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BOARD OF ADJUSTMENT
Tuesday, June 4, 2013 at 6:00 P.M.
200 Lincoln Ave. Santa Fe NM
City Council Chambers

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES: April 02, 2013 minutes**
- E. FINDINGS/CONCLUSIONS:**
- F. OLD BUSINESS**
- G. NEW BUSINESS**

1. **Case #2012-34. 242 West San Mateo Road Special Use Permit.** Sarcon Construction, agents for Chabad Jewish Center, request a Special Use Permit to allow new construction of 9,995+ square feet on 0.71± acres for religious assembly. The property is zoned R-2 (Residential, one dwelling unit per acre) and is located at 242 West San Mateo Road. (Dan Esquibel, Case Manager)

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

NOTES:

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

**SUMMARY INDEX
OF THE BOARD OF ADJUSTMENT MEETING
Tuesday, June 4, 2013**

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APPROVAL OF MINUTES – April 2, 2013	Approved	1-2
FINDINGS/CONCLUSIONS	None	2
OLD BUSINESS	None	2
<u>NEW BUSINESS</u>		
<u>CASE #2012-34. 242 WEST SAN MATEO ROAD</u> SPECIAL USE PERMIT. SARCOM CONSTRUCTION, AGENTS FOR CHABAD JEWISH CENTER, REQUEST A SPECIAL USE PERMIT TO ALLOW NEW CONSTRUCTION OF 9,995+ SQUARE FEET ON 0.71± ACRES FOR RELIGIOUS ASSEMBLY. THE PROPERTY IS ZONED R-2 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) AND IS LOCATED AT 242 WEST SAN MATEO ROAD	Approved w/conditions	2-20
STAFF COMMUNICATIONS	None	20
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**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENT
CITY HALL COUNCIL CHAMBERS
SANTA FE, NEW MEXICO
Tuesday, June 4, 2013**

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, June 4, 2013, in the Council Chambers, City Hall, Santa Fe, New Mexico.

Gary Friedman, Chair
Rachel L. Winston, Vice-Chair
Coleen Dearing
Patricia Hawkins
Douglas Maahs
Daniel H. Werwath
[Vacancy]

OTHERS PRESENT:

Tamara Baer, Planning Manager, Current Planning Division
Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division
Melessia Helberg, Stenographer

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

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Douglas Maahs moved, seconded by Coleen Dearing, to approve the Agenda as presented.

VOTE: The motion was approved on a voice vote with Ms. Winston, Ms. Dearing, Ms. Hawkins and Mr. Maahs voting in favor of the motion, no one voting against, and Mr. Werwath absent for the vote.

D. APPROVAL OF MINUTES – April 2, 2013

MOTION: Patricia Hawkins moved, seconded by Coleen Dearing, to approve the minutes of the meeting of April 2, 2013, as presented.

VOTE: The motion was approved on a voice vote with Ms. Winston, Ms. Dearing, Ms. Hawkins and Mr. Maahs voting in favor of the motion, no one voting against, and Mr. Werwath absent for the vote.

Daniel Werwath arrived at the meeting

E. FINDINGS/CONCLUSIONS

There were no Findings/Conclusions for approval.

F. OLD BUSINESS

There was no old business

G. NEW BUSINESS

1. **CASE #2012-34. 242 WEST SAN MATEO ROAD SPECIAL USE PERMIT. SARCOM CONSTRUCTION, AGENTS FOR CHABAD JEWISH CENTER, REQUEST A SPECIAL USE PERMIT TO ALLOW NEW CONSTRUCTION OF 9,995+ SQUARE FEET ON 0.71± ACRES FOR RELIGIOUS ASSEMBLY. THE PROPERTY IS ZONED R-2 (RESIDENTIAL, ONE DWELLING UNIT PER ACRE) AND IS LOCATED AT 242 WEST SAN MATEO ROAD. (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum, with attachments, prepared May 27, 2013, for the June 4, 2013, meeting, is incorporated herewith to these minutes as Exhibit "1."

A copy of *Zoning at 225 West Lupita*, entered for the record by Carmela Quintana, is incorporated herewith to these minutes as Exhibit "2."

A copy of a letter dated June 4, 2013, to the Board of Adjustment, from Peter B. And Lucille R. Quintana, regarding Protest of Case #2012-34, submitted for the record by Peter Quintana, is incorporated herewith to these minutes as Exhibit "3."

A copy of the drawings used by Ms. Blosser in her presentation are incorporated herewith collectively to these minutes as Exhibit "4."

A copy of a statement for the record by Michael Zabel, entered for the record by Michael Zabel, is incorporated herewith to these minutes as Exhibit "5."

Staff Report

The staff report was presented by Dan Esquibel, Case Manager, which is contained in Exhibit "1." He noted that R.B. Zaxus, Technical Review Division, John Romero, Traffic and the Fire Marshal is on his way, to answer any questions the Board might have. Please see Exhibit "1" for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval of the Special Use Permit subject to conditions listed on Exhibit A [Exhibit "1."]

Staff was sworn

Questions from the Board

There were no questions from the Board prior to the public hearing.

Public Hearing

Presentation by the Applicant

Peter Brill, Jamie Blosser and Rabbi Berel Levertov were affirmed.

Peter Brill, Sarcon Construction [previously affirmed]. Mr. Brill noted he does a lot of work in the community, mostly not-for-profit projects such as this one. He said he is joined by Jamie Blosser, Atkin, Olshin and Schade Architects, and with Rabbi Berel Levertov, client and owner of the project. He said Ms. Blosser will walk through the technical aspects in a summary form and then we will stand for questions.

Jamie Blosser, AOS Architects [previously affirmed]. Ms. Blosser presented information regarding the proposed project using enlarged drawings of the project [Exhibit "4"].

Ms. Blosser said, "Thank you Chair and members of the Board. I think we're probably clear on where this is, but in case you aren't, we are at the intersection of West San Mateo and Galisteo in Santa Fe. And 'this' is the existing property. Right now it is at 2,947 sq. feet is the existing property. It was built as a residence and we are planning to remove that building entirely and build new. And over 'here' is the site plan that was presented at the ENN on April 18th. I wanted to bring them both, because we did work with the City staff to make some modifications, so I will talk a little bit more specific to this one."

Ms. Blosser continued, "The building is two-story and we did that in part because of the requirements for the property. Right now, there are 4-6 parking spaces and we need to increase that to 25. We'll have an assembly of 100 occupants. There will be times throughout the year where the occupant load is slightly greater during high holidays, but for the most part, that will be the occupancy and that is what we've been working closely with City staff on in terms of 25 parking spaces, which I think is very significant. Because right now, there's quite a bit a parking that's going around San Mateo, so we're

really hoping to alleviate that problem. We also worked closely with City staff because there's a concern about traffic on Galisteo. And at first, we had hoped to utilize the Galisteo as an ingress and egress, and there's really some concerns about too much traffic going in and out of that. And so we are maintaining the San Mateo curb cut where that exists now. And what we propose is that for the Fire safety and life safety, if there is an emergency on the site, we will utilize 'this' as a crash gate so that we can make sure that's a surface that the trucks can drive on and they can exit onto Galisteo, and thereby not impacting traffic along that road."

Ms. Blosser continued, "We've also worked with staff about the future roundabout potential at San Mateo and Galisteo, and slightly modified the site plan so we can accommodate that in the future should that happen. And I believe that is a condition of Mr. Esquibel's report. And right now, we have about 40% open space on the site. We have complied with the 15 foot landscape buffer on the property line that abuts the residential areas, which I think is important for those residences. And you enter the property through a courtyard as well. There is a play area 'here,' and we believe we are going to need to bring in three things, power, and so we will screen the transformer on site by Code. A few more modifications. We do have a planting strip with street trees, and right now there is a curb on San Mateo. There's not a curb along Galisteo, so this is a new curb with street trees which comply, which will be between 25-30 feet in the center and then a 5 foot wide walkway. And currently there don't exist any sidewalks along that property. I think that's it for the site plan, and if there's any questions, please let me know."

Ms. Blosser continued, "In terms of the elevations, we tried really hard to consider massing and setbacks. Right now, the design shows setbacks on 3 sides which is important, and we do comply with the architecture design points. We have 195 points with the required 180. And 'these' were the elevations that were presented at the community meeting on the 18th, showing that for the most part it is very much a Santa Fe Territorial Style design. The unique aspect of it, I think, is the fact that we are looking at a religious assembly. So when you look at the floor plan in relation to the elevations, 'these' areas 'here, this is the sanctuary,' and multi-purpose space, which is what you see in the rear 'here.' And the significance of bringing light into these spaces, in particular the sanctuary, is to really create that symbolic aspect of light from above that is very typical in many religious buildings, and very important to the Chabad Center. The sanctuary is also situated in the easternmost part of the property so there can be nothing behind it, and that is very symbolic for the sanctuary in terms of respect."

Ms. Blosser continued, "In the floor plan, we come into a general lobby. This is intended, by the way, we've had a lot of conversations with Levertovs. And the Chabad Jewish Center has really seen this, we hope, as a community center for the neighborhood, and really opening this as a living room to the neighborhood. We hope to have coffee. People can come in and chat. We hope that the multi-purpose room can also be available to community members, if that's desirable. And on the second floor, we have 'this' vestibule 'here,' we need to get to a secondary stair for egress. And so this looks down into 'this' 1½ height space below. There's classrooms and there are a few residential areas which will be separated by Code. 'This' is primarily for... during the high holidays, they get a lot of assistance from other Chabad centers, and so there's people who need places to stay during that time.'

Ms. Blosser continued, "And since the ENN meeting, we started looking at some of the concerns, in terms of height, setback and really trying to be as sensitive as possible to the viewsheds. And so, 'this' is actually taken from a 3-D wire frame of the height of the building, and it's been placed in the correct topography on site with some photographs. 'This' is the house beyond, and it appears to us that it's very much in context, in terms of height in the neighborhood. We acknowledge the concern about viewsheds and take it seriously. The Chabad Center is very clear about wanting to be a good neighbor, so we have thought long and hard about trying to address these concerns the best we can, given the limitations."

Ms. Blosser continued, "And what we do is go on site and a representative of Sarcon actually measured the topography along west San Mateo. And without being obtrusive, we didn't want to get into people's properties obviously, but from the street we did try to see what heights the entries were, which is represented 'here.' 'This' is Chabad and these are some of the homes going up toward the east. 'This' is Galisteo here. And in the section that starts to show some of the sight lines that we're estimating, and granted this is a very preliminary analysis and very rough, but we do believe it is somewhat accurate, because we did have a surveying instrument out here. Starting with 'this' home, which is 'here,' 'this' home is here, 'this' one is here, what we start to understand is a little more of what their viewsheds are and what we might be impacting perhaps with the height of the building. And 'this' home here is basically what you see, it's the one closest to Chabad Center and the primary view is out 'this direction,' and 'this' is one here. Any two-story structure will impact that view, but their primary view is of 'this' corner of the property and a little bit 'here.' So 'this' shaded area is the portion of that view that we think will be impacted by the two-story structure 'here.' And the house could easily [inaudible] the two story of that because it's actually quite higher. Where it starts to become a bit of an issue is at the portion of the building in the rear where we have the clerestory windows at the Synagogue, and these we believe will impact their viewshed 'here'."

Ms. Blosser continued, "And so in doing this analysis, we're not sure it's going to be such as impact as the concerns have made it. And we started looking at ways of whether we can lower the building or not. And we do think there are ways we could bring it down 1-2 feet, if that's absolutely critical. The thing that's really driving the height is getting across to that egress, because of the heights in that space to get across there. Thank you for your time, and I think I will bring it back to Dan."

Chair Friedman asked if anyone else will be speaking on the presentation.

Mr. Brill said no, this is their presentation.

Questions from the Board

Chair Friedman said they are not asking for a variance and the proposed height is within the City's acceptable standards.

Mr. Esquibel said no variances are requested in this application. The application is in compliance with the height rules, regulations, setback and setback requirements of Chapter 14.

Chair Friedman asked the height limitations for this type of structure.

Mr. Esquibel said in this District, they can go up to 35 feet in height.

Chair Friedman asked the height of the building based on the current plans.

Mr. Brill said they are at 30 feet currently.

Chair Friedman asked if that is just a portion of the second floor.

Mr. Brill said this is correct. The highest points, which are two domes.

Chair Friedman said it's not a pitched roof and it is a flat roof with some higher elevations.

Ms. Blosser said, "There is a pitch at the rear of the building above the multi-purpose and sanctuary halls. And so this is what you see in those two areas. 'That' right there is a 30 foot maximum height. I believe the other parapets are at 23 feet, with the exception of the metes that we need for clearance of one elevator."

