Use Permit - Site Plan



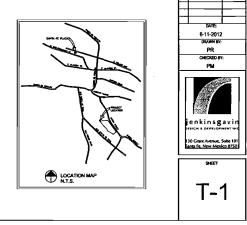
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Planner JenkinsGavin Design & Development Inc. 130 Grant Ave., Suite 101 Santa Fe, New Mexico 87501 505-820-7444

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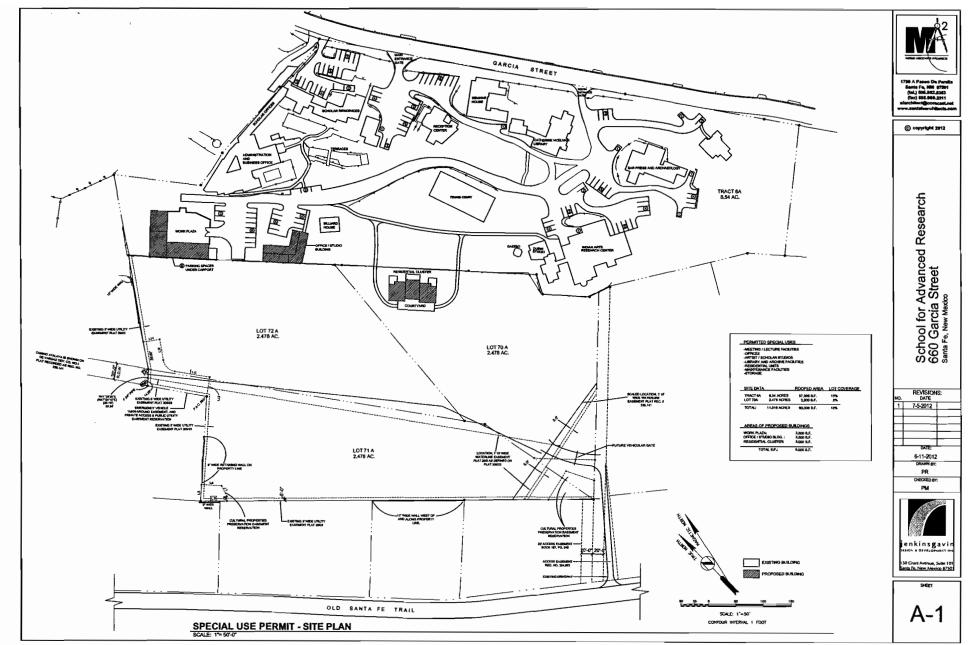
sants Fe, k (tel.) 585.9 (fax) 505.8

C copyright 2012

School for Advanced Research 660 Garcia Street sante Fe, New Mostco

REVISIONS: DATE 7-5-2012

School for Advanced Research Special Use Permit - Case #2012-71



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School for Advanced Research Special Use Permit - Case #2012-71

#### for Advanced Research

07 as the School of American Archaeology by tute of America to conduct research in the New Jents in the budding field of American archaeology. Lee Hewett, changed the name ten years later can Research. In 2007, under the guidance of ks, the name was changed to the School for

dynamic environment for the advanced study knowledge about human culture, evolution, pression. Among its many programs, SAR hosts rtists, accommodates week-long seminars, and ned collection of American Indian art. A popular or the general public features lecture series, field events, and many other benefits.

holarly and popular books on anthropology and an annual book award honors distinguished writing logy.

sent site in 1973, SAR has modernized existing 2d the Garcia Street facilities to meet the growing 2d administrative programs.

d Research ta Fe, NM 87505 • (505) 954-7203 • info@sarsf.org



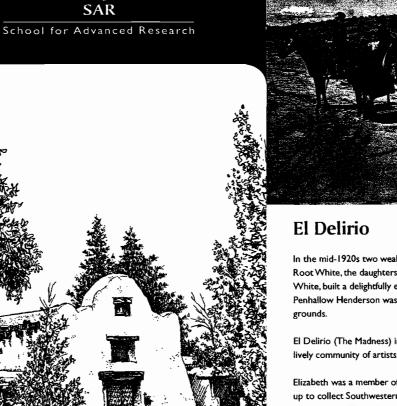
ig Native Artist Fellow Eliza Naranjo Morse



Tour

Walking

ampus



Resta Parade, 1933. Dressed in 16th-century English hunting costumes, the White sisters and friends get ready for the parade. Marcha White (second from left), an expert equestrian, is on horseback, while Bitzabeth White (far right) programs on march with her Irish wolfhounds.



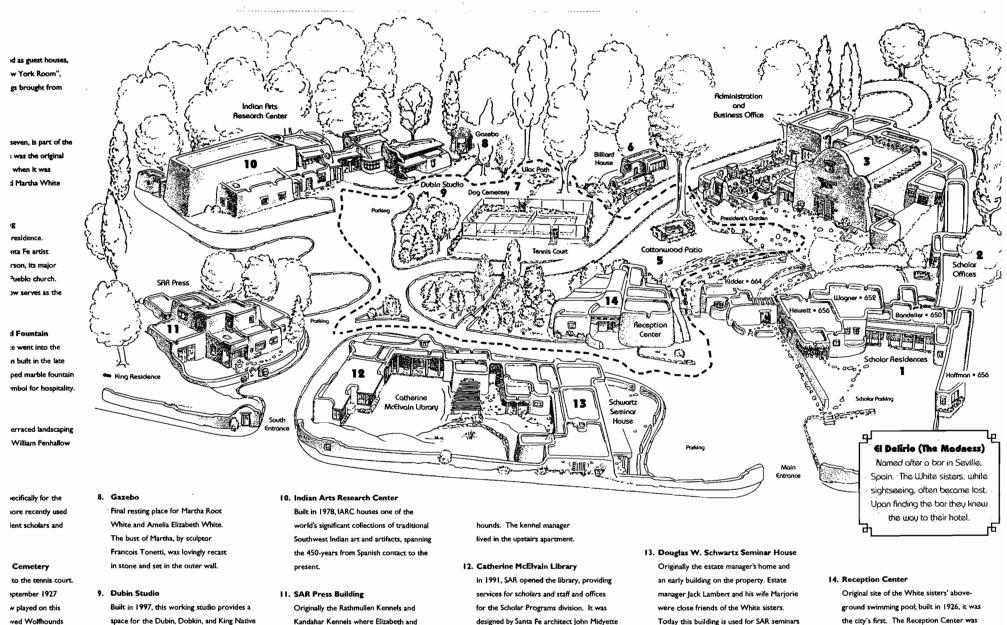
In the mid-1920s two wealthy New Yorkers, Amelia Elizabeth White and Martha Root White, the daughters of writer, newspaperman, and financier Horace White, built a delightfully eclectic estate on the edge of Santa Fe. Artist William Penhallow Henderson was hired to design and build their house and lay out the grounds.

El Delirio (The Madness) immediately became a gathering place for Santa Fe's lively community of artists, writers, anthropologists, and archaeologists.

Elizabeth was a member of the fledgling Indian Arts Fund, an organization set up to collect Southwestern Indian arts and crafts for the purpose of cultural preservation. The collectors eagerly embraced historic and contemporary Indian art.

The sisters were avid animal lovers and following Martha's death, Elizabeth gave the Santa Fe Animal Shelter to the City in her memory. She created the Garcia Street Club for children and donated a park (Amelia White Park) on Old Santa Fe Trail. Elizabeth's love of archaeology led her to bequeath El Delirio to SAR upon her death in 1972.

For more information read E/ Delirio: The Santa Fe World of Elizabeth White, by Gregor Stark and E. Catherine Rayne (SAR Press, 1998), and Peculiar Alchemy: A Centennial History of SAR 1907-2007, by Nancy Owen Lewis and Kay Leigh Hagan (SAR Press, 2007).



wed Wolfhounds ndividual markers.

Kandahar Kennels where Elizabeth and Martha raised Wolfhounds and Afghan

American artists-in-residence at SAR.

designed by Santa Fe architect John Midyette to blend with the older buildings on campus.

Today this building is used for SAR seminars and lodging for visiting lecturers and scholars.

the city's first. The Reception Center was built in 1999.

he Archaeological Institute of thool of American Archaeology in - Edgar Lee Hewett changed the American Research in 1917, and in on of president James F. Brooks, to the School for Advanced n Experience. In the more than Iding, the School has proved tent of modern archaeology and a promotion of Native American ons at Bandelier and Chaco of Spanish missions in New Research

School for Advanced

Mexico; from the establishment of the state's museum system to the creation of Indian Market; and from the careers of artists Maria and Julian Martinez to anthropologist Eric Wolf and writer N. Scott Momaday, the School's impact cannot be overstated.

Since 1973, SAR's campus has occupied the estate built by sisters Amelia Elizabeth and Martha Root White in the 1920s. The classic Pueblo Revival buildings and spacious grounds provide a tranquil environment for

scholars to write, researchers to gather for weeklong seminars, students to study amid one of the ions of Southwest Indian art.

Cover image:

Untitled, 2008, Jeffrey Gibson, Oil paint and spray paint on canvas.

2008 Dubin Native Arist Fellow jeffery Gibson



School for Advanced Research

celebrate, and improve the human experience in all its variety

A DOUG SAR

history and creative expression

"SAR gave me the opportunity to experiment and take my talents in new directions." —Robert Mirabal, 2004 Native Artist Fellow "I found the special environment created by the landscape, the welcoming community of SAR, my fellow scholars and artists, and the dramatic sky and weather incredibly conducive to my intellectual work."

The School for Advanced Research (VAR) grave operants to outs in the American Soundwest anthropology multiplication one

coprovide a dynamic environment for the advanced suffy and commune most at knowledge about human entities evolution

the discipline of anthropology, idvancing the recognition of Mative American artists and scholage, and iddressing critica

contemporary issues facing the world today. In the century to come, the School will continue to shape efforts to und

R celebrated its: 100th anniversary in 2007; in the century since its founding SAR its played an importance of each biomorphic

—Tiya Miles, 2007 Resident Scholar Fellow

Member field trip to Comanche Gap, Galisteo Basin



Research membership opens is about past and present peoples

bership Lecture series, eminent edge topics ranging from video amond mining in West Africa to ze. Our SAR Sparks talks feature New Mexico. Contemporary zentury Syrian-Lebanese immigrabersecution in Abiquíu are just make New Mexico's culture and urks and Lecture series provide cussion about our world and the

membership is the chance to join -scenes" field trips to interesting ral sites with exceptional guides. ps offer exciting opportunities to outhwest.

y free guided tours of the ndian Arts Research Center and npus, discounts on SAR Press ivileges at our vast library. Is receive additional benefits, ine, produced in partnership with unyons Association.