Chair Friedman asked if those are two skylights at the top.

Ms. Blosser said no, they are clerestory windows.

Ms. Winston asked Ms. Blosser to review the sight study that they did, because she didn't totally follow her explanation.

Ms. Blosser said, "You can see we walked up to the site to try to find out at what topography, what slope the finished floor elevations may be for these homes that might be impacted. And also looked at where their windows are toward the west. So 'this' is the plan view of what we think is their existing viewshed. We only looked at the viewshed toward the west because 'these' were impacted."

Mr. O'Reilly said the applicant should back up so all the Board members can see what she's pointing to and so the audience can see what she's pointing to. So, if all the Board members can't see, they need to move and gather so that everyone is seeing everything at the same time.

Ms. Blosser said, "In the sectional view up top, 'this' is the height of the two-story building, not cutting through the sanctuary and multi purpose base. So 'this' is the typical two-story area of the building 'here,' which you start to see with these orange lines what we believe are the sight lines from 'these' homes going up the hill. And it may be slightly inaccurate, for instance, the second home may not be able to see over 'this' first home, but this is the best we can do. Now we're happy to do a little more analysis. And 'this' section at the bottom is much smaller, but that shows where that sight line cuts across the multi-purpose and sanctuary space which is the highest point of the build. And so if you relate that back to the plan, 'that' is 'that sliver,' where at the very very top of that 30 feet we think we will be impacting 'that' view."

Chair Friedman asked the heights of some of the other structures in the area, noting she said there are two story homes along San Mateo.

Ms. Blosser said the homes along San Mateo, as far as she knows, appear to be 1½ story or 1 story, but oftentimes, the entry is at the upper edge of their site which is higher. They typically are 1-story homes going east on San Mateo.

Chair Friedman said he knows there are two-story buildings on Galisteo, such as Southwestern Ear, Nose and Throat and also the acupuncture building.

Ms. Blosser said those are higher than two stories and there are three-story buildings going down Galisteo, and diagonal from the site is the school, which right at the corner the School has at least 1½ story.

Chair Friedman asked, on religious holidays and services for Saturday/Friday night, do most of the people who come to the Synagogue walk.

Mr. Brill said he would like Rabbi Levertov to address that.

Rabbi Levertov said, with regard to the question about how many people drive, "according to our religion, we're not supposed to be driving on the Sabbath, but I don't really know how many people drive. We don't know who actually walks, who doesn't walk. It's hard to say, but for bigger events, we do have 40-50 people there. The number 100 is a nice number we'd like to reach. But at this point, on a regular basis, on a monthly basis it's more like 40-50 people."

Chair Friedman asked the number of parking spaces on site now.

Rabbi Levertov said they have 5-6 and plan to increase that to 25.

Chair Friedman said he wonders if there will be less traffic after the building versus now, and asked where people park now.

Rabbi Levertov said one of the reasons they want to build the building its to make sufficient parking. He said they park on the street he thinks.

Speaking in Favor of the Request

All those speaking in favor of the request were affirmed en masse

An unidentified, unaffirmed person speaking from the audience away from the microphone, said he would like people to tell where they live.

Chair Friedman gave all those speaking in favor of the request 2 minutes to speak, and asked each person to give their name and address.

Steven Wyner, 7510 Mallard Way, Santa Fe. Mr. Wyner said this is his place of worship, and he does not live in the neighborhood, but this is where he worships. He said, "I think we've gone to great lengths to try and provide a building that's suitable for our needs and esthetically, a nice place of worship for us. Thank you."

Joanna Nedboy Naumburger, 1297 Chestnut Street, lives on the south side of town because she can't afford to live in the neighborhood where Chabad is going to be establishing its larger building. She said she is in full support of the building, and has been a member of the congregation since its inception in 1996. She said they serve a tremendous need in our Jewish community because they offer tremendous support to people, emotionally, spiritually, anything that the people need, it might be food, it might be any kind of comfort. She said, "In fact, I just came from the hospital where Rabi Levertov is also with Rabbi Leonard Hellman who is in hospice right now. And they provide spiritual blessing to someone who is on the last journey. I help participate at the Chabad where we feed people in the community who might want a nice kosher dinner once and month. It's great outreach, and I hope we can have support from the people in the community to understand that we are here as a service to provide greatness for our community. And if anyone in the community needs some support, that's what Chabad does as well, and does this nondenominational. Thank you for your support."

Dr. Ron Duncan Hart, 2740 Via Venado, which is within walking distance, which his Rabbi encourages him to remember. He is a member of the congregation, and wants to speak in favor of the request. The Chabad Jewish Center will work, does work, as a very active presence in the community, and it is open and works to receive visitors to Santa Fe, and reaches out to the entire community. He said, "There's a very real concern always on the part of all of us who are there to be a good neighbor. And the intention is to be reasonable and good. We appreciate your attention to this, and looking forward to [inaudible]."

Rachel Cogent said she lives nearby the center. She said, "I'd just like to point out that immediately diagonal from the proposed building is the E.J. Martinez Elementary School, and the school zone already extends all the way around the corner, and sometimes is very traffic intensive." She said there is a unique architecture to it, and especially imposing, considering it's only an elementary school. She said, "I don't think a synagogue would be out of character with the neighborhood for that reason. That's all I wanted to say. Thank you."

Ted Gould, said he lives in the building, 242 West San Mateo, thanks to the Rabbi. He said, "I would say that the study and practice of Orthodox Judaism is an integral aspect to the moral, ethical composition of any community. It represents the history of laws and the foundation of many practices and many different religions. So it's important to have a building and a place that represents the history of the Jewish People.

Kristina Harrington, 949 Acequia Madre, which is a hike from Chabad, but walkable. She said Chabad does a great job in helping the community. It is the only place where observing Jews can go and worship according to the rules, and eat according to the rules. And as a person who cooks for 50-60 at a time, "I can tell you it is cooked according to the rules." She said, "The building I think would actually be a great addition to the neighborhood in terms of the esthetics. I think the 25 spaces would make a huge, positive difference to the neighborhood, because you would no longer have the cars parked up San Mateo and up the next street. So I think that, overall this building and the expansion would be a great boon to the neighborhood. Thank you very much."

Steve Gitomer, 1428 Mirraceros Loop South, said he lives within walking distance of the Center, and his children walked to E.J. Martinez Elementary some years ago, so they are in the neighborhood. He said, "I would like to speak very positively in support of this project. I think it serves a need for the Jewish community, and I want to speak very highly of the Chabad, their outreach, their welcoming members of various stripes of Judaism and the Levertovs are to be commended for their 16 years in the community, and they've been a very positive influence. I hope that you will be able to support this application."

Beverly Berger, 2501 W. Zia Road, said she lives a mile from Chabad. She has lived in Santa Fe for 13 years. Her 93 year old mother lives here, her daughter lives here having married a local Hispanic guy from Albuquerque, and they just had a little girl, her granddaughter. She said, "So now we have a place, and we've always had a place because the Levertovs and the Chabad community is a family. This is my family. Thank you."

Camille Ovitsky, 2756 Herradura Road, said she isn't too far away from the Chabad Center. She said neighbors always talk about traffic in Santa Fe. She said, "There is no traffic. There is no traffic. I think Rabbi Levertov would be thrilled if there was traffic, if he can get his minyan, which is 10 men on a Saturday, he is thrilled. They are now having 25 parking spaces to alleviate parking on San Mateo which I see as not the best of situations. I think this building is an improvement for the neighborhood. I would also ask these neighbors did they complain when E.J. Martinez was built, because when I've tried to come to work and go down Galisteo and San Mateo, the traffic from the school in the morning and afternoon, that's a bit of traffic. The Chabad does a wonderful job with community outreach and for everything, and I don't know where there is a problem being raised with this."

Paulina Robinson, 101 La Paloma, which is 7 blocks walking distance to Chabad. She is an Orthodox Jew, and happy that Chabad is where it is located. They moved here from Algodones year ago where she was commuting to work in Santa Fe. And many times during high holy days she and her husband had to stay at the Chabad so they could attend services, because they do not drive during the Sabbath or the high holy days. She said, "I have known the Levertovs for the 16 years they have been here. They have helped me with our children to continue the path. We want our children to be Orthodox as well. So I welcome them, and ask the members of this Board to please consider a positive vote for this building. Thank you."

Gloria Abela Ballen said she is a member of Chabad. She said she definitely is in favor of this beautiful building because it adds a special touch to the neighborhood as well as that Chabad is a wonderful institution which has, as everyone has said, a tremendous outreach, not only to the Jewish community but also does good deeds for the community at large with food and so on. She said, "I will be very happy if the neighbors and all of you would approve this wonderful project. Thank you."

Karen Tobin, 4436 Autumn Leaf Lane, Nava Ade, which is just a "touch too much to walk it" to the Chabad Center. She has been the President of the Women's Circle for the past 5 years and will be starting her 6th year next year. She said, "I am probably the most least religious individual that is associated with the Chabad. However, and I do not wish to negate anything the opposition might say, taking away street parking for 25 cars is a lot. I come from New York, and you try to find 25 spots in Manhattan. When I walk into Chabad, quite frankly, I get sort of a flashback of going to delicatessens, of going into bakeries. It makes me feel I'm at home, and that's what we really should make you feel, at home. I find myself very peaceful there and it's a good place. They're good, good people. Thank you very much for your time."

Mariam Feder said she does not live in Santa Fe, and travels from Eldorado to go to Chabad, as do many of her neighbors. She said Chabads are all over the world, and are the first in any kind of situation where people need help. She said during the tsunami, Chabad was there. During various disasters, Chabad was there, because Chabad is all over the world. She said Chabad is welcoming, noting there are several mixed faith marriages of people who do go to Chabad, commenting she is in a mixed faith marriage. She said her husband is as welcome at Chabad as she is. She said Chabad is a community, it is awakening in each of us what our mission really is which is to love one another and support one another. She believes Chabad supports the community by providing the additional parking spaces. She said she does park in the street. She said, "The neighbors will be very happy that people aren't lining the streets with their cars. Thank you very much."

Jonathan Friedman, 1896 Lorca Drive, said he just moved to Santa Fe from Espanola so he would walk to services. He has been a member of Chabad since 2001. He said he helped build the Chabad synagogue in Temecula, California, as well as in Tacoma, Washington. He said his parents have been gone a long time, so he considers Chabad to be his family. He said, "I'm sorry I went last, because

everybody said everything I was going to say, so I really don't have much to tell you. It is a place for me. My life as a casino gypsy traveling around the country has been not fun. It's been full of a lot of tragedy and loss, and not happy things, but it is a place for me to go to be joyful and to sing and tell jokes and have a good time. And my life in the casino is not pleasant a lot. In fact, I had to run off and take a call because someone did something stupid, and they had to call me because I'm the boss, and figure out what to do. And I can go there for the Sabbath and turn off my phone and have a few moments of peace, joy and happiness, which is really not happening a lot in this world."

Mr. Friedman continued, "And I also wanted to speak to what everyone is talking about, which is what a wonderful Jewish place it is, but gentiles are welcome too. I've been a part of mixed marriages and have brought people to the Torah and to God, and in New York in some of the larger cities, Chabad open its doors to anyone who needs help. They have helpful rehabilitation for gambling, drug additions for anyone who walks in the doors, and no one is ever turned away because of what they believe or don't believe. So this is something, the word I use is gentrification. We want our ideas to help mankind, help society and help people to be good neighbors at large. Helping people become better, helping everyone become good neighbors, making this a better world, a better place. Overall that's what we do. Thank you very much."

Larry Goldstone, 8 Ciento Circle, Las Campanas, said he does not live within walking distance of the Chabad. He has been involved with Chabad since its inception. He said he has 3 things to say. He said, "First, I want to reemphasize all of the amazing generous work done by Chabad in this community from educating our children to dealing with the bereaved and the dying. It is an amazing organization. Secondly, I want to make a slight corrections. Members here have said they are members or individuals said they are members. What is interesting about Chabad is it really has no members. We don't collect dues, we don't require anybody to pay anything to attend this organization. Everybody can come here and be open and welcomed. This is not an organization which is funded through dues. It is funded through contributions to the community. I think that's very different than the way most any other religious organization works. And finally, I want to suggest that we have been roaming in this high desert for the better part of 20 years, in Santa Fe. We go to hotels, we go to banquet centers, we use private homes. We do everything we can in order to facilitate and foster our practices, our religion and our ritual. Judaism is steeped in religious ritual and we really need a home of our own, and that is what this is all about – having a home of our own. Thank you."