Fe, NM 87504 • (505) 954-7200 visit our award-winning website at

sarweb.org

#### **SAR Press**

For more than a century, SAR Press has published intelligent books on questions that matter. From scholarly works beginning in SAR's Seminar, Resident Scholar, and Native Artist programs to books of popular interest on the peoples and cultures of the American Southwest, past and present, the exceptional quality and importance of SAR Press publications are widely recognized.

SAR is also using new digital formats for teaching public audiences on topics of anthropological importance. An example of such recent outreach is *Southwest Crossroads: Cultures and Histories of the American Southwest*, an interactive, on-line learning matrix of original texts, poems, fiction, maps, paintings, photographs, oral histories, and films. This engaging resource allows teachers and students in grades 7–12 to explore the many contentious stories that diverse peoples have used to make sense of themselves and the region.

#### **Indian Arts Research Center**

Established in 1978, the School's Indian Arts Research Center (IARC) houses a collection of over 12,000 items of Native art of the Southwest including pottery, jewelry, textiles, paintings, sculpture, basketry, wood carvings, and drums. The collections and associated programs have made the IARC an outstanding cultural and educational resource for Native communities, researchers, scholars, and the public. With advance reservations, the collections are open for weekly docent-led tours.



e 2010 Campbell Resident Scholar Fellow Jamila Bargach congratulated by her coll es,

> IARC offers fellowship opportunities for Native artist residencies, student internships, and seminars and symposia that support the exploration and investigation of Native art, history, and culture topics. Since 1987, more than 3,000 Native American artists, elders, and schoolchildren have studied and been inspired by the IARC collections.

#### **Residential Fellowships**

SAR awards almost 20 residential fellowships each year to scholars and artists. Up to six Resident Scholar Fellowships are given each year to scholars who have completed their research and analysis in the social sciences and humanities and who need time during the academic year to reflect, debate, and write. Summer Scholar Fellowships are awarded to help advance smaller projects. Residential fellowships for Native American artists that include studio space, and nine-month internships for young Native scholars interested in museum or academic careers, are also awarded each year. All fellows are encouraged to use the resources of the IARC and the archival collections of the Catherine McElvain Library.

"I can think of no better place to think and write...This has been the most productive summer of my life." —Frank Korom, 2000 Summer Scholar

#### Seminar Programs

Seminars at SAR promote in-depth communication among scholars, artists, and practitioners who are at a

critical'stage of work on a shared topic and whose interaction has the potential to move research, theory, and practice forward with new insights into human evolution, behavior, culture, or creative expression. Each seminar consists of up to ten participants who meet at SAR's Santa Fe campus for three to five days of intense discussion. Participants appraise ongoing research or applied practice, assess recent innovations in theory and methods, and share data relevant to broad anthropological problems.

#### J. I. Staley Prize

SAR presents the J. I. Staley Prize to a living author for a book that exemplifies outstanding scholarship and writing in anthropology. The award recognizes innovative works that go beyond traditional frontiers and dominant schools of thought in anthropology and add new dimensions to our understanding of the human species. The annual prize carries a cash award of \$10,000.

#### **Catherine McElvain Library**

The library hosts a nearly 9,000-volume collection with a concentration in the history and theory of anthropology, Mesoamerican and Southwestern research, and supplemented by approximately 50 journal subscriptions. The library also houses an archival collection of papers related to the history of early twentieth-century New Mexico.



Advanced Seminar on "Street Econômies, Politics, and Social Movements in the Urban Global South" in discussion

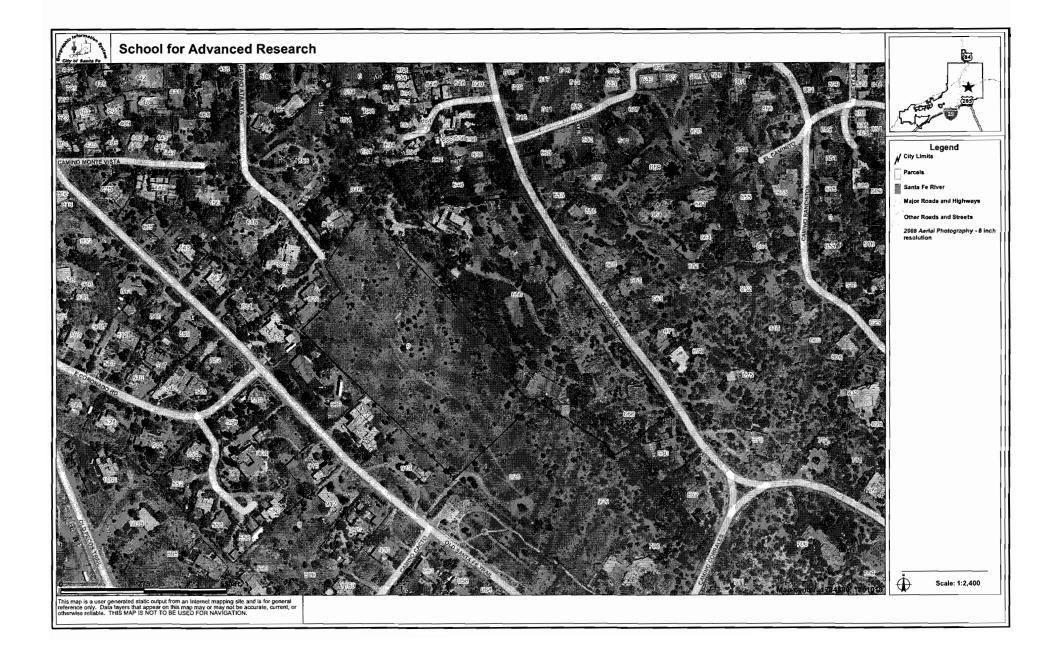
Edgar Lee Hewett, public domain photograph. All other photgraphs by Jason S. Ordaz.

Exhibit "S"