Dr. Richard Lieberman said he lives on Foxtail Circle which is about 8 miles away. He said, "I've been very active with Chabad since its inception, which is 15-16 years. I study Talmud on Mondays with the Rabbi and other students, I study Hebrew on Wednesdays, we study Torah, I go to services on Fridays. I go to services on Saturdays, although I could go to a few more. I just want to say you should probably know Chabad is a Hebrew acronym which stands for knowledge, wisdom and understanding. There's no better place, there's no safer place, no greater neighbor than one that stands for knowledge, wisdom and understanding. Thank you for your time."

Jeffrey Krenzel, 949 Acequia Madre, said he lives a little too far to walk to Chabad, but not according to the Rabbi. He said everyone has already taken all the points I was going to make. He said, "So I will sit down, but if Judge Robinson can use any of my time, I give it to him."

Ira Robinson, 101 La Paloma, said he lives on the corner of West Mateo and La Paloma. He said it is 6-7 blocks west of the intersection where Chabad is located. He said, "I've had the honor and pleasure in my life of serving as the District Attorney in Bernalillo County, and more importantly to this issue, I've served as the legal counsel to the Bernalillo County Planning & Zoning Commission for four years. But tonight, I'm going to ask you take a slightly different look at this particular situation and the issues that surround it. We live right across the street from St. Bede's church. When they have services, the place is really crowded and parking can be really difficult. If you're trying to get out, you're going to have a little bit of a problem. But there's one particular night, I don't honestly know whether it's every week. I suspect it's once or twice a month when the youth group meets there. And when they get out, they stand around and it can be nine o'clock or nine-thirty, they stand around and make a fair amount of noise and they joke and they kibbutz, and talk amongst themselves for a while before they leave. I think that's wonderful. I wish there was more noise that they made, and I wish there were more of them that attended those kinds of events. I think we need to encourage the camaraderie of people who meet in religious faith and unity and fraternity. And I ask the same thing on behalf of Chabad of New Mexico. Thank you."

Rabbi Levertov said, "I just want to thank the Board. It is so good to hear from so much of the faith, and we're going to cash in on that, and make sure they come to services next week. I also want to point out, we've been in this community for 16 years and we have always been in this neighborhood. My wife and 3 children are here, 3 are out of town. We've raised a family here. 4 of our 6 kids were born in this neighborhood. If God gives us more, we will have more kids in this neighborhood. We really like this neighborhood and want to stay here. Thank you for listening to us."

Speaking in Opposition to the Request

All those speaking in opposition to the request were affirmed en masse

Chair Friedman gave all those speaking in opposition to the request 2 minutes to speak, and asked each person to give their name and address.

Irene Rael said she lives east of the Chabad Center, noting she and her husband bought their house when they were 27 years old, and they are now 80. She said a lot of her concern is that their bedrooms face Chabad and they go to sleep early, and sometimes there is noise, people slamming doors, people saying goodbye, and their sleep is disturbed. She said, "I love the Rabbi. I respect him. We have been neighbors for a long time. I would like him to explain to me about the journey on the Sabbath and the lights on/off."

Rabbi Levertov said on the Sabbath they don't manually turn lights off or on, and they are on timers.

Ms. Rael said the top of the building will be as high as their house.

Rabbi Levertov said it will be further to the south.

Ms. Blosser pointed to her house on the map.

Ms. Rael asked if there will be shrubs.

Mr. Brill said yes, there is a specific requirement under City Ordinance.

Chair Friedman said, "And folks, just so you know, typically we don't have this back and forth going on because I like to keep the decorum, but if the Applicant doesn't mind answering the questions, I'm okay with it."

Responding to Ms. Rael, Ms. Blosser said there will be a 15 foot landscape buffer between the building and the parking and The Raels' property line. She said, "And we are required to use the City Landscape Code, and they have a certain number of trees and shrubs every 500 sq. ft., and we also need to make sure they are native drought resistant vegetation. So, what we've been considering, because something did come up earlier in the ENN meeting about the height of trees. And we're more than happy to look at these things that are not too tall as long as they meet the City requirements."

Ms. Rael said they have a chain link fence between their house and the Rabbi's and asked what will happen there.

Ms. Blosser said, "First of all, because the footprint of the building is larger than the existing building, we actually need to cut into the eastern edge, so we will have a retaining wall. The building is 5 feet down from where the chain link fence is, and they propose to replace."

Ms. Rael asked how tall the wall will be.

Ms. Blosser said they don't have a height yet, and they are happy to work with Ms. Rael and the City to determine that.

Ms. Rael said she hopes the noise won't be too much.

Chair Friedman said this is really a comment section, but if you have questions, he would note the questions and let the Applicant respond to them in total, rather than going back and forth. "I'm not going to be doing that any more."

Wade Weickert, said his mother lives at 217 West Lupita, 4 houses away from the Chabad Center, and has lived there for more than 40 years. He said, "The first thing I want to say, is I have nothing against the Jewish religion in Santa Fe and in the world. I guess, first of all I'm concerned about my mom who still can walk at age 87. There are no sidewalks along either side of San Mateo or Galisteo. So when she is walking, she has to walk on the street, and she's visible and she stays next to the curb. When the people that don't walk, and there must be 40 or more that don't walk, because San Mateo can be crowded all the way up to Encinas. There's no place for her to walk. She can walk on the dirt on Galisteo. Now can she take another road, well Lupita's not paved, there's no sidewalk, and she will usually walk down to her hairdresser or down to Trader Joe's. That's one issue."

Mr. Weickert continued, "So, if the Jewish... the Chabad puts in a sidewalk, there'll just be one sidewalk and it will end and it will be dirt. It's dirt and shrubs and cactus. I guess I have a concern why, if they're going to raze the building, if they're going to tear it down, why they can't go somewhere else. I know it's probably a blessed place."

Chair Friedman cautioned the members of the audience not to make comments when someone is speaking.

Mr. Weickert continued, "It seems like you're starting anew somewhere. I have a safety concern and a question, but I'm not going to address that question to anyone. I guess I'm wrong in that. I'm a little bit concerned about how big the building is, and the City's requirement, if he hopes to grow the congregation, and it's already a problem, and 25 parking spots won't absorb even what there is now."

Chair Friedman advised Mr. Weickert he has exceeded his time and asked him to wrap-up.

Chair Friedman said, "This is a community meeting and I think it's really important for everyone to show respect for one another. And part of that is, even if you hear something you don't like, I would appreciate the audience keeping their comments to themselves. Thank you."

Mr. Weickert said he is finished with his statement.

Roberta Turner, 1460 Seville Road, said she has lived at this address for 35 years. She said she has 2 family members who are always at the hospital/doctor on Galisteo and the traffic is really bad about 5:00 p.m. She said there is a lot of cut-through traffic. There are many times when you have to wait "way up the street." She said there isn't enough parking for the facility and the traffic is really bad. She said this is a R-1 neighborhood, an old neighborhood and she goes around that corner continuously going to Del Norte Pharmacy. She said there is a lot of traffic from Don Gaspar. She said the house has a private well, which is okay and she doesn't mind the whole idea, but she thinks it's out of scale for the neighborhood, reiterating her concern about the traffic. She believes there will be more on-street parking and on the side streets. She said she understands the roundabout, and asked if that is a plan for the corner.

Peter Quintana, said he lives on the south side of the building. He said, "I am formally making a protest and exercising my rights as an owner within 100 feet of the area proposed for the change. The request is for the property at 242 West San Mateo. It is one dwelling unit located to the north of my property, which I am on 225 West Lupita. I am protesting the request for new construction on the building plan that specifically includes a structure over 30 feet high, which will be running west to east, directly, impeding my current view due north. Additionally, I feel it [inaudible] for the area and should be maintained due to the immense traffic and congestion caused by multiple zoning around me, around my area in other words. The zoning south of my property is dense enough that it creates significant traffic issues through the years. Most recently, with the addition of the RSPUB directly west of my property, traffic has even gotten worse. My property is currently surrounded by Zoning R-2, to my north, east and C1 and H2 to the south. The construction itself is going to have a huge impact on me, as I just mentioned here, my whole view to the north is going to be curtailed completely. That's all I have. Did you want a copy of this letter."

Mr. Quintana entered a copy of his statement for the record [Exhibit "3"].

Carmela Quintana, said she is the daughter of Peter Quintana, noting she grew up at 225 West Lupita and said she has a "bird's eye" view of the zoning around the property. *[STENOGRAPHER'S NOTE: The aerial map was provided to the Board, but was not entered for the record.]* She said if you walk out her parents house and look due south you will see St. Vincent's Hospital as well as the two-story building mentioned by the Chair. If you look southwest, you will see the new area that has been built and also west across Galisteo. She said to the northwest, you will see E.J. Martinez School, and due north you will see the subject property at 242 San Mateo. She said her dad build his house in 1968, noting her father served 42 years with the New Mexico Air National Guard, and her mother retired from the State of New Mexico. She said she lived in the house as a child, and she is a graduate of St. Michael's High and the UNM. She owns a home in Albuquerque, but she chooses to live in Santa Fe because this is her home. She said some day she will inherit that house, not too soon she hopes."

Ms. Padilla continued, "My mom and dad are severely impacted by this construction. And we do not come here to say the Chabad is a bad thing. It's a great thing. We definitely think they should grow. We enjoy our neighbor. However, this structure, I do feel, is out of scale for the neighborhood. And I'm asking you to please look at this scale and look at where my parents sit, and look at the future of my family and my future family, my child, and understand this construction as it is proposed is a huge impediment to the quality of life that my parents have established since 1968 in building their home. And lastly, I'd like to say that someone said they had a flashback of the deli, and that's great, but when I live there some day, I don't want to have a flashback of a concrete wall like I had to look at when I was in Iraq."

Michael Zabel, 234 West San Mateo, said he lives in the neighborhood. He said, "What you heard from the supporters were people who may be able to walk, but no one who lived in the neighborhood, and no one who volunteered to have a building of this mass and size put next to them. If indeed they had, it would have solved the problem, because we would have found where to put this building. In answer to your question, in terms of the height of other buildings, all of the buildings up the street on San Mateo, by deed are restricted to one story. When we had the ENN meeting, we established

that a story was about 11 feet. At the meeting it was discussed this building would be 33 feet, I'm glad that it's gone down to 30 feet. But what I was going to say, was that I live in the impacted neighborhood, two houses away from the proposed three-story height, two-story building. This proposed massive 10,000 sq. ft. structure is far out of character with the neighborhood, will negative impact property values up and down the street, and is totally inconsistent with what residential zoning is meant to protect."

Mr. Zabel continued, "If you were to approve the building, the County Assessor should exact many property value challenges from this neighborhood next year. If you want to do what is right, rather than what might be borderline legal, you should reject this application out of hand. By allowing the building to go forward, even with adjustments, there is no way to diminish the adverse effect it will have on the neighborhood for years to come. Many people in this room have already indicated they like to go there, but I haven't heard anybody say they would rather have the Chabad next door to them. The architect has sought to squeeze every ounce of building mass out of what may or may not be legally allowed. The result is to inflict as much damage on the residential neighborhood as possible. Let me put it this way. If you had hired this architect to do urban planning for this area, he would never propose this building to be built, or he would risk being run out of the profession. I've worked directly with enough prominent architects in historically sensitive environments to feel deeply that this building should not be built. As my Jewish heritage and common vernacular might have me put it, the building is not kosher. It is wrong. Not kosher, pretty much sums up the whole process."

Mr. Zabel continued, "The immediate next door neighbors, the Rael's and the Quintanas, we've heard from, whose personal lives and property values will be devastated as this massive structure and parking lot are built, are the essence of Santa Feans. They've lived in their houses for more than 40-50 years, since the beginning of the neighborhood. To do to them what is being proposed, simply for the convenience of a very few people is ethically and morally wrong, and not in the least consistent with the Judeo-Christian values being professed by the supporters of this highly questionable scheme. While I would normally be reluctant to bring religion into the conversation, note that this residential neighborhood is mostly restricted to one-story structures as I've indicated, by deed. And the only reason a 3-story high structure is being considered is due to questionable preferences given to religious organizations in residential neighborhoods. Those questionable exceptions, in essence, give those organizations free reign to trash the basic religious underpinnings of their members in exchange for personal benefit."

Chair Friedman asked Mr. Zabel to wrap up his statement, because he has far exceeded the time limit.

A woman behind Mr. Zabel said she would give her two minutes to Mr. Zabel.

Mr. Zabel said, "I'm just going to wrap up very quickly because I know you're not interested in hearing this."

Chair Friedman said that isn't true, commenting he is happy to hear what everyone has to say here, and said "I'm offended by that remark."

Mr. Zabel said, "I apologize for saying that. This event is shameful and wrong and could be stopped if a few good men and women look into the mirror and do so. Please reject this application. Should you not reject the application, then I would ask that you carefully review the deed and the related history of this property to determine if there are underlying restrictions as there are with the other homes. Secondly, in issuing the Special Use Permit, require that before the project goes forward, that conditions for approval over and above what is specifically allowed in Code be negotiated with the neighborhood association. This has not been done. Third, that the City require an Environmental Impact Study. Fourth that both the construction company and the architect be required to post a \$1 million bonds for any damage done to houses in the neighborhood from heavy construction and blasting the proposed structure, rather than requiring each property owner to go to court, and lastly that the property owner be required to post a \$1 million bond to be forfeited if the project, once built, deviates from what Code allows and what has been approved as determined by independent property surveyors and building inspectors. Thank you for your consideration."

The public testimony portion of the public hearing was closed

Chair Friedman asked for comment from the Board.

Ms. Winston said she made notes regarding questions from the public. The first is a question about the roundabout.

John Romero, Director, Traffic Engineering Division, said the City conducted an alignment study of that intersection in 2006, and we noted operational problems because of the All-Way Stop. So the two suggested fixes were to signalize it, or to place a roundabout. The study showed that the roundabout would provide the best capacity, and it would require minimal right-of-way acquisition, but it would fit. He said we required the Chabad Center to situate its construction to accommodate a potential future roundabout whenever it would be funded. .

Mr. Maahs asked if sidewalks have been a discussion in this neighborhood by the City and if there is any status on that conversation.

Mr. Esquibel said the only issue relevant to sidewalks is what we've required of the Applicant to place along their property. Outside of that, we would have to talk to John Romero again to determine if there has been any conversation with anybody to require that. He said, "I'm not aware of any."

Mr. Romero said, "As you know, the City has several areas where there aren't sidewalks and there needs to be sidewalks. He said the Santa Fe Metropolitan Planning Organization, which is responsible for all transportation planning, is getting ready to do a pedestrian study for the entire City, and come up with a pedestrian plan to show where there are certain pedestrian deficiencies and prioritize those deficiencies, and hopefully get funding for those at some point to get them constructed.

Chair Friedman asked if there are questions for Ms. Zaxus, noting she has another place to go. There were no questions, so the Chair thanked Ms. Zaxus for attending and said she is free to leave the meeting.

Ms. Winston said another question is whether the deed to 242 West San Mateo contains a one-story height restriction similar to other lots in the neighborhood.

Mr. Esquibel said, "There is a reference within their warranty deed that denotes subject to reservation, covenants and restrictions. However, there is nothing within the deed to identify what those are.

Chair Friedman said this Committee and the City don't regulate private covenants, and Mr. Esquibel agreed.

Chair Friedman said, so it's really not for us to say one way or another, but I agree, a comment was made that there are covenant restrictions for that subdivision that said there was only one-story and he is curious to whether it is accurate and whether it pertains to this property.

Mr. Esquibel said, "As a further note, Mr. Chair, this particular property was not part of the overall subdivision, but was sold originally as part of the Santa Fe Holding Company in a separate lot from the subdivision. So it may contain some other restrictions, but as you noted, we do not enforce those."

Chair Friedman noted someone in the audience said this was R-1, but it looks like it is an R-2 neighborhood, and Mr. Esquibel said this is correct.

Ms. Winston would like to see the sight line study for 225 Lupita on the south side of the structure.

Ms. Blosser said, "We did not do a sight study on the property on Lupita, to the south. We did not do a viewshed study specifically of that, because right now there is a 7 foot fence, I could be mistaken, but it's quite tall. And the comments that we had previously from the residents at that location were primarily concerned with the heights in terms of right now, they say they see tents. Because right now the space is not large enough to hold functions, and so, quite frequently there are tents in the back yard to hold services. And they were concerned about the current situation, and obviously also concerned about the future situation, but we don't have a specific drawing to show that."

Chair Friedman asked how far the building is set back from that property line.

Ms. Blosser said, "The southernmost portion of the building has a 15 foot landscape buffer, as it does on the east to the lot line, not to the house. Absolutely."

Ms. Hawkins asked the Applicant if any consideration been given to building smaller, shorter, lower building.

Mr. Brill said yes, lots of consideration has been given. The program we are working on is met by this design. We have worked hard to reduce the height, that we presented at the ENN meeting, so we are approximately now 2 feet lower, which is 7 feet below the maximum height.

Ms. Hawkins asked how high the windows are over the sanctuary and the multi purpose room.

Ms. Blosser said the top of the eave is at 30 feet. So you're asking how high 'these' windows are 'here.'

Ms. Hawkins said yes, above the roof.

Ms. Blosser said, "I believe that eave there is at 26 feet."

Ms. Hawkins asked if there is any possibility that instead of windows you could put in large skylights.

Ms. Blosser said, "That is a consideration we can take into account. I typically don't recommend a lot of skylights in this climate because of the heat value, which is the reason we're trying to bring light in from the side. It's not actually a concern that's been brought up before but we could consider it."

Ms. Hawkins said, "If the neighborhood's concern is the height of the building, anything that could be done to reduce that height would help."

Ms. Blosser said, "What we've done so far is try to reduce that height by lowering it on the site, and also lowering it by reducing the height of that roof, and we're willing to look at other options, if that's a requirement or condition of approval. I will say that, just to continue answering the original question about size, this is a place where I think the Chabad Center was looking in many different locations within the City and there have not been appropriate locations, particularly within walking distance of the Levertovs, and we're really trying to program for growth. We know this is not an opportunity the Chabad Center will have again, so we really are looking at the long term future. And, given all of the parking requirements, and the fire egress requirements, it's very difficult, if not impossible, for us to meet that program in a one-story building, because we did look at that originally. And what that means is we get very close to all these lot lines which would require variances, and we don't have enough room on site to do that.

Responding to the Chair, Ms. Blosser said the open space is 40%. And that includes the area that typically is not going to be used where the fire egress would be, because we would like to be a green space when it's not used in the case of emergency.

Chair Friedman said open space does not include parking spaces and Ms. Blosser said this is correct.

Mr. Maahs said, "Although architecturally this is a beautiful building in and of itself, and changing the architecture is not my conversation, but the technology does exist to severely control R factors with the new nanogels that are being implemented in skylights. So if the conversation needs to go there about lowering this building, the technology is certainly there to do it while reducing the heat value."

Ms. Hawkins said she would like to hear from the gentleman who spoke last against the project. She said, "You were very rushed and you had a whole series of, not objections, but conditions you would like to see, and I would just like quickly to have that list. I don't want to discuss them, I just would like to know what they are."

Chair Friedman asked Mr. Zabel if he submitted his letter for the record, and Mr. Zabel said yes [Exhibit "5"]. Chair Friedman and asked him if he has another copy, and asked him to give that to Ms. Hawkins.

MOTION: Rachel Winston moved, seconded by Daniel Werwath, to approve Case #2013-34, the request for a Special Use Permit at 242 West San Mateo Road, with the conditions of approval listed in Exhibit A attached to Exhibit "1," and incorporating staff's Findings of Fact and Conclusions of Law.

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

Chair Friedman thanked the Board their comments, for their sense of decorum, and for their thoughtful comments on both sides of the issue.

H. STAFF COMMUNICATIONS

There were no staff communications.

I. MATTERS FROM THE COMMISSION

Mr. Esquibel said he has perhaps two cases for next month.

The next meeting of the Committee will be on July 2, 2013, which is the first Tuesday of the month.

J. ADJOURNMENT

There was no further business to come before the Board.

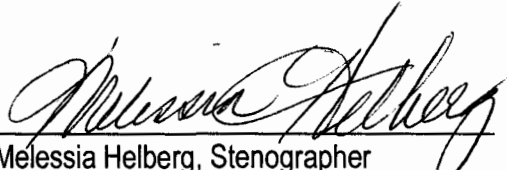
MOTION: Douglas Maahs moved, seconded by Patricia Hawkins, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 7:45 p.m.


Rachel Winston, Vice Chair

Gary Friedman, Chair

FOR GARY FRIEDMAN


Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: May 27, 2013 for the June 4, 2013 Meeting

TO: Board Of Adjustment

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, Planner Manager, Current Planning Division *TB*

FROM: Daniel Esquibel, Land Use Planner Senior, Current Planning Division *DE*

242 WEST SAN MATEO ROAD SPECIAL USE PERMIT

Case #2013-34. 242 West San Mateo Road Special Use Permit. Sarcon Construction, agent for Chabad Jewish Center, requests a Special Use Permit to allow new construction of 9,995 square feet on 0.71± acres for religious assembly. The property is zoned R-2 (Residential, 2 dwelling units per acre) and is located at 242 West San Mateo Road. (Dan Esquibel, Case Manager)

RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the Special Use Permit subject to conditions listed on Exhibit A.

I. SUMMARY and ANALYSIS

The application is for a Special Use Permit approval to allow for a Religious Assembly use, Chabad Jewish Center, at 242 West San Mateo Road. The property is zoned R-2 (Residential - 2 dwelling units per acre). Table 14-6.1-1 establishes that Religious Assembly uses may be permitted in R-1-6 districts subject to a Special Use Permit.

14-2.3(C)(3) 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 Section 14-3.6 and Article 14-6 (Permitted Uses and Use Regulations), unless jurisdiction for such special use permits is specifically reserved to another land use board; and*

Exhibit "1"

Chabad Jewish Center, a religious institution, is an existing use located at 242 West San Mateo Road. The Religious Institution is housed in an existing 2,947 square foot building unit which is slated for demolition and replacement with a 9,995 two story facility.

Prior to the March 1, 2012 land development code amendments, Religious Assemblies were allowed as a permitted uses in a Residential District. Post March 1, 2012, a Religious Assemblies require to Special Use Permit approval in Residential Districts.

Per 14-3.6(C)(3) "*A special use permit is granted for a specific use and intensity. Any change of use or more intense use shall comply with Chapter 14 and, if appropriate, shall require a new or amended special use permit.*" Chabad Jewish Center's proposal is an intensification of 7,048 square feet requiring review and approval before the Board of Adjustment for a Special Use Permit. The project does not require a development plan because it is less than 10,000 square feet in size.

Generally, churches and other religious institutions are regarded as compatible with surrounding residential uses. A special use is one that is allowed subject to Board or Commission review.

II. APPROVAL CRITERIA

Per 14-3.6(D): *Approval Criteria and Conditions:*

(1) *Necessary Findings*

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

- (a) that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit,*
- (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.*

(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;*
- (l) *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

On April 18, 2013 at 242 West San Mateo, approximately 13 interested parties attended an Early Neighborhood Notification (ENN) meeting regarding Chabad Jewish Center, Special Use Permit. The following concerns were raised by the attendees:

1. Traffic and parking along Galisteo and San Mateo Streets,
2. The height of the building. Adjacent property owners were concerned with the massing of the building and its proximity to their property and its effect on views.

IV. SITE PLAN REVIEW

The property is .71± acres zoned R-2 (Residential 2 dwelling units to the acre).

Existing development consists of a single family dwelling unit currently used for religious assembly.

Existing	Existing	Use
Existing Dwelling Unit (to be demolished)	2,947 sq. ft	Religious Assembly and community use
Parking (gravel)	5	Parking Spaces
Recreation	Play Ground	Children's play area

There are two ingress/egress points to the property. The main access is from West San Mateo, with the second point of entry from Galisteo St. The exit on Galisteo street is to be used for emergency purposes only.

Proposed	New	Use
New Facility	9,995 Sq. Ft.	Religious Assembly and community use
Graveled Parking	25	Parking Spaces
Recreation	Play Ground	Children's play area

Development Review Team (DRT) REVIEW

All DRT conditions can be found on Exhibit A1. No negative comments have been received from City Traffic, Water, Fire Marshal, Solid Waste, Technical Review – Landscaping or Terrain Management.

V. CONCLUSION

The proposed request is consistent with Chapter 14 for allowed uses in an R-2 District. The proposed use is an existing and established use. The proposed improvements are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity. The Land Use Department has reviewed the application and determined that it complies with the necessary findings to recommend approval.

These findings include: 1) that the Board of Adjustment (BOA) has the authority under Chapter 14 to grant a Special Use Permit; 2) that granting the permit does not adversely affect the public interest; and 3) that the use and associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity.