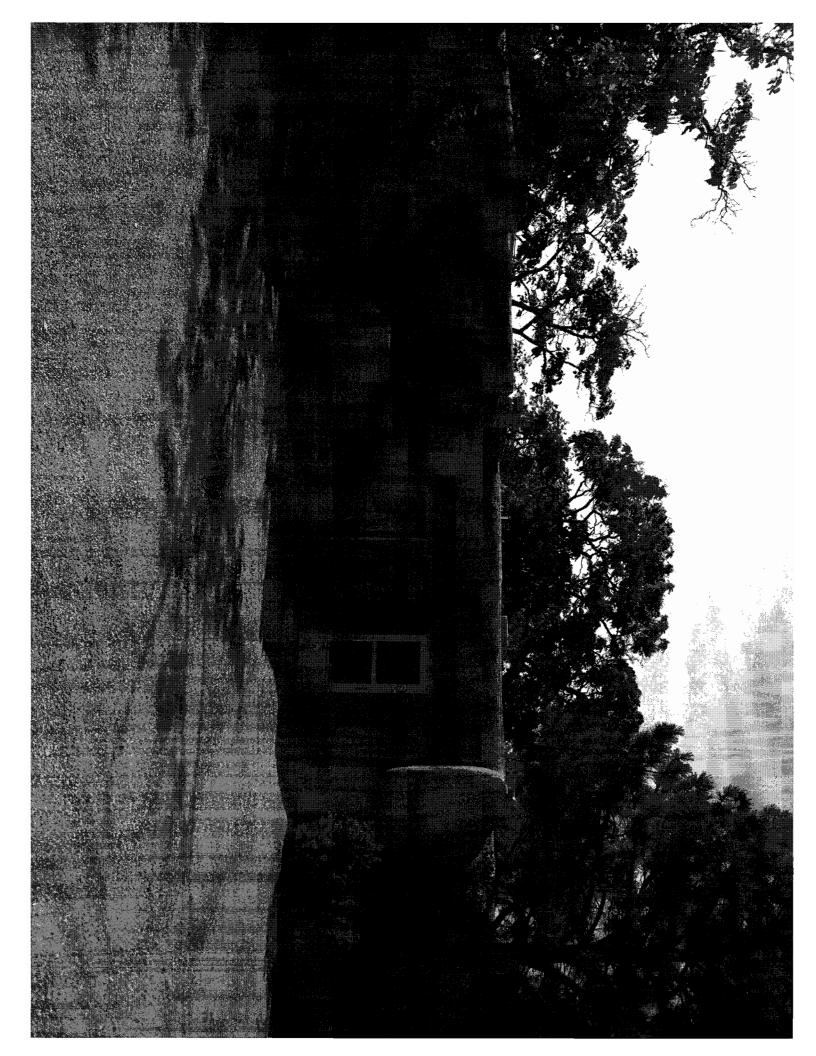
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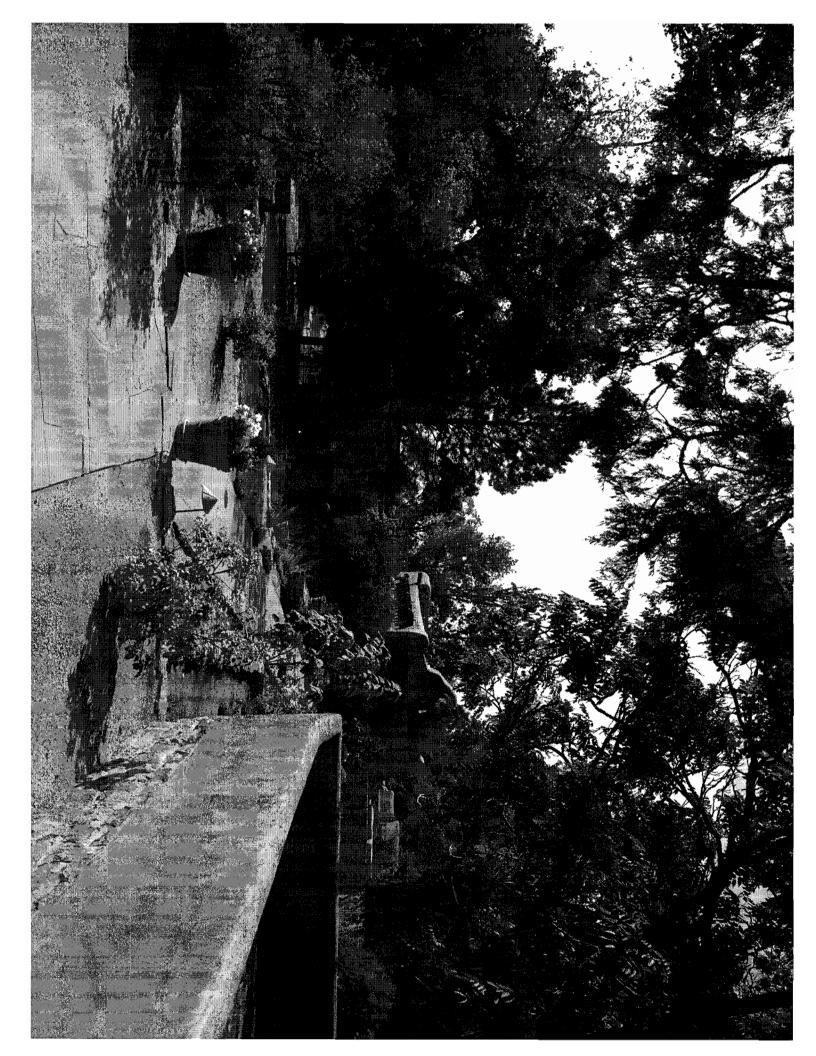
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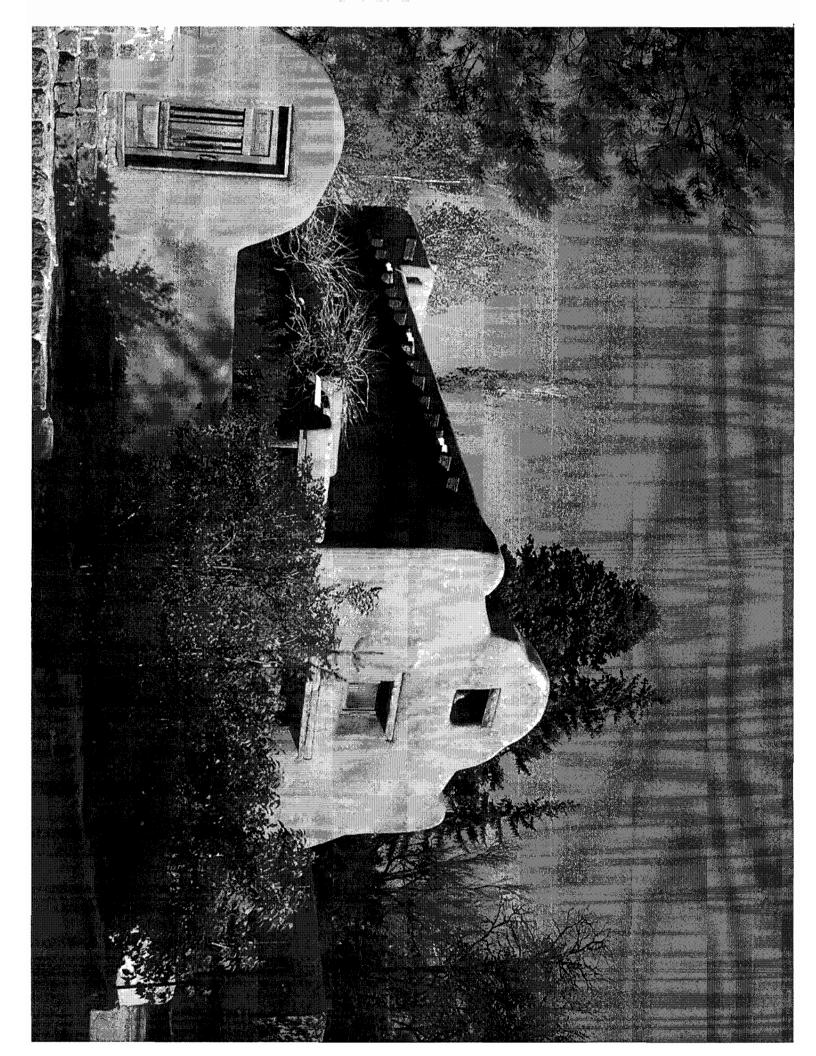
**Board of Adjustment Meeting** 