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

VI. EXHIBITS

Exhibit A

1. Conditions of approval

June 4, 2013
Board Of Adjustment
Case # 2013-34
**242 SAN MATEO ROAD SPECIAL USE
PERMIT**

EXHIBIT A

Conditions of Approval

Exhibit B: DRT Comments

1. City Traffic Engineering Division
2. Land Use Technical Review Division – Landscaping
3. City Fire Marshal
4. Water Division
5. Land Use Technical Review Division – Terrain Management
6. City Solid Waste Division
7. Wastewater Division

Exhibit C: Maps

1. Vicinity Map

Exhibit D: Early Neighborhood Notification (ENN) materials

1. Meeting notes
2. ENN Guidelines

Exhibit E: Applicant Submittals

1. Letter of Application
2. Walker Engineering Parking Analysis
3. First Floor Plan
4. Second Floor Plan
5. Elevations
6. Site Plan

EXHIBIT A1
Conditions of Approval
Case 2013-34
Chabad Jewish Center

	Condition Depart	ment	Staff
1	The developer shall accommodate the conceptual roundabout design that was provided to them into their project/building permit plan(s).	Traffic Engineering Division	Sandra Kassens May 24, 2013
2	Detailed sign plan shall be included as part of the construction permit for review and approval.	Current Planning	Dan Esquibel June 4, 2013 (BOA Staff Memo)
3	Shall be addressed as part of the building permit application.	Fire Marshal	Reynaldo Gonzalez May 28, 2013
	A. Shall Comply with International Fire Code (IFC) 2009 Edition.		
	B. Shall provide fire suppression system and fire alarm for life safety due to type of occupancy. Also must be able to activate or deactivate systems in case of emergencies/non-emergencies.		
	C. Shall meet water supply requirements as per IFC 2009 Edition.		
	D. All Fire Department access shall be no greater that a 10% grade throughout and maintain 20' min. width.		
	E. Fire Department Access shall not be less than 20 feet width to any new construction.		
	F. Shall provide an automatic gate opener (Opticom) approved by the Fire Department for any automatic gates.		
	G. Shall have a drivable surface that will bear the weight of a fire engine and kept maintain in all-weather like conditions.		
5	At time of construction permit, the applicant will be required to submit both a Irrigation Plan as specified in Article 14-8.4(E) "Water Harvesting and Irrigation Standards" and specify specific plant materials to be used.	Lund Use Technical Review Landscaping	Noah Berke May 24, 2013
6	This development must meet all requirements of Articles 14-8.2 (Terrain and Stormwater Management) and 14-8.9 (Outdoor Lighting) of the Land Development Code.	Lund Use Technical Review Terrain Management	Risana B. (RB) Zaxus

EXHIBIT A1

June 4, 2013
Board Of Adjustment
Case # 2013-34
**242 SAN MATEO ROAD SPECIAL USE
PERMIT**

EXHIBIT B

DRT Comments

City of Santa Fe, New Mexico

memo

DATE: May 29, 2013
TO: Dan Esquibel, Planning and Land Use Department
VIA: John Romero, Traffic Engineering Division Director *for John Romero JMK*
FROM: Sandra Kassens, Traffic Engineering Division *JMK*
SUBJECT: 242 West San Mateo Road Special Use Permit (Case 2013-34.)

ISSUE

Sarcon Construction, agents for Chabad Jewish Center, request Special Use Permit to allow construction of 9,995± square feet of new construction on 0.71± acres for religious assembly. The property is zoned R-2 (Residential, two dwelling units per acre) and is located at 242 West San Mateo Road.

RECOMMENDED ACTION:

Review comments are based on submittals received on May 1, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final sign-off unless otherwise noted:

1. The developer shall accommodate the conceptual roundabout design that was provided to them into their project/building permit plan(s).

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

City of Santa Fe, New Mexico

memo


DATE: May 24, 2013
TO: Daniel Esquibel, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior NCB
SUBJECT: Final Comments for Case #2013-34, 242 West San Mateo Road Special Use Permit

Below are comments for the 242 West San Mateo Road Special Use Permit request. These comments are based on documentation and plans dated May 28, 2013:

As submitted, the request and plan set associated with the request meets the requirements of Article 14-8.4 "Landscape and Site Design". At time of construction permit, the applicant will be required to submit both a Irrigation Plan as specified in Article 14-8.4(E) "Water Harvesting and Irrigation Standards" and specify specific plant materials to be used.

City of Santa Fe, New Mexico

memo

DATE: May 28, 2013
TO: Case Manager: Dan Esquibel
FROM: Reynaldo D Gonzales, Fire Marshal 
SUBJECT: 2012-34 242 West San Mateo Road Special Use Permit

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed as part of the building permit application. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Shall provide fire suppression system and fire alarm for life safety due to type of occupancy. Also must be able to activate or deactivate systems in case of emergencies/non-emergencies.
3. Shall meet water supply requirements as per IFC 2009 Edition.
4. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.
5. Fire Department Access shall not be less than 20 feet width to any new construction.
6. Shall provide an automatic gate opener (Opticom) approved by the Fire Department for any automatic gates.
7. Shall have a drivable surface that will bear the weight of a fire engine and kept maintain in all weather like conditions.

City of Santa Fe
memo

DATE: May 24, 2013
TO: Dan Esquibel, Land Use Planner, Land Use Department
FROM: Antonio Trujillo, ^AWater Division Engineer
SUBJECT: Case # 2013-34, Chabad Center

There are no issues with water service for the subject case. Fire protection requirements are addressed by the Fire Department.

DATE: May 28, 2013

TO: Dan Esquibel, Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2012-34
242 West San Mateo Road Special Use Permit

The following comments are to be regarded as conditions of approval:

This development must meet all requirements of Articles 14-8.2 (Terrain and Stormwater Management) and 14-8.9 (Outdoor Lighting) of the Land Development Code.

ESQUIBEL, DANIEL A.

From: MARCO, RANDALL V.
Sent: Wednesday, May 29, 2013 9:43 AM
To: ESQUIBEL, DANIEL A.
Subject: RE: CHABAD

Dan,
After further review of the site plan there are no solid waste issues at this time.

Randall Marco
Community Relations / Ordinance Enforcement
Environmental Services Division
Office : 505-955-2228
Cell : 505-670-2377
Fax : 505-955-2217
rvmarco@santafenm.gov

From: ESQUIBEL, DANIEL A.
Sent: Wednesday, May 29, 2013 9:39 AM
To: MARCO, RANDALL V (rvmarco@ci.santa-fe.nm.us)
Subject: CHABAD

Daniel Esquibel
Land Use Planner Senior
City of Santa Fe Land Use Department, Current Planning Division
Work: 505-955-6587
Email: daesquibel@santafenm.gov

June 4, 2013
Board Of Adjustment
Case # 2013-34
**242 SAN MATEO ROAD SPECIAL USE
PERMIT**

EXHIBIT C

Vicinity Map

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Aerial Photo

242 W. San Mateo Road



SITE

Legend

--- CITY LIMITS

□ PARCELS

— Roads

June 4, 2013
Board Of Adjustment
Case # 2013-34
**242 SAN MATEO ROAD SPECIAL USE
PERMIT**

EXHIBIT D

ENN Materials



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

Project Name	Chabad Jewish Center
Project Location	242 W. San Mateo Road
Project Description	Special use permit for a new 10,000 SF Chabad Jewish Center
Applicant / Owner	Chabad Jewish Center
Agent	Sarcon Construction
Pre-App Meeting Date	3/26/13
ENN Meeting Date	4/18/13
ENN Meeting Location	242 W. San Mateo Road
Application Type	Special Use Permit
Land Use Staff	Dan Esquibel
Other Staff	None
Attendance	13

Notes/Comments:

The ENN commenced at 5:30 PM and ended at 7:00 PM. The applicant presented the project to the attendees followed by a questions and answers session. The concerns raised at the meeting dealt with traffic and parking along Galisteo and San Mateo Streets, with the main issue being the height of the building. Adjacent property owners were concerned with the massing of the building and its proximity to their property and its effect on views.



City of Santa Fe Early Neighborhood Notification Meeting Sign-In Sheet

Project Name: CHABAD JEWISH CENTER

Meeting Date: 4/18/13

Meeting Place: CHABAD 242 W. SAN MATEO

Meeting Time: 5:30 pm

Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1. <u>Mr. B. J. Harris</u>	<u>201 W San Mateo Rd</u>	<u>---</u>
<input type="checkbox"/>	2. <u>Irma J. Lael</u>	<u>238 W. San Mateo Rd</u>	<u>---</u>
<input type="checkbox"/>	3. <u>Margaret Jensen (Langer)</u>	<u>1509 Galisteo Street</u>	<u>---</u>
<input type="checkbox"/>	4.		
<input type="checkbox"/>	5.		
<input type="checkbox"/>	6.		
<input type="checkbox"/>	7.		
<input type="checkbox"/>	8.		
<input type="checkbox"/>	9.		
<input type="checkbox"/>	10.		
<input type="checkbox"/>	11.		
<input type="checkbox"/>	12.		

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Daniel A. Ezquerra
Printed Name of City Staff in Attendance

[Signature]
Signature of City Staff in Attendance

4-18-13
Date

This sign-in sheet is public record and shall not be used for commercial purposes.



Meeting Time: 5:30 PM

Signed:

Date:

Proposed ENN Meeting Dates:

<i>Provide 2 options:</i>	<i>Preferred Option</i>	<i>Alternative</i>
DATE:	4/18/13	
TIME:	5:30 pm	
LOCATION:	Chabad Jewish Center – Santa Fe	



ENN GUIDELINES

Applicant Information

Project Name: **Chabad Jewish Center – Santa Fe**

Name: **Chabad Jewish Center – SF**

Last

First

M.I.

Address: **242 West San Mateo Road**

Street Address

Suite/Unit #

Santa Fe

NM

87505

City

State

ZIP Code

Phone: **(505)983-2000**

E-mail Address:

rabii@chabadsantafe.com

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

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

The neighborhood includes many different types of buildings, including residential, school, medical services and other religious, institutional buildings. The character and appearance of this 9,995 square foot project is very appropriate to this neighborhood context as well as the proposed use and function of the proposed building as a religious institution. The massing has been carefully reviewed to provide setbacks on three sides of the building, which is partially two story, with a one-story, hipped roof and sloped high ceiling at the sanctuary and multi-purpose hall. The two-story design allows for a smaller footprint and more open space on site; over 40% open space. The project includes 15 foot property line setbacks at the east and south, a large open area to the west (or Galisteo side of the building), and a courtyard area at the northern entrance. The massing and setbacks on the east, north and west sides will help to ensure that the scale of the building, while institutional in nature, blends well in scale with the adjacent residential neighborhood. A landscape buffer will be provided along the San Mateo and Galisteo edges, and all lighting will be designed to provide minimal impact on the surrounding neighborhood and to comply with the Night Sky Act. The entrance and egress will continue to utilize the existing curb cut along San Mateo.

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

A secondary emergency egress will be provided along Galisteo, for emergency vehicles only. The project team proposes to utilize this space as open space when not required by emergency vehicles. The paving will be designed to be accessible by fire truck while also allowing for vegetation.

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

There are no known impacts on any prehistoric, historic, archaeological or cultural sites on the property. The property has already been disturbed with prior, relatively recent construction. The existing building on the site will be entirely removed, and the proposed new project will be all new construction.

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

The property is zoned R-7, a residential zone district, which allows for "certain structures and uses required to serve...religious...and other immediate needs of such areas." The Chabad Jewish Center – Santa Fe project will require a Special Use Permit through the Board of Adjustments. All land use and architectural design requirements including landscape design, open space and lot coverage requirements will be met.

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

The project team has agreed to keep the curb cut location on San Mateo in the same location, and to not provide an additional access off of Galisteo, except for emergency vehicles, in order to minimize the impact of the project on the more congested street of Galisteo.

The project team is currently completing a parking study to analyze and evaluate the impact on parking. It is expected that the new facility will require no more than 25 spaces on site for most of the year. Currently the site has only four parking spaces, and with a proposed new total of 25 parking spaces, it is anticipated that the site improvements will help reduce on street parking. The highest numbers of occupants in the building will be on Saturdays, which is Shabbat. Most, but not all, of the worshippers attending Saturday services walk to services, as it is Orthodox Jewish custom not to drive on Shabbat. There are two significant holidays each year, Passover in Spring and Rosh Hoshanah / Yom Kippur in Fall, which will likely require additional parking. However, as these are only twice each year, the project team will request a variance to allow for less parking than would typically be required for those special occasions. The project site will not allow for additional parking, so if the variance is not granted, that would impact the ability of the project to be developed at all.

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

The new facility will allow for additional visitors, worshippers, scholars, and interested parties to regularly travel to this new Jewish Center.

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

Not applicable.

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

The project maximizes the efficient use of existing infrastructure. The project will also contribute to bringing three phase power to the site and address all stormwater management issues on site. See Section (i).

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

It is not expected that the project will install a below grade cistern to capture rainwater on site. However, the project team will review the possibility of rainwater catchment above ground to the extent feasible. All landscaping will native and drought-resistant, and the irrigation system will be water-conserving and efficient. All plumbing fixtures in the building will be low flow.

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

It is the hope of the project team that a well-designed, new Jewish Center, in a prominent location such as this, will help to support the living standards of the neighborhood and act as a valuable community resource. The project successfully compares to other context-appropriate religious institutions nearby, including St. Bede's and Hamakom on San Mateo, and Christ Church on Cordova.

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

The project is an infill project, utilizing an already developed site, in the hopes of greatly improving the current condition of the property. The neighborhood is very mixed use, including not only religious and residential buildings but also an elementary school, healing arts college, medical offices and facilities, and a community park known as the "Rose Garden." The existing tall fence currently surrounding the property will be removed, allowing the project to help provide an open green space along Galisteo between St. Michaels' Drive and Cordova.

(l) ADDITIONAL COMMENTS (optional)

The design and massing follows the traditional local aesthetic in the use of stucco, punched window openings and setbacks. The height of the building is lower than the maximum allowable height, and extensive new landscape improvements help to integrate the building and property into the neighborhood.

June 4, 2013
Board Of Adjustment
Case # 2013-34
**242 SAN MATEO ROAD SPECIAL USE
PERMIT**

EXHIBIT E

Applicant's Submittals



(date stamp)

**SPECIAL USE PERMIT
APPLICATION
14-3.6**

Parcel Information

Address: 242 West San Mateo Road, Santa Fe, NM Property Size: 31,165 SF/0.715 AC.
Proposed Use: Chabad Jewish Center
Zoning: R1 Preapplication Conference Date: _____
ENN Meeting Date: 4/18/13 UPC Code Number: _____

Property Owner Information

Name: Chabad Jewish Center
First Last
Address: 242 West San Mateo Road
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: 505-983-2000 E-mail Address: rabbi@chabadsantafe.com

Applicant/Agent Information (if different from owner)

Company Name: Sarcon Construction Corp.
Name: Peter Brill
First Last
Address: PO Box 6020 (Physical: 2044 Galisteo St. #1 87505)
Street Address Suite/Unit #
Santa Fe NM 87502
City State ZIP Code
Phone: 505-474-4700 E-mail Address: pbrill@sarcon.net

Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 242 West San Mateo Rd.
I/We authorize Peter Brill / Sarcon Construction to act as my/our agent to execute this application.
Signed: [Signature] Berd Levartov Date: 4/23/13
Signed: _____ Date: _____

Submittal Checklist

A minimum of 2 copies, 24"x36" or 11"x17" (scalable) and 1 CD with PDF. Please include the following and check box to indicate submittal:

<input checked="" type="checkbox"/> Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/> Statement addressing approval criteria (see below)	<input checked="" type="checkbox"/> Legal Lot of Record, Legal Description	<input checked="" type="checkbox"/> Site Plan (see below)	<input checked="" type="checkbox"/> Landscape, Parking and Lighting Plan, Signage Specifications (as required) ON SITE PLAN
<input type="checkbox"/> Terrain Management Plans (as required by Section 14-8.2 SFCC 1987)	<input type="checkbox"/> Traffic Impact Analysis (if required)	<input type="checkbox"/> Archaeological Clearance (if required)	<input checked="" type="checkbox"/> Sewer and Water Plan (if required) ON SITE PLAN	<input type="checkbox"/> Phasing Plan (if applicable)

Site Plan

Special use permits shall include 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. (Section 14-3.6(C)(1) SFCC 1987)

The site plan shall be a scaled drawing showing all site improvements, existing and proposed, including but not limited to the following:

1. Buildings and other structures such as fences and walls, existing and proposed;
2. Landscape, existing and proposed; and
3. Parking, vehicular and pedestrian circulation including off-site access.

The Land Use Department may require additional information, including but not limited to:

1. Slope and topographic analysis;
2. Utility connections or availability statements;
3. Fire protection; and,
4. Traffic impact analysis.

Please check with the Case Manager to determine what additional requirements there are, if any.

Special Use Permit Approval Criteria (Section 14-3.6(D) SFCC 1987)

Attach a separate letter stating:

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

Signature

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

Signature: _____ Date: 4/29/13

To be completed by LUD staff:

☐ Board of Adjustment ☐ Planning Commission Staff Initial _____

A case manager will be assigned to your project and will notify you within 10 business days if any additional information is needed. After your application has been reviewed by City staff, we will contact you regarding public notice requirements. A packet of information and instructions will be provided regarding the required mailing and sign posting. Please contact the Land Use Department staff at (505) 955-6585 with any questions.



Sarcon
Construction
Corporation

P.O. Box 6020
Santa Fe, NM 87502
Phone: 505.474.4700
Fax: 505.474.8454
www.sarcon.net

April 26, 2013

Dan Esquibel, Case Manager
City of Santa Fe Land Use Department
200 Lincoln Avenue
PO Box 909
Santa Fe, NM 87504-0909

Re: Chabad Jewish Center – Santa Fe, Special Use Permit Application

Dear Mr. Esquibel,

Per Special Use Permit Approval Criteria (Section 14-3.6(D) SFCC 1987), this letter serves as a statement addressing the approval criteria for the Chabad Jewish Center – Santa Fe, located at 242 West San Mateo Road:

1. Granting the special use permit for this property does not adversely affect the public interest.
2. The use and 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.

I am authorized to act as applicant/ agent on behalf of Rabbi Berel Levertov of the Chabad Jewish Center – Santa Fe. Thank you for your consideration of the special use permit application.

Sincerely,

A handwritten signature in black ink, appearing to be "P. Brill", written over a light blue horizontal line.

Peter Brill, President

Cc: Rabbi Berel Levertov, Chabad Jewish Center – Santa Fe
Jamie Blosser, Atkin Olshin Schade Architects

W•E Walker Engineering

Morey Walker & Associates Engineering, Inc.

905 Camino Sierra Vista
Santa Fe, NM 87505
(505) 820-7990

May 15, 2013

Ms. Jamie Blosser, AIA, LEED Ap
Associate, Director Santa Fe Office
Atkin Olshin Schade Architects
1807 Second Street, Suite 34
Santa Fe, NM 87505

Ref: Chabad Center
Parking Requirements

Dear Jamie,

At your request, I have looked into the parking requirements for the referenced synagogue. Based upon the most recent site plan, there will approximately 100 seats in the synagogue. The 100 seats are needed for normal religious services. Using Table 14-8.6-1 of the City of Santa Fe Chapter 14 Land Use (copy attached), the Chabad Center would need 1 parking space per 4 seats for a total of 25 parking spaces. The proposed parking lot of 25 spaces meets this requirement. As a note, during periods of high holy days, additional offsite parking will be required.

As a check for the parking requirements, The Institute of Transportation Engineers (ITE) has standards for the amount of traffic that will be generated by a synagogue. With a gross square footage of 9,995±, there will be about 12 cars entering and 16 cars leaving the site during the Saturday peak hour (calculations attached). This amount of traffic would be consistent with a parking lot of 25 cars.

Therefore, a parking lot of 25 spaces for the proposed Chabad Center synagogue will be adequate for the anticipated normal use.

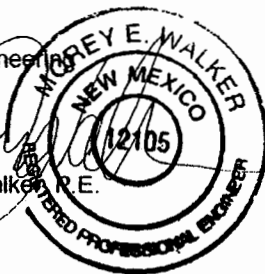
The remaining question is the adequacy of the hammerheads at each of the ends of the parking lot. The proposed hammerheads are about 22' wide by 8'+ deep. Generally, when we design that type of hammerheads, we use dimensions of 20' wide by 5' deep. With the larger dimensions proposed for the Chabad Center, there will be adequate space to maneuver within the parking lot.

If you have any questions or need further information, please do not hesitate to contact me.

Sincerely,

Walker Engineering

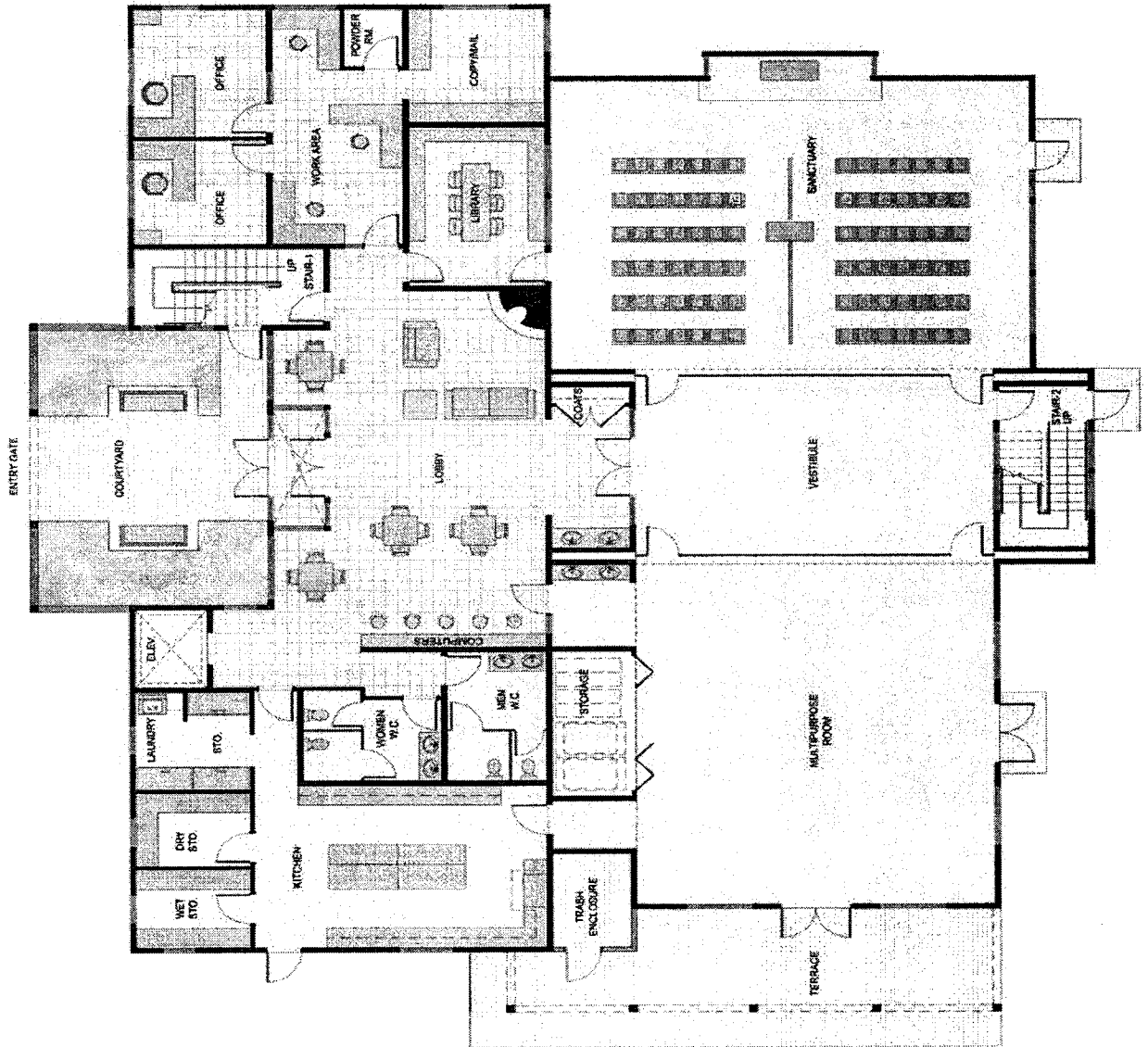
Morey E. Walker, P.E.
Principal



Civil Engineering • Water Resources • Traffic Engineering

TABLE 14-8.6-1: Parking and Loading Requirements		
Category	Specific Use	Parking and Loading
RESIDENTIAL		
		per each four seats
Human Services	Extended and sheltered care facilities, including group homes	One space per each two beds
	Human services establishments	One space per each 350 square feet of net leasable area except for lodging which shall be 1 space per 2 beds for dormitory rooms or 1 space per individual lodging unit
Libraries, museums (not for profit)	All uses	One space per each 250 square feet of net leasable area
Parks and Open Space	Parks, athletic fields, tennis and pool facilities, golf courses, etc.	As determined by the city
	Public buildings and grounds other than elementary or high schools	One space per each 250 square feet of net leasable area
	Uses for general public gatherings	One space per four seats, based on total capacity
Religious Assembly	All uses	One space per four seats
Transportation terminals	All uses	One space per each 200 square feet of net leasable area
COMMERCIAL		
Assembly	Fraternal organizations	One space per each 200 square feet of net leasable area
	Private clubs and lodges	One space per each 200 square feet of net leasable area
Financial	Drive-in banks	One space per each 350 square feet of net leasable area plus customer drive-in spaces as determined by the city
Food & Beverages	Drive-in eating and drinking establishments	One space per each 30 square feet with a 10 space minimum
	Eating and drinking establishments	One space per each 50 square feet of serving area
	Liquor stores	One space per each 200 square feet of net leasable area