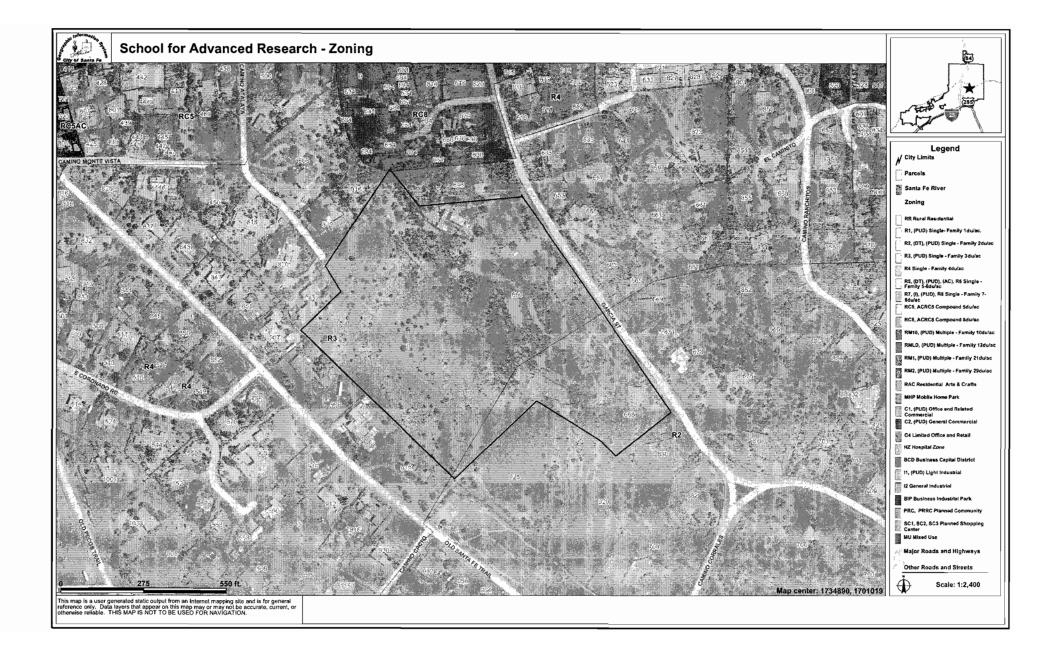


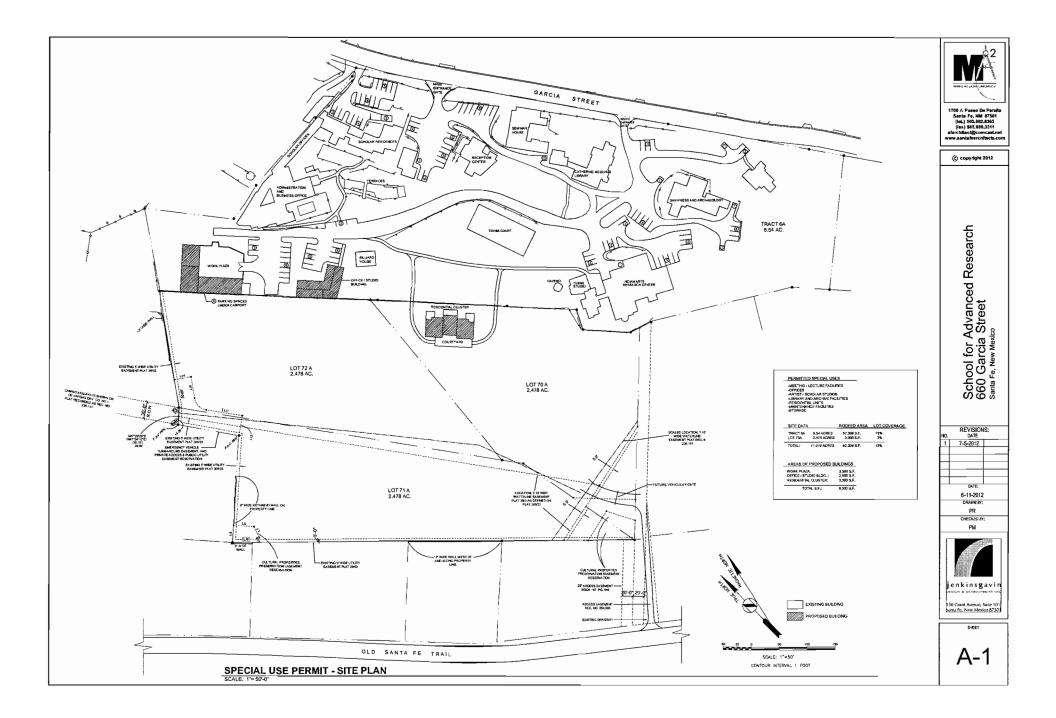


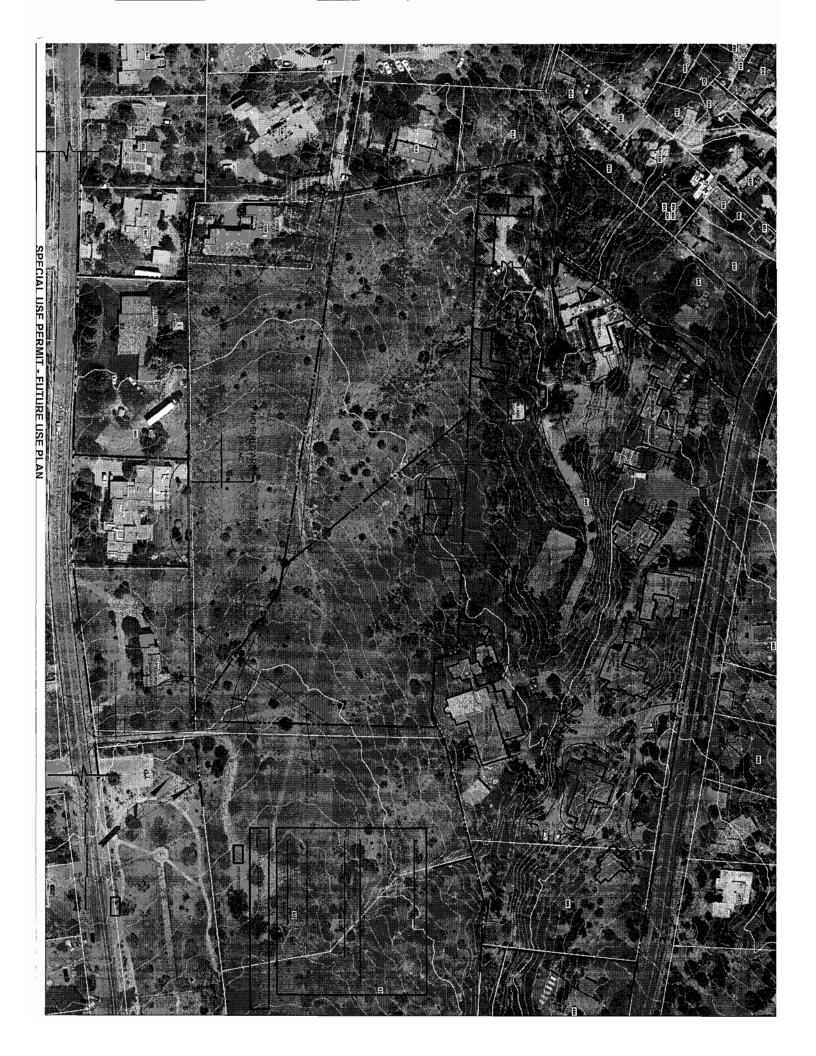


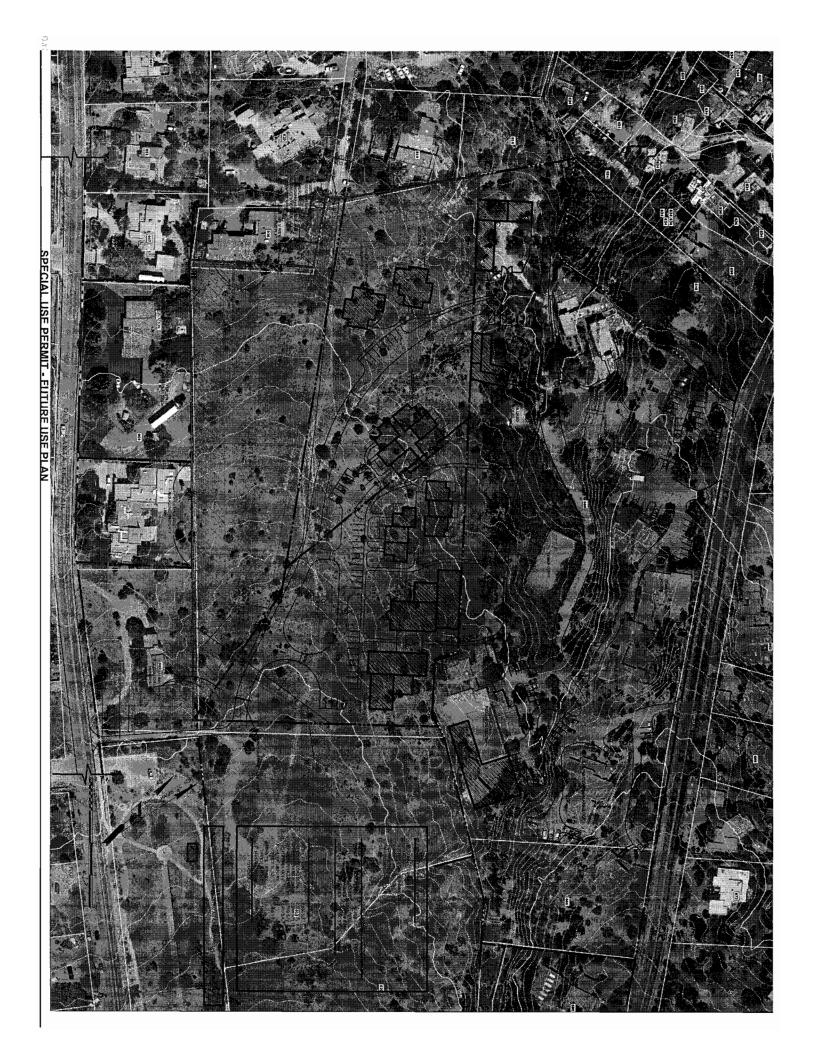




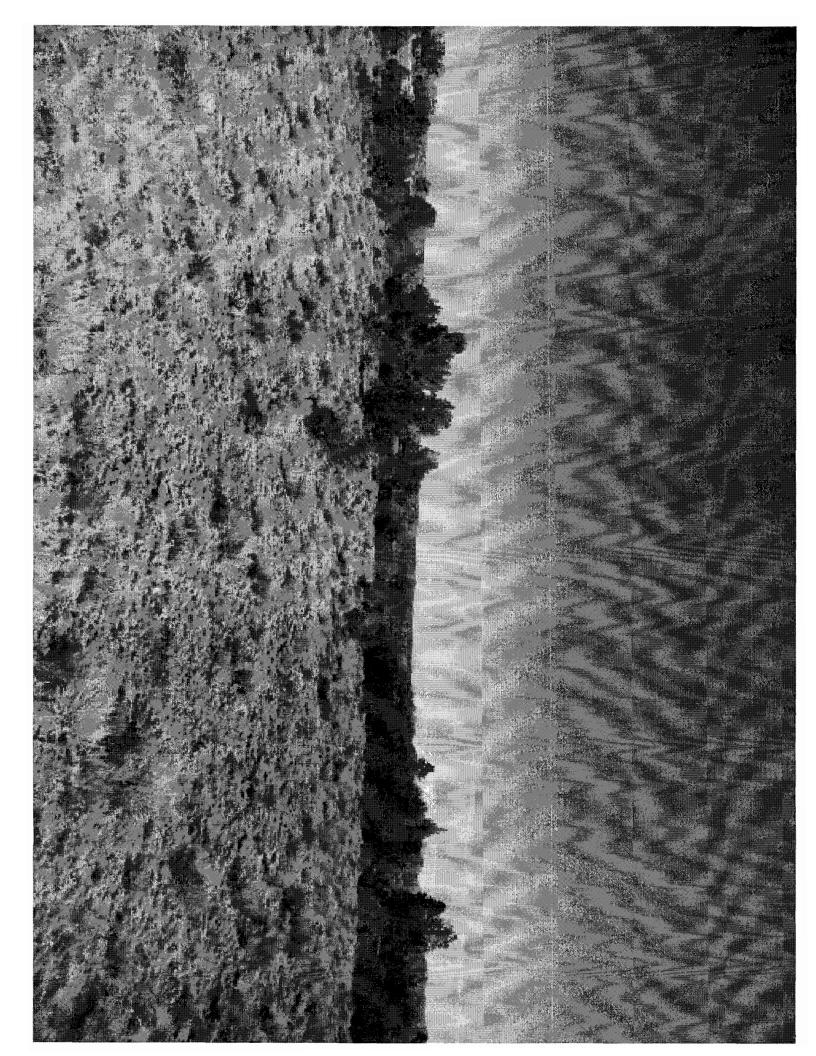


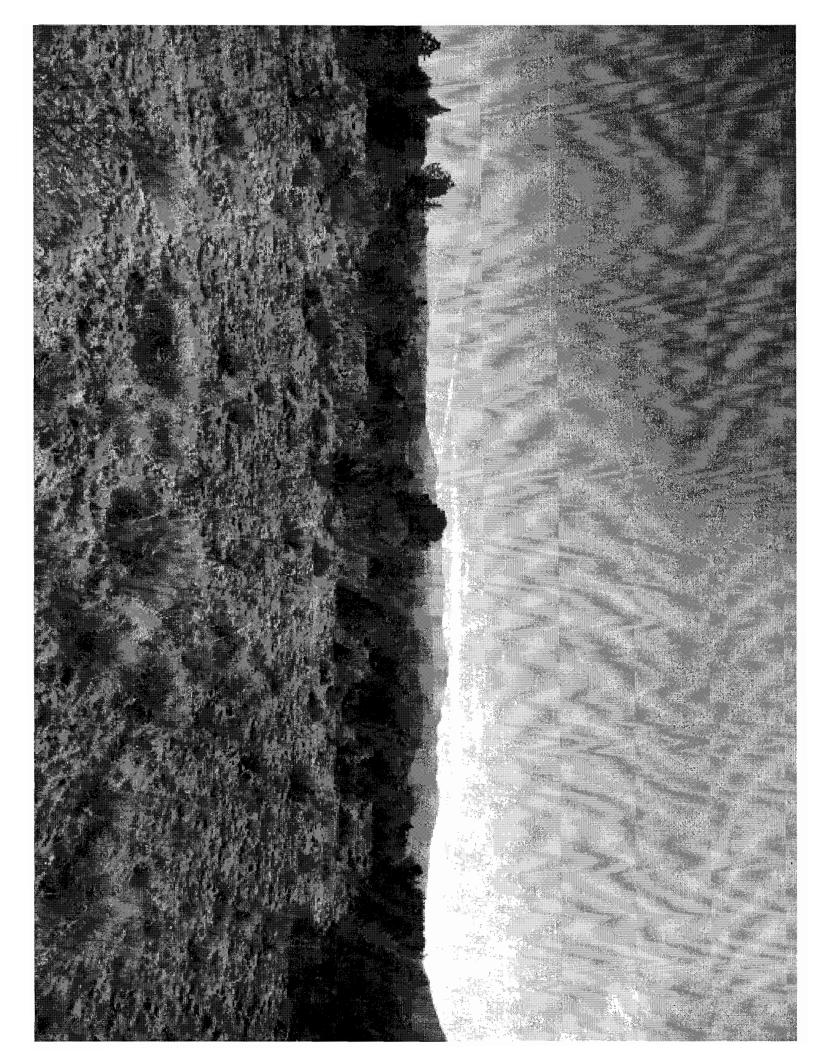


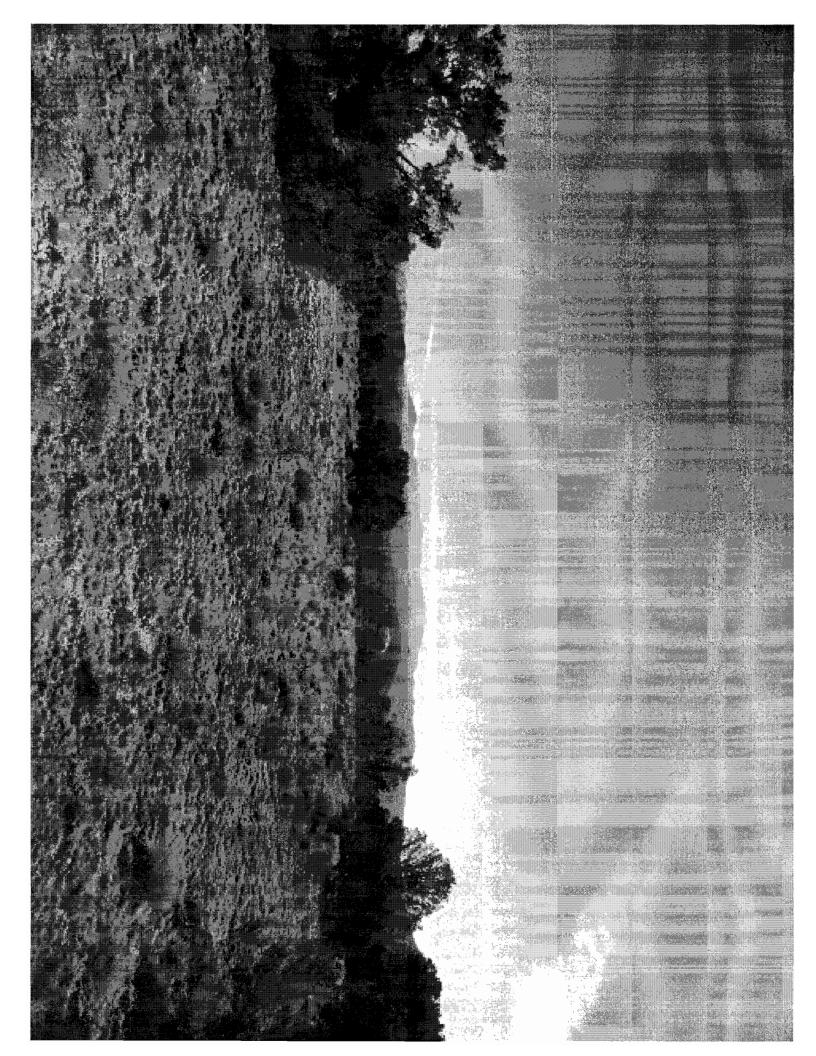


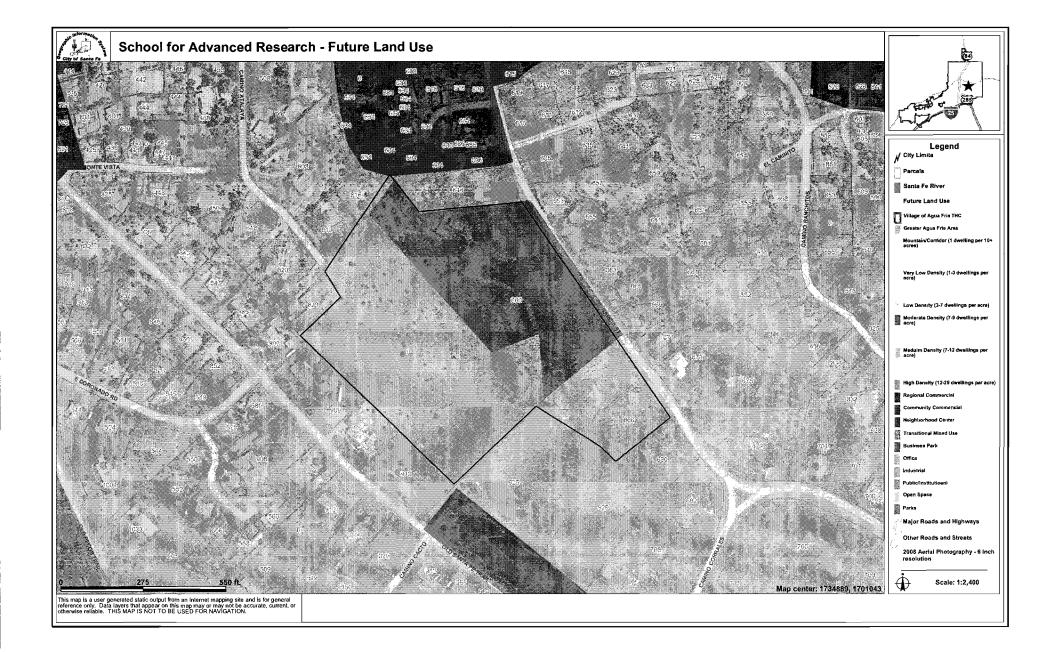


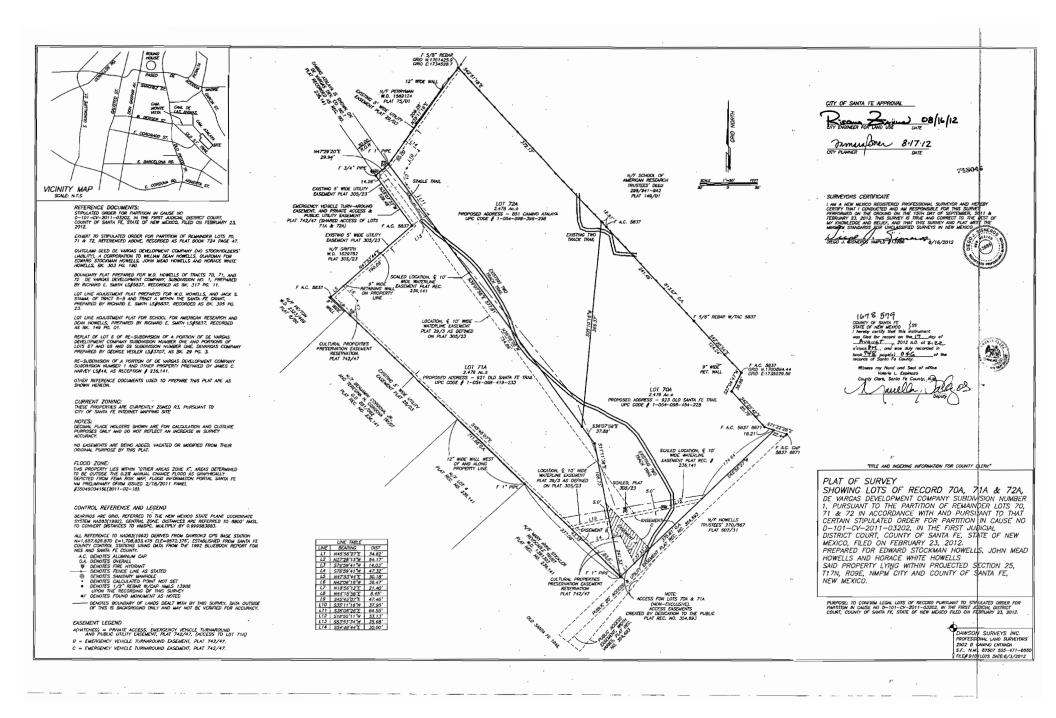












## What is a Museum?

#### **American Planning Association**

A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts for their own use. (*Newport, RI*)

An institution devoted to the procurement, care, study, and display of objects of lasting interest or value. (Truckee, CA)

A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects. (Concord, NC)

#### **American Association of Museums**

American museums are infinitely diverse. The AAM Code of Ethics for Museums notes that their common denominator is making a "unique contribution to the public by collecting, preserving, and interpreting the things of this world....Their numbers include both governmental and private museums of anthropology, art history and natural history, aquariums, arboreta, art centers, botanical gardens, children's museums, historic sites, nature centers, planetariums, science and technology centers, and zoos."

#### Merriam-Webster

An institution devoted to the procurement, care, study, and display of objects of lasting interest or value; *also*: a place where objects are exhibited.

### School for Advanced Research (SAR) Field Trip - August 21, 2012

Attendees:

BOA: James Brack; Alexandra Ladd; Monica Montoya; Pat Hawkins; Rachel Winston (arriving late)

SAR: Sharon Tison. Vice President for Finance and Administration

Applicant's Agents: Jennifer Jenkins and Colleen Gavin

City Staff: Bill Lamboy, Case Manager; Tamara Baer, LUD; RB Zaxus, City Engineer for Land Use; David Rasch, Historic; Jamison Barkley, CAO

Others: Karen Heldmeyer

Ms. Barkley, Assistant City Attorney, began the meeting at approximately 3:35 p.m. She advised the Board members to stay together; not discuss the merits of the case; ask questions of fact, primarily directed to staff.