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CHABAD JEWISH CENTER SANTA FE

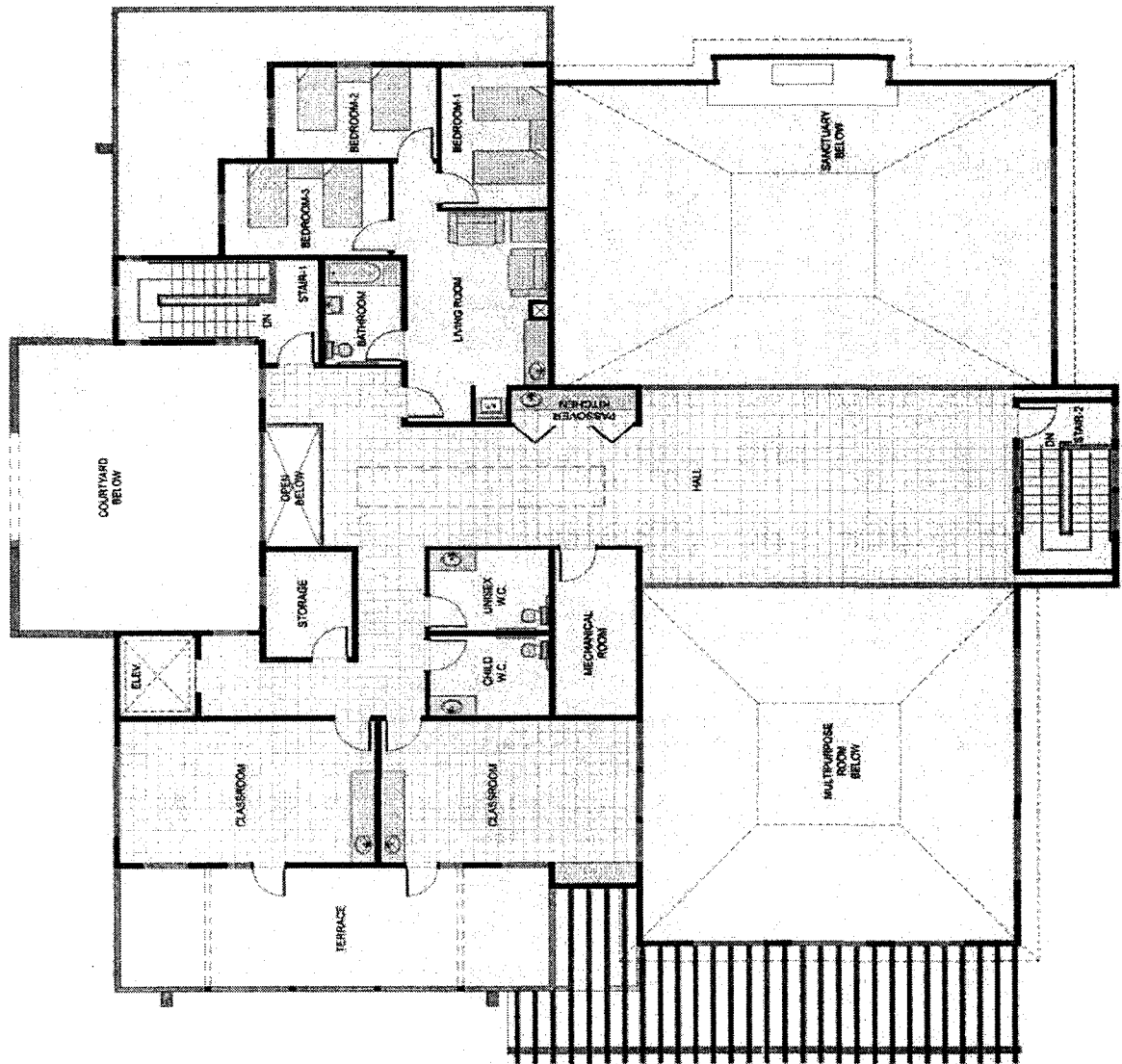
FIRST FLOOR PLAN

SCALE : 3/32" = 1'-0"



SARCON

ATKIN OLSHIN SCHADE ARCHITECTS



CHABAD JEWISH CENTER SANTA FE

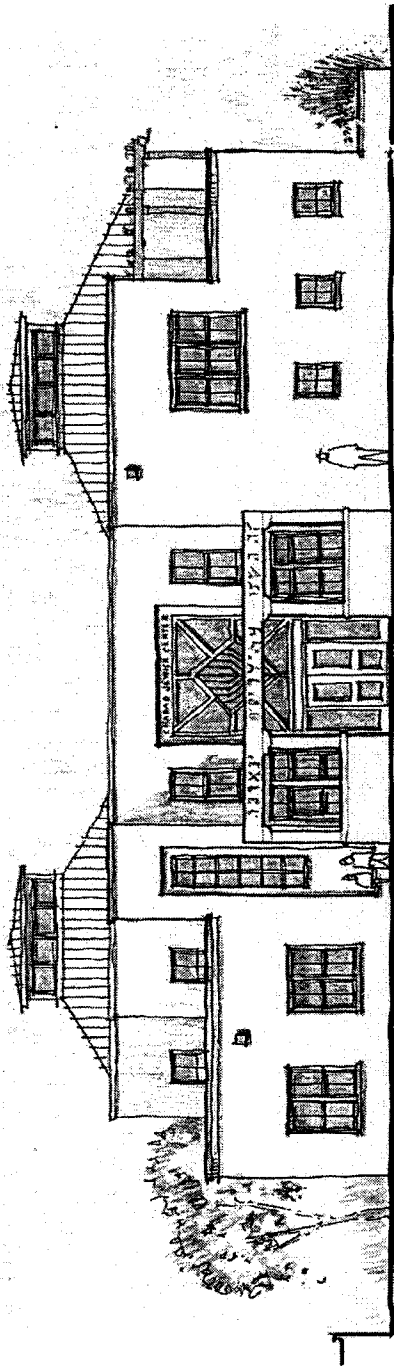
SECOND FLOOR PLAN

SCALE : 3/32" = 1'-0"

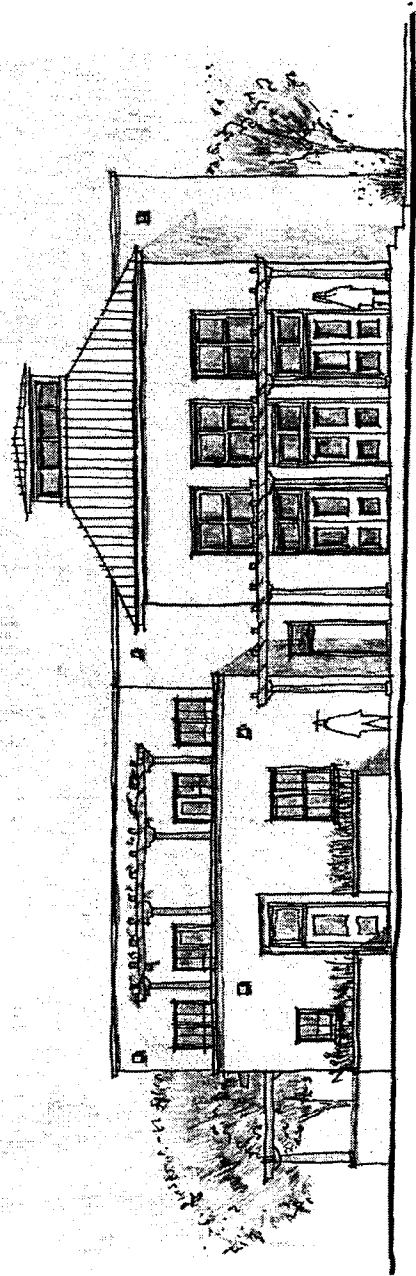


SARCON
ARCHITECTS

ATKIN OLSHIN SCHADE ARCHITECTS



NORTH ELEVATION



WEST ELEVATION

CHABAD JEWISH CENTER SANTA FE

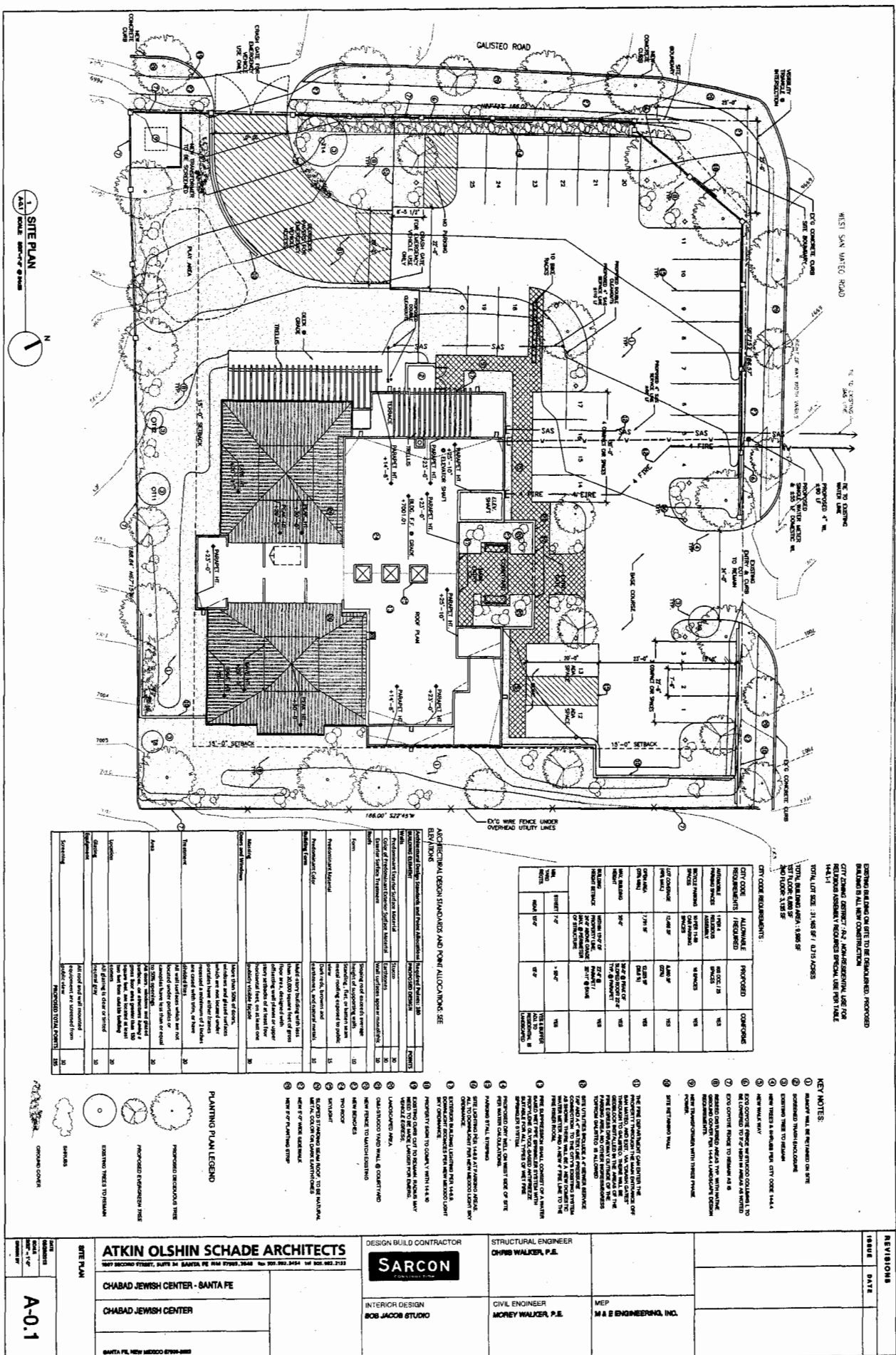
ELEVATIONS

SCALE : 3/32" = 1'-0"



SARCON
ARCHITECTS

ATKIN OLSHIN SCHADE ARCHITECTS



SITE PLAN
 1/4" = 10'-0"
 N

CITY CODE REQUIREMENTS:

CITY CODE REQUIREMENTS	PROPOSED	COMPLIANCE
MINIMUM LOT AREA	1.5 ACRES	YES
MINIMUM LOT WIDTH	150'-0"	YES
MINIMUM LOT DEPTH	150'-0"	YES
MINIMUM LOT AREA PER UNIT	1.5 ACRES	YES
MINIMUM LOT WIDTH PER UNIT	150'-0"	YES
MINIMUM LOT DEPTH PER UNIT	150'-0"	YES
MINIMUM LOT AREA PER UNIT	1.5 ACRES	YES
MINIMUM LOT WIDTH PER UNIT	150'-0"	YES
MINIMUM LOT DEPTH PER UNIT	150'-0"	YES

- KEY NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-1.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-2.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-3.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-4.
 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-5.
 6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-6.
 7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-7.
 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-8.
 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-9.
 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SANTA FE LAND DEVELOPMENT CODE, CHAPTER 14-10.