Sharon Tison gave a brief history of the school, which began as the School for American Research in 1907. The name changed recently to indicate the broadened interests and support of advanced scholarship and the humanities. SAR moved into its current location in the early 70s when the property was left to the by the White sisters. There are typically 7 scholars in residence at any given time. They study and often are working on a book.

Ms. Tison then lead the tour of the property, including the exteriors of the Library and Seminar House; Indian Arts Research Center; Dog Cemetery; Billiard House; and the original home.

In answer to a question from a Board member, JenkinsGavin stated that there have been at least two Special Exceptions granted to SAR in the past: one for the Library/Seminar House and another for the Indian Arts Research Center.

Ms. Tison then showed the proposed locations of the work plaza, including the storage and work space building and the carport. These proposed structures were marked by story poles on the site.

Ms. Tison pointed out nearby residences at the northern edge of the property.

The group continued onto the undeveloped portion of the land, where Ms. Tison again pointed out story poles, all 14 feet in height from existing grade, and representing 2 proposed studios, and 3 to 4 offices. In response to a Board member question, she stated that the purpose of additional construction in this area was to increase the number of resident scholars by as many as 5, the number depending on funding.

Ethihit "6"

The group proceeded on to the top of the ridge, running north/south on the Howell tract, which SAR hopes to purchase and add onto the school property. Ms. Tison oriented the group to the location of the property in relation to Old Santa Fe Trail and to the existing SAR development. She explained that the Howells are the only descendants of the White sisters.

Ms. Tison pointed out the remaining story poles, which showed that any new structures would not interrupt the mountain views from existing residences.

In response to a question, Ms. Tison stated that the visible ruts at the top of the ridge were not trail ruts. She added that some ruts do exists on the property, but not in this location. Mr. Rasch added that those ruts are protected by archaeological easements.

The remaining story poles, Ms. Tison said, were showing the last anticipated phase of development, which would be for offices and/or residences. Ms. Tison then pointed out the arroyos on the property and spoke of the future and potential access points.

JenkinsGavin showed the group the approximate line of a proposed 50 foot setback from the backs of the existing properties on Old Santa Fe Trail.

In response to a question, it was reiterated that all story poles were set at 14 feet. Mr. Rasch said that he had done height calculations per the Historic ordinance and allowable heights varied from 16'-9" to 23'.

The group then toured the garden; main house, including the Director's Office, kitchen, and the 'Board Room' aka the party room of the Whites. The group met James Brooks, the Director, and then concluded the tour at approximately 4:30 p.m.

Ċĩty	of Samta Fe, New Mexico
	memo
DATE:	August 21, 2012
TO:	Board of Adjustment
FROM:	Current Planning Division
RE:	Additional Correspondence

The attached correspondence / documents are not in your August 21, 2012 Board of Adjustment packet. The correspondence is in the following order:

### <u>Case #2012-71</u>. SCHOOL FOR ADVANCED RESEARCH SPECIAL USE PERMIT.

- Email from Kelsey Daly Brown, dated August 20, 2012
- Letter from Dr. Corinne A. Kratz, dated August 17, 2012
- Letter from Malena Mörling, dated August 18, 2012
- Letter from Old Santa Fe Trail Neighborhood Association, dated August 18, 2012
- Email from Helena Ribe, dated August 20, 2012
- Letter from Kristin & Nancy Perryman, dated August 21, 2012
- "*Proposed Declaration of Restrictions*," JenkinsGavin Design & Development, Inc. received on August 20, 2012.

Ephiliit "7"

For the file and record.

Begin forwarded message:

### From: KELSEY DALY BROWN <<u>kdaly64@msn.com</u>> Date: August 20, 2012 4:23:51 PM MDT To: "James F. Brooks" <<u>jfb@sarsf.org</u>> Subject: Letter in Support of Application

Dear Dr. Brooks,

I am sorry I could not attend the hearing this evening on SAR's application for a zoning change to museum status. I am currently in route to take my oldest son to college but I did want to send you a note in support of the School's application.

I am a native Santa Fean and grew up in a neighborhood adjacent to SAR. As an adult I chose to move back to the neighborhood and now live on Garcia Street (709) and am happily again a neighbor to SAR. The place that SAR holds in the community of Santa Fe cannot be overstated. For 100 years SAR has been a quiet haven for scholars and artists to persue their work away from the hustle and bustle of university and daily life. The global impact of their programs is remarkable and I feel lucky to have such an an institution not only in Santa Fe but in our neighborhood.

Because SAR is only open Monday through Friday during the week and is only visited by a small number of people on a daily basis, I feel no impact from their presence. I am excited about the prospect of their acquisition of the adjacent property as I know the impact from their proposed plan will be significantly less than what the impact would be if the property were built out as is allowed for in the current zoning. I cannot imagine a better use for this property than as an addition to the SAR campus. I know that this institution will continue to be a unique and exciting part of the Santa Fe community and hope that you will consider their proposal positively.

Best regards,

Kelsey Brown

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Dr. James F. Brooks President & CEO School for Advanced Research Santa Fe, New Mexico www.president.sarweb.org

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### Dr. Corinne A. Kratz

Mailing Address P.O. Box 216 Tesuque, New Mexico 87574 Shipping Address 50 Palo Duro Santa Fe, New Mexico 87506

Email ckratz@emory.edu; Phone 505.820.0474; Mobile 404.805.0501

August 17, 2012

City of Santa Fe Board of Adjustment c/o Jenkins Gavin 130 Grant Avenue, Suite 101 Santa Fe, New Mexico 87501

Dear Members of the Board of Adjustment,

I cannot attend the Board of Adjustment meeting this coming Tuesday, August 21, 2012, but I understand that the agenda will include discussion about the application from the School of Advanced Research for a special use permit that would allow them to function within the category of museum. I am very familiar with SAR's work and programs, and am writing now to support their application and to provide further information about whether granting this permit would have any substantial impact for SAR's neighbors.

In 2004-2005 I was one of SAR's year-long scholars through an National Endowment for the Humanities fellowship. It was fortuitous that my husband and I had purchased a home in Santa Fe the previous year, and the presence, work and programs of SAR were a factor in our decision to eventually relocate here (which we did a few years ago). Since 2005 I have continued to participate in SAR activities and have been a mentor for some of SAR's other resident scholars. All this has given me a very clear sense of SAR's day-to-day activities and special events alike.

SAR's regular activities as a center for scholarly research and collections rely on creating a quiet, calm setting where researchers are able to concetrate on their work and gather in small groups for conversation and collaboration. The beautiful buildings and landscaping of the present SAR campus are central to this, and the same approach would carry over to any expanded campus in order to integrate it with the existing physical setting. SAR's events general little traffic – weekly colloquia do not draw large crowds, advanced seminars are limited in participation and mostly include scholars who have traveled to Santa Fe from elsewhere (thereby introducing people to Santa Fe who might well come back to visit). The larger public lectures are currently held at the history museum to be most convenient for those interested, and only occur about 6 times a year. Visits to the collections at the Indian Arts Research Center are by appointment, and concentrated to once weekly tours. Again, this does not involve large numbers of people or heavy traffic. Occasionally SAR may hold a special event on campus that

includes music -- for instance when the Board meets -- but the music is typically a small folk or classical ensemble, nothing highly amplified or loud. In fact I was there one time when such an event was happening and the music could barely be heard at the other end of campus. Traffic associated with such occasional events would be the equivalent of a neighbor having a party.

I have heard that some people who live in the general SAR area are concerned that the special use permit could introduce disruption. My own sense is that SAR will continue to be a wonderful, quiet, and cooperative neighbor, as it has been for over 100 years now. The presence of SAR promotes a quiet atmosphere and would be much more favorable for those already living there than if a housing development or large group of individual homes and entry roads were to break up the current SAR campus area and connecting land. Supporting the future development of SAR is an excellent way to support Santa Fe itself as a liveable, welcoming city with excellent cultural resources that help sustain its resident population and draw visitors and new residents to the city.

SAR and its programs provide an important resource for Santa Fe. Personally I have been able to develop professional relations and friendships through their programs and visiting scholars, and SAR has offered important sustenance for my work through their activities. I fully support SAR's application for a special use permit that will facilitate their ongoing work and activities, and urge you to approve it. Please feel free to contact me if I can provide further information.

Sincerely yours,

Corinne A. Kratz

City of Santa Fe Board of Adjustment c/o Jenkins Gavin 130 Grant Avenue, Suite 101 Santa Fe, New Mexico 87501

August 18, 2012

Dear Jenkins Gavin,

My name is Malena Mörling and I am writing to support The School for Advanced Research in their effort to obtain a variance so they can expand, by acquiring land west of their current location.

I was invited to be a writer in residence at SAR in the fall of 2007, after I received a Guggenheim Fellowship, and a sabbatical from my position as Associate Professor of Creative Writing at The University of North Carolina. I arrived in the summer of 2007, and have been in residence on and off ever since. Last school year I was in residency full time thanks to having received a Lannan Literary Fellowship. In fact, our choice to relocate our whole family to Santa Fe is in large part to the generous, respectful and kind community of scholars and staff at SAR.

As a writer, I need monastic silence in order to work. I have never experienced a place, a community more tranquil than the campus of The School for Advanced Research. Not only does the beautiful, impeccably kept campus reflect a sensitivity and respect for the landscape that is rare, but it is also designed for scholarly work and reflection. The SAR campus is an oasis for scholars, and in terms of a quiet community in Santa Fe, it is unequaled.

If I had a residence bordering the proposed, expanded SAR site, I would be immensely grateful for such a quiet and respectful, prospective neighbor. I can honestly say that all the people who work at SAR, from the President to the administrative staff to the landscaping staff are all exceptionally kind and respectful.

I am sorry I will not be able to attend your hearing in person, but my semester starts in North Carolina on Tuesday the 21st of August. If you have any questions, I am happy to speak with any board member or concerned resident. SAR is a wonderful and caring community and I can't imagine having a better neighbor.

Sincerely,

Malena Mörling SAR Research Associate Cell phone: 910 297 3645

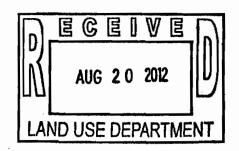
## Old Santa Fe Trail Neighborhood Association

### August 18, 2012

Gary Friedman, Manager Santa Fe County Board of Adjustment c/o Daniel Esquibel, Land Use Senior Planner 200 Lincoln Avenue Santa Fe, NM 87504

Subject: Proposed SAR Expansion Re: SAR Special Use Permit, Case Number 2012-71 OSFTNA Position & Conditions of Approval

Dear Mr. Friedman and Members of the Santa Fe Board of Adjustment:



The Board of the Old Santa Fe Trail Neighborhood Association has thoroughly reviewed the SAR proposed expansion project and listened closely to what they reference as "their intentions" for the phased project development. The OSFTNA Board has taken into consideration the comments, desires, concerns and conditions of approval from residents in the Old Santa Fe Trail District. Representatives of the OSFTNA board have attended all meetings, called special meetings, responded to communications from individual property owners, and issued specific invitations to the neighborhood residents to submit comments (in any form) and inviting them to offer specific conditions they would like to apply to the SAR application. We have received copies of "Conditions of Approval" from several property owners. Therefore we are submitting an Association statement that represents what we have taken away from all of those sources and representing also the position of the Association Board.

We have directed much of our focus on the comments and conditions of those residents who own property adjacent to the SAR property and are legally entitled to defending and upholding the De Vargas Covenants and the restrictions to development stated therein. Copies of letters to the City from various Owners of property adjacent to the SAR property are attached hereto i.e.: Peyton George- 919 Old Santa Fe Trail; Mary Anne Stickler -650 Camino Lejo; Roger Griffith Jane Griffith- 82 Camino Atalya

The Old Santa Fe Trail Neighborhood Association herewith submits an Association statement that represents what we have taken away from all of the above referenced sources and furthermore representing the position of the Association Board and "Conditions of Approval" for the proposed SAR expansion and request for an exception from the BOA

 OSFTNA Position: The covenants should be upheld. However, the purpose of the covenants were/are to keep the present zoning and to preserve the character of the neighborhood. Upholding the covenants means upholding those <u>collective</u> values and laws. The covenants were established to protect and preserve zoning and character of the neighborhood, not as a tool for individual landowners to use to adjust its provisions. The covenants were not intended as a source for individual profit. Thus the Association should/would object to any individual property owner making a deal with SAR or any other party, including Dean Howells, which would vitiate the *original intent* of the covenants which were/are intended to preserve the character of the (whole) neighborhood.

## **OSFTNA Conditions of Approval**

- SAR has been open about its stated "intentions." Those "intentions" must now be *codified* <u>in writing</u> as conditions of approval for its application to the Board of Adjustment.
- Request SAR to state <u>in writing</u> that they have no side deal, formal or informal, with Dean Howells that would in any way challenge, change, amend or otherwise modify the existing provisions of the covenants and zoning on that third parcel of the land owned by Howells and not mentioned in SAR's proposal to the Board of Management. Without such a statement from SAR, we would seriously consider objecting to their entire proposal.
- SAR should state in writing that it will be obligated to give ENN and come to the neighborhood for each of the stages of its proposed long term plan before seeking approval/adjustments from the City.

## **Additional Special Conditions of Approval**

- 1. limitations/elimination of an OSFT entrance
- 2. No entrance from Camino Atalaya

3. Height limitations (saying "one story" is ok, but given that some of this land is in the HRD, which allows much higher heights than the D/EHD, an actual height in feet or a proviso that buildings will not be visible from certain points is requested to be in included as a Condition of Approval.

4. No buildings on the southern part of the Howells property

5. Architectural details should be provided for review before approval and should be in keeping with the existing architecture in the neighborhood as also addressed in the De Vargas Covenants.: all "pueblo revival", "residential feel", scale, massing, etc

- 6. Adequate on-site parking for public events
- 7. Traffic impact study as part of any development

8. SAR stated they will limit themselves to "existing activities". These should be stated in writing and defined.

9. Since they want to put their maintenance shop at the top of a drainage that goes right into the neighborhood, adequate protection from industrial runoff (more than is required in city code) needs to be provided.

10. Protection of important landscape, historical, or archaeological features must be maintained and a part of the proposed development plan; to include the ruts and any old or important trees.

Thank You in advance for including the foregoing "Position" of the OFTNA and stated "Conditions of Approval" in your review and approval of the requested Special Exception requested by SAR for the proposed expansion.

Sincerely,

William PC Deuschle President For: OSFTNA

cc: file, Board of Directors OSFTNA Gary Friedman, Manager Santa Fe County Board of Adjustment Daniel Esquibel, Land Use Senior Planner Matt O'Reilly, Land Use Department Director Jennifer Jenkins, Jenkins and Gavin Coleen Gavin, Jenkins and Gavin Mayor David Coss City Manager Robert Romero Councilor Rebecca Wurzberger Councilor Peter Ives

#### LAMBOY, WILLIAM A.

From:	Hillary Welles [hillary@jenkinsgavin.com]
Sent:	Tuesday, August 21, 2012 10:18 AM
То:	LAMBOY, WILLIAM A.
Cc:	'Jennifer Jenkins'
Subject:	SAR Letter of Support

-----Original Message-----From: helena ribe [mailto:hgribe@gmail.com] Sent: Monday, August 20, 2012 5:45 PM To: Colleen Gavin Cc: Hillary Welles Subject: Re: Support Letters Attached

City Of Santa Fe Board of Adjustment c/o Jenkins Gavin Santa Fe, NM

To Whom it May Concern:

I am writing on behalf of The School of Advanced Research in their effort to obtain a special use permit that would allow them to function within the category of museum. I understand their intention is to expand their land and activities in a moderate way, within the good community spirit that they have maintained since they moved to their current location. I have lived across the street from SAR during thirteen years and really treasure having them as my neighbors. I admire their mission to be a research community devoted to scholarship and thoughtful academic life and know that our city and lives are enriched by their presence. I benefit from some of their neighbors. In my view, continuing to have SAR across the street is much preferable to the option of expanded housing development in that area. I will not be able to attend the hearing in person, but would be happy to speak with any Board member or concern resident if they have any guestions.

Helena Ribe 665 Garcia Street Santa Fe 984 2840

### Exhibit F (Letter of Support)

August 21, 2012

#### VIA HAND DELIVERY

Board of Adjustment City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

Re: Case No. 2012-71 School of Advanced Research Special Use Permit

Dear Members of the Board,

We are the immediate neighbors of the School of Advanced Research ("SAR"). We understand the application, and SAR has addressed our concerns. We are in support of SAR's application for a special use permit.

Unfortunately, we are unable to attend tonight's meeting, but, Karl H. Sommer, will appear on our behalf and make a brief presentation on our behalf.

Sincerely. un ma man

#### PROPOSED DECLARATION OF RESTRICTIONS

The SCHOOL FOR ADVANCED RESEARCH, a New Mexico nonprofit corporation, is the owner of the land described as Lots 70A, 71A and 72A (the "Property"), as shown on the plat of survey which was recorded in the Office of the Clerk of Santa Fe County, New Mexico on February 29, 2012, in Plat Book 742, at Page 047, as Instrument No. 1661846.

The School for Advanced Research hereby declares:

1. No structure except utility lines, drainage facilities, and improvements for ingress and egress (including directional signs not to exceed six feet in height) shall be built within fifty (50) feet of the southwestern boundary (generally parallel to Old Santa Fe Trail) or the northwestern boundary (generally perpendicular to Camino Atalaya) of the Property. The area subject to this restriction is generally shown on the attached illustration, which is not a survey.

2. Structures anywhere on the Property are limited to a single level above grade and shall have a height no greater than that permitted by Santa Fe City ordinances, including Historic District overlay ordinances, even if a variance permitting a greater height is granted.

3. The foregoing restrictions shall be effective on recording of this Declaration and shall remain in effect for a period of twenty-five (25) years from the date of recording.

4. The foregoing restrictions shall run with the land and shall be binding on the School for Advanced Research and its successors in interest, if any, with respect to the Property or any portion thereof. For as long as these restrictions are in effect, they (or either of them) may be enforced by the owner of any land which has a common boundary with the Property.

#### SCHOOL FOR ADVANCED RESEARCH

By \_\_\_\_

James F. Brooks, President and CEO

STATE OF NEW MEXICO	)
	) ss:
COUNTY OF SANTA FE	)

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The foregoing instrument was acknowledged before me on \_\_\_\_\_\_, 2012, by James F. Brooks, President and CEO of the School for Advanced Research, a New Mexico non-profit corporation, on its behalf.

Notary Public

My commission expires:



### Exhibit F (Letter of Support)

August 21, 2012

#### VIA HAND DELIVERY

Board of Adjustment City of Santa Fe 200 Lincoln Avenue Santa Fe, NM 87501

Re: Case No. 2012-71 School of Advanced Research Special Use Permit

Dear Members of the Board,

We are the immediate neighbors of the School of Advanced Research ("SAR"). We understand the application, and SAR has addressed our concerns. We are in support of SAR's application for a special use permit.

Unfortunately, we are unable to attend tonight's meeting, but, Karl H. Sommer, will appear on our behalf and make a brief presentation on our behalf.

Sincerely. ten ma man

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## STATEMENT FROM ELIZABETH B. ROGHAIR, CPA

The common denominator for American museums (AAM) is that they make a "unique contribution to the public by collecting, preserving, and interpreting the things of this world". Museums come in many forms. I worked for one very special one, the Botanic Garden in Chicago. SAR is another very special one, which my husband and I were delighted to discover when we moved to Santa Fe. We heard about it from friends - this is an institution which works intimately and privately and is not part of the on the tourist circuit attracting large crowds. We have other museums here that fit that description - not SAR.

We are members and supporters of SAR and have enjoyed the chance to participate in occasional educational programs, meet visiting fellows, and to take part in their weekly private tours of their collection and campus. Soon we will be participating in their field trip to the heart of Hopi in Arizona.

I am here to say that SAR is an exceptional institution - bringing together artists and scholars, Native Americans and those from many other cultures of the world. It benefits the greater community by sharing knowledge, encouraging inquiry and understanding of our culture and our history. Its collections, its publishing activities and its library are noteworthy.

As a CPA, I am always drawn to want to understand the finances of the organizations I support. I look for two things in particular: a strong balance sheet and the ability to attract the resources to fulfill an organization's mission (that means, to raise money).

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SAR is good at both. They have over \$30 million of assets and almost no liabilities. 90% of those assets are financial assets - their exceptional collections aren't even on the balance sheet. I've also discovered that they have loyal supporters both here in Santa Fe and beyond. SAR is known nationally -- in fact one of their greatest sources of significant grants is in the upper Midwest. It's their mission and their skill at executing their plans in support of that mission that enable them to have the resources to carry out the plan described in the Special Use Permit Application.

Their request for a museum designation makes sense to me, and I am here to support it. SAR has the resources and the leadership to carry out the plan they are presenting, and they have the wherewithal to finish what they start. SAR is a gem for Santa Fe, and treads lightly on its landscape. The museum designation will strengthen SAR, and keep it in our midst. Strong non-profits like SAR strengthen their communities. This is a worthy application and I ask you to approve it.

Elizabeth B. Roghair, CPA 34 Monterey Rd Santa Fe, NM 87508 IRWIN AND MAYA HOFFMAN 646 GARCIA STREET SANTA FE, NEW MEXICO 87505

August 21, 2012

Gary Friedman, Chair Board of Adjustment City of Santa Fe 200 Lincoln Ave. Santa Fe, New Mexico

> Re: School for Advanced Research Application for Special Use Permit Case No. 2012-71

Dear Mr. Friedman

This will serve to confirm that we have reached an agreement with the School of Advanced Research regarding our concerns with the proposed work plaza. Because our concerns have been addressed to our satisfaction, we do not oppose the school's application for a special use permit.

Irwin Hoffman

Maya Hoffmar

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X pg. 124-125

S. They the plaintiff is the onder in few simple of the property described in the sample in herein, a particularly keysing they described · particularly hard

From the foregoing findings the dourt concludes as matter, of he that the plaintiff berein. Eatherine I. Chapman, is entitled to judgment glieting has five to the property described in the complaint berein and bereinefter described, equinet the tiging of the defendants and each of them.

DEREMPIE, 17 is ORDERED, ADJUNCED AND DECEMBED AND IF IS THE JUNCHING OF THE COMET that the timle of the Limitiff, Katherine A. Compane, in the to the following described primises, situate in the County of Sante Fe. State of Law Maximum, to will

Beginning at a point on the south side of the Contino del Acceptin Medre, some-times malled manhattan Orrest, in the Offy and Gounty of Manta Fe, Ken Mexico, at a point on the south bank of the said Meaguin Medre from which said beginn-ing point in the south bank of the Martyre bears north 18"57" west and the flagpels on the done of the Capitol Building bears north 38"57" west and the flagpels on the done of the Capitol Building bears north 58"57" west, theree from mid be-ginning coner north 54"56" east along the south bank of mid Accquis Medre 50 ft, to a point; therees north 59"58" east along the south bank of said Accquis Medre 50 ft, to a point; therees north 59"58" east along the south bank of said Accquis Medre matrix 160,02 ft, to's point as the west side of Felgade Streed, as automade, next the west enth 51"6" was along the south Medre on Delgade Street; thenes much 51"6" was along the west side of Delgade Street, 25,10 the south Street 15 and Street 50,05 the south 51" 51" these hast in wast end of the brings the west side of Delgado Street, 25.10 ft.; thence south 01°28' west along the west side of Delgado Street 278.64 feet to the south-east corner of the property barein described; thence morth 64°18' west 115.08 feet to the southmest corner of the property barein described; thence morth 01° 53' east 566.00 feet; thence morth 86°05' west 15.6 feet; thence morth 01° 53' east 566.00 feet; thence morth 86°05' west 15.6 feet to the place morth 2°00' west 58.8 feet; thence morth 5°00' east, 54 feet to the place and point of besinning.

ginning; being and intended to be the sume property described in that pertain decrees en-tered in the Fistrict Court of Bents Fs County, State of Mew Mexico, deted April 16, 1985, wherein Esthering M. Chapman was plaintiff and the beirs of Barkel. Gartels, decembed, and others were defaudants; and being Cause No. 11000 on the docket of seid mourt; and in that certain final decree entared in the Matrint Court of Santa fe Gounty, New Marico, dated Jan. SL, 1881, wherein Katherin A. Chapman was plaintiff and the heirs of Matkel Cardin, decembed, and others, wert defendants, and being Gauss Fo. 6671 on the decket of maid centry and including in addition to the property described in and two shows mentioned decrees, the property described in Quitolaim Deed dated Yeb. 16, 1930, between Jos Martinez and others, parties of the first part, and Epitanic Garcia, party of the second part, recorded in Book V at page 468 of Marcellarscow Records in the office of the County Clark of Santa Fe County, Hew Marico.

be and the same hereby is forever unleted, established and set at rest egainst ary and all adverse claims of the defandants herein, and each of them; and that said defendants and each of them be and they hereby are forever herred and setopyed from heving or claiming any right, title of interest in maid premises adverse to the plaintiffg.

ht Santa Fe. Err Herrico, this 15th day of September, 1950.

(Sid) Reed Holloman District Funge, 

State of New Mexico )

County of Santa To

I. M. C. Safford, County Clark and En-Officio Clark of the District Court of Santa Fe County, State of Hem Maximo, do hereby certify that the above and foregoing 32 pages of typewritten matter is a true and certest marbon copy of the Final Beares entered in cause #15763 on the docket of the District Court of Santa of Fe County, New Marico, on the 15 day of Sept. 1930, as the same remains on file and of record in my office.

. and .

(Dist. Gt. Seal)

N. C. Saffort County Clerk and En-Officio Clerk of the District Court Sents Ps County, New Maxico.

#### MARPARTY DEXD

404.69 STATE OF NEW MEXICO

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THIS INDEXING, made the 13 day of September, in the year of our Lord one Thousand Mine Hundred and Thirty, between De Pargas Development Company (No stockholders' Linblicy) a corporation, or Santa Fe, We Man. Joo, party of the first part, and Amelia K. White and Martha R. White; of New York City, Hew York, parties of the second part. The second discover and the second party of the first part, for and in con-sideration of the second party of the first part, for and in con-sideration of the second part, for and in con-sideration of the second part, for and in con-sideration of the second part, the result inder of the United factor is the first built of the second part, the result inder is hereing paid by the said parties of the second part, the result inder the second part, the contained and cohored distant of the second part, the result inder the second part, the contained and cohored distant of the second part, the result inder the second part, the contained and cohored distant of the second part, the result is built for contained and cohored distant of the second part, the result is built for inset inder released and discharted the second part, and the second part, for inset inder released, converged, allowed, and the second part, second parts the second part, bargain, coll, remine, released, second part, and to the first part is second to make grants bergain, the second part, and to the first parts, issign or ma-second and real second part, for and the second part is and the second part is and being in the Second of Second the Maximum (to the first parts, indice of the second parts).

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Tagether with all ad singular the herefitzments, inde, Supruchs, and appurturances theremate belonging or in any vice appartaining and he reversion and invariants, remainder and runninders, rests, issues and pro-the thereaft and all the sectors, right, titles, intervents, alaim or Samid mathemate, of said party of the direct part, either in ins or equity, or, in and to the above bargeined prodient, with the bereditments and appurturances;

TO MAYE AND TO MDLD the said presides there hargeined and described, with the appurtenances unto the maid parties of the second part, their bairs, answerers or samigne, forwar; subject, however, to the following express sevenants and agreements: 

FIRST: That as building whateves askept a private dvalling house with the accessery outbuildings, including a private stable and garage, shall be areated, placed or permitted on said premises or any part thereof, and end dvalling house permitted on said premises shall be used as a private residence only and shall cost and be reasonably worth act less than fir Thousand (\$5,000,00) bullars, erabading the sect of the necessary outbuildings, and shall be less than firty (50) fest distant from the outer edge of any strents, public read or higr y now askablidded, and no subbuilding shall be built or located closer than firty (50) fest from the outer edge of any strent, public road or higney now established; and said dwalling house and newsamp outbuildings and he is the style or from or appearance know as the Oid Santa for preshadering outbuildings of any street, public road or appearance know as the Oid Santa for the present of from the outer edge of any street, public road or appearance know as the Oid Santa for or rushin-dependent of architecture; so willboards or advertising signs shall be averted or placed on mid pressure; and no withuill or similar machinery or structure shall be averted, placed or permitted on mid premises;

SECOND: That no contevence shall be made or granted of said promises, or any part thereof, to any person of persons of African or Oriental descent.

IT IS UNDERSTOOD AND AGENED that said covenants on the part of the grantees herein, shall attach to and run with the land hereby conveyed, and the party of the first part, or any owner of adjacent or ebut-ting premises, shall here the right to enforce compliance with said covenants by injunction, or other legal proceedings, and in case the maid parties of the second part, their heirs and assigns, shall pressed in the violation of mid covenants, after notice of provises, the tills hereby granteed shall present in the said party of the first part, its in the said party of the first part, its aneressors and assigne, and the said previous that first part, its meetsacre or assigns, shall be entitled to the immediate passession of said premises.

And the moid party of the first parts, for its successore and assigns, doth covenant, grant, bargain and agree to and with the parties of the second part, their heire, executors, shinistrators, successors or assigns, that at the time of the successory of these presents it is well estued of the premiese boys conveyed as of a good; sure, perfect and indefensible estate of inheritance in law in fee simple and has good right, full power and lawful authority to grant, bargain, sol, and course the main in the simple and has itoresid, and that the mass are free and clear from all former and other grants, bargains, sales, liens, is assessments and incumbrances, of what kind or nature scorer; and the above bargained premises, in the goid right for parson and persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and all warrant and forware defend.

IN WINNESS WHERE the said party of the first part has hereunto caused its name to be signed and its seal affined on the day and year first above written.

(SEAL) ATTEST: Frances G. Wilson Sourstary.

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> DE VARGAS DEVELOPHENET COMPANY (NO STOCHEOIDERS' LIABILITY) Dy Amplie 2. White President

State of Her Merico .). -86 County of Santa Te

On this 15 day of Gestenber, 1950, before me appeared Amalia E. White, who being by me duly smorn, did may that she is the President of the De Vargas Development Company (We Stockholdars' Liability), a corporation, and that the seal affined to the foregoing instrument is the corporate essl of said company and that said instrument was signed and sealed on babil of said corporation by subboyloy of its Board of Directors and said Amalia E. White acknowledged the foregoing intrument to be the tree act and deed of said corporation.

IN WINNESS MARINESS, I have hereunto wighed my hand and affired my official seal the day and year in this certificate first above written .

Ph.

(Notarial & wil)

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Jy commission expires: July 11, 1935. 

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A. Contract

Home > About > Mission

## Mission

The School for Advanced Research provides a dynamic environment for the advanced study and communication of knowledge about human culture, evolution, history, and creative expression.

SAR draws upon its century-deep roots in the American Southwest, anthropology, and indigenous arts to present programs, publications and initiatives that impart the learning of social scientists, humanists, and artists to inform the thoughts and actions of scholars, artists, educators, and the interested public.

# **10 Year Vision Statement**

SAR illuminates questions of fundamental human concern through research and dialogue among exceptional social scientists, artists, and humanists. We provide them with increasing opportunities to exert significant influence on academic, professional and public audiences through discourse, publications, and emerging communications technology.



View of the President's Garden

SAR extends its reach by building innovative partnerships to promote an array of local, national, and international

initiatives. Ultimately, we invigorate academic education and life-long learning among our diverse constituents by pursuing an ideal to unite research and creative expression in a distinctive school of knowledge.

http://sarweb.org/index.php?mission

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## What is a Museum?

#### American Planning Association

A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts for their own use. (*Newport, RI*)

An institution devoted to the procurement, care, study, and display of objects of lasting interest or value. (Truckee, CA)

A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

(Concord, NC)

#### **American Association of Museums**

American museums are infinitely diverse. The AAM Code of Ethics for Museums notes that their common denominator is making a "unique contribution to the public by collecting, preserving, and interpreting the things of this world. Their numbers include both governmental and private museums of anthropology, art history and natural history, aquariums, arboreta, art centers, botanical gardens, children's museums, historic sites, nature centers, planetariums, science and technology centers, and zoos."

#### Merriam-Webster

An institution devoted to the procurement, care, study, and display of objects of lasting interest or value; *also*: a place where objects are exhibited.