ADDITIONAL DESIGN STANDARDS AND POWER ALLOCATION:

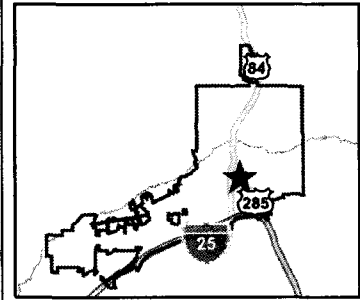
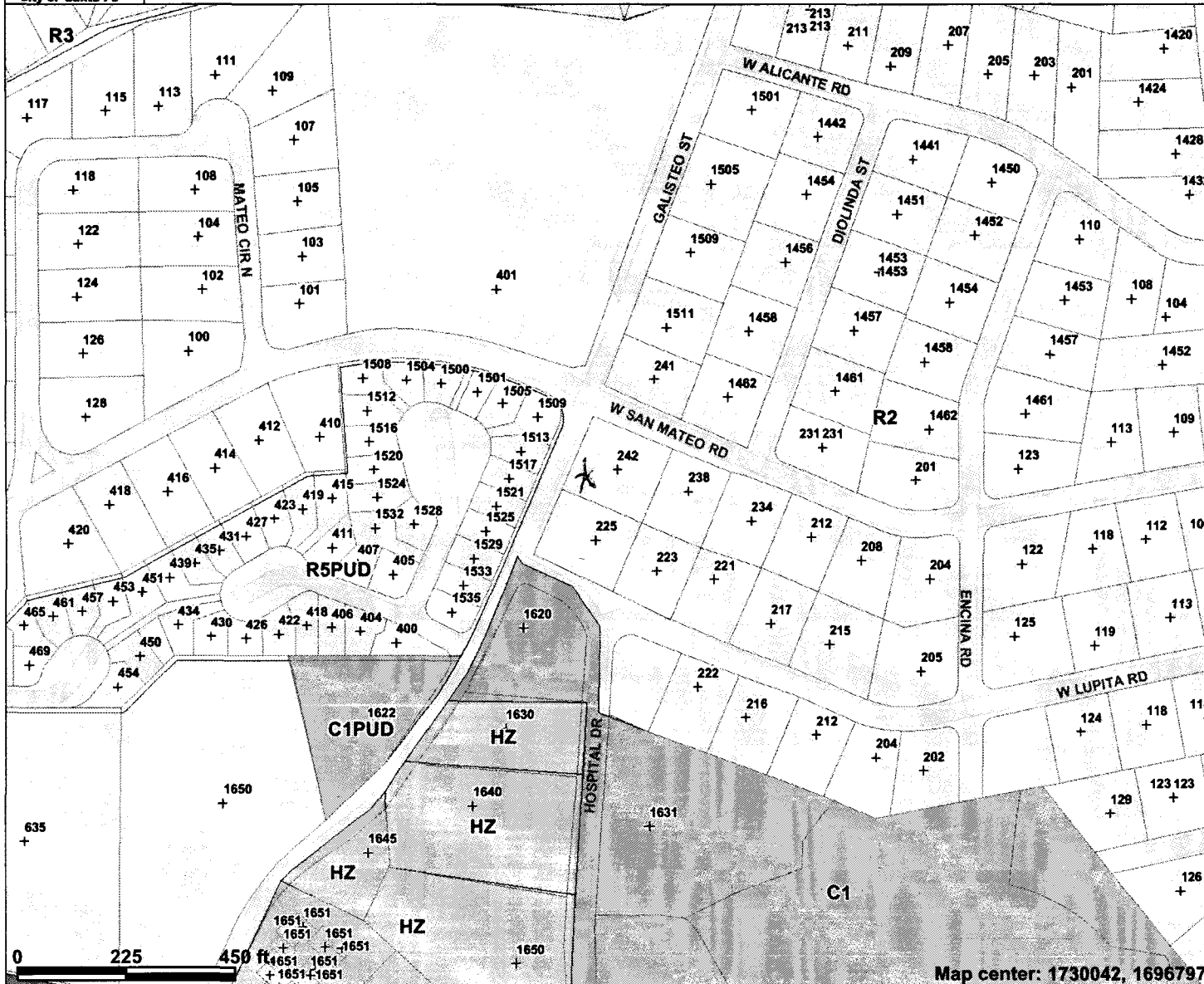
ADDITIONAL DESIGN STANDARDS AND POWER ALLOCATION	PROPOSED	COMPLIANCE
MINIMUM LOT AREA	1.5 ACRES	YES
MINIMUM LOT WIDTH	150'-0"	YES
MINIMUM LOT DEPTH	150'-0"	YES
MINIMUM LOT AREA PER UNIT	1.5 ACRES	YES
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MINIMUM LOT DEPTH PER UNIT	150'-0"	YES
MINIMUM LOT AREA PER UNIT	1.5 ACRES	YES
MINIMUM LOT WIDTH PER UNIT	150'-0"	YES
MINIMUM LOT DEPTH PER UNIT	150'-0"	YES

- PLANTING PLAN LEGEND:**
- 1. PROPOSED LANDSCAPING TREES
 - 2. PROPOSED LANDSCAPING SHRUBS
 - 3. PROPOSED LANDSCAPING GRASSES
 - 4. PROPOSED LANDSCAPING PERENNIALS
 - 5. PROPOSED LANDSCAPING ANNUALS
 - 6. PROPOSED LANDSCAPING ROCKS
 - 7. PROPOSED LANDSCAPING PATHS
 - 8. PROPOSED LANDSCAPING FENCES
 - 9. PROPOSED LANDSCAPING LIGHTS
 - 10. PROPOSED LANDSCAPING SIGNS

ATKIN OLSHIN SCHADE ARCHITECTS 1000 SECOND STREET, SUITE 100, SANTA FE, NM 87501-1000 TEL: 505.966.1000 FAX: 505.966.1001 WWW.AOSHA.COM		DESIGN BUILD CONTRACTOR SARCON INTERIOR DESIGN BOB JACOB STUDIO		STRUCTURAL ENGINEER CHRIS WALKER, P.E.		CIVIL ENGINEER MORLEY WALKER, P.E.		MEP M & E ENGINEERING, INC.	
CHABAD JEWISH CENTER - SANTA FE CHABAD JEWISH CENTER SANTA FE, NEW MEXICO 87505-0000									



ZONING @ 225 West Lupita



Legend

City Limits

+ Address Points

Parcels

Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single - Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD), (AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park



Scale: 1:3,836

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Map center: 1730042, 1696797

Exhibit "2"

4 June 2013

FROM: Peter B. & Lucille R. Quintana
225 West Lupita Rd
Santa Fe, NM 87505

TO: Board of Adjustment
200 Lincoln Ave
Santa Fe, NM

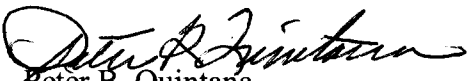
SUBJECT: Protest of CASE # 2012-34

Per Article 14:3 Review and Approval Procedures, (6) Protest Petitions, I invoke my right as an owner within 100 feet of the area proposed to be changed via a Special Use Permit to PROTEST said request. The request is for the property at 242 West San Mateo Rd, Santa Fe, NM 87505.

The property at 242 West San Mateo Rd is currently zoned R-2 (Residential, One dwelling unit per acre) and is located adjacent too, as well as, North of my property at 225 West Lupita.

I am protesting the request for new construction based on a building plan that specifically includes a structure over 29 feet high which will be running West to East directly impeding my current view due North. Additionally, I feel that the zoning is appropriate for this area and should be maintained due to immense traffic and congestion caused by multiple zoning around me.

The HZ zoning south of my property is dense enough that it has created significant traffic issues through the years. Most recently with the addition of the residential R5PUD directly West of my property, traffic has been even worse. My property is currently surrounded by zoning R2 to my North, North East, and East, C1 and HZ to the South, C1PUD to the South West, and R5PUD to the West.


Peter B. Quintana
Homeowner


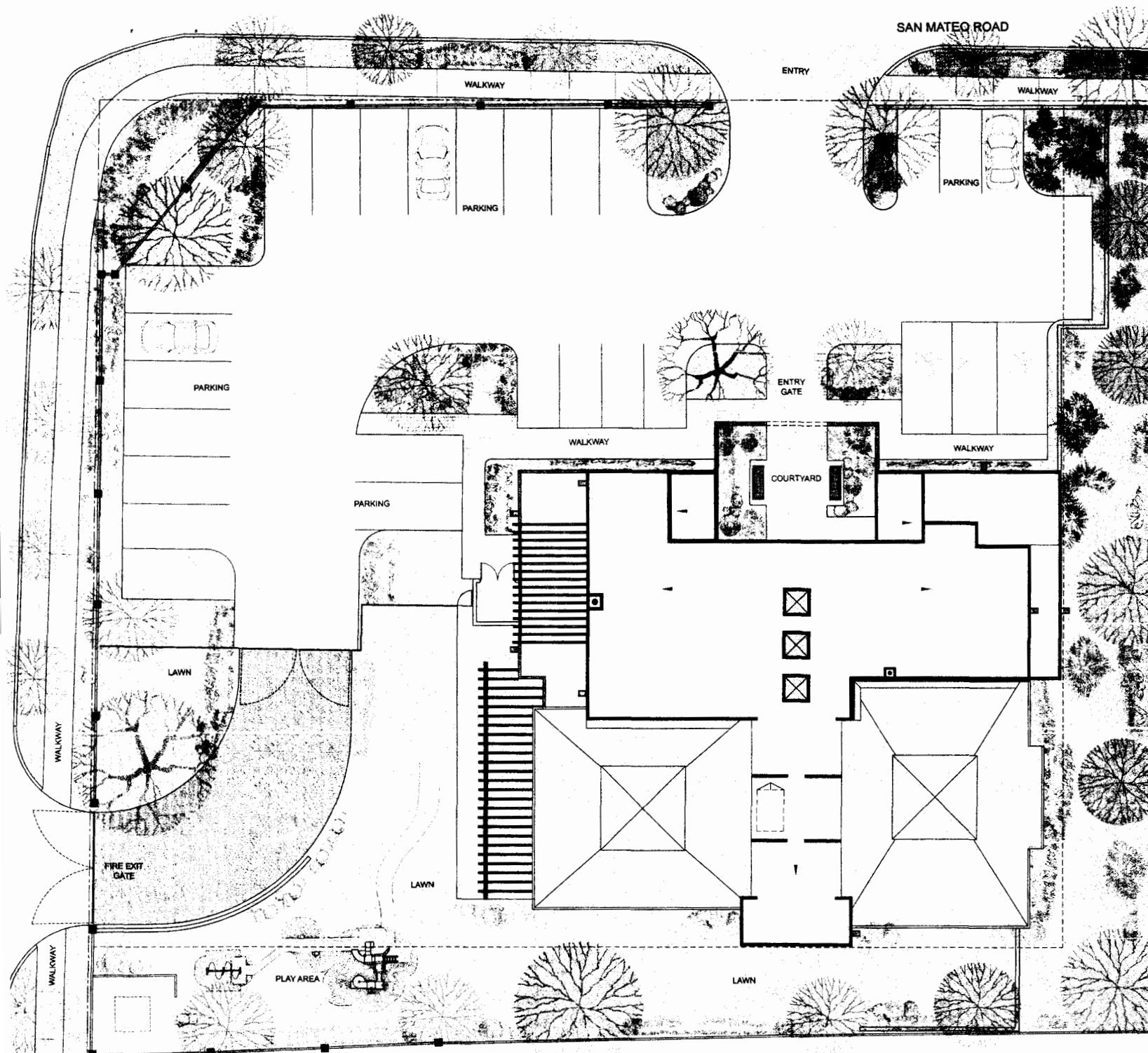
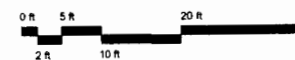

Lucille R. Quintana
Homeowner

Exhibit "3"



CHABAD JEWISH CENTER SANTA FE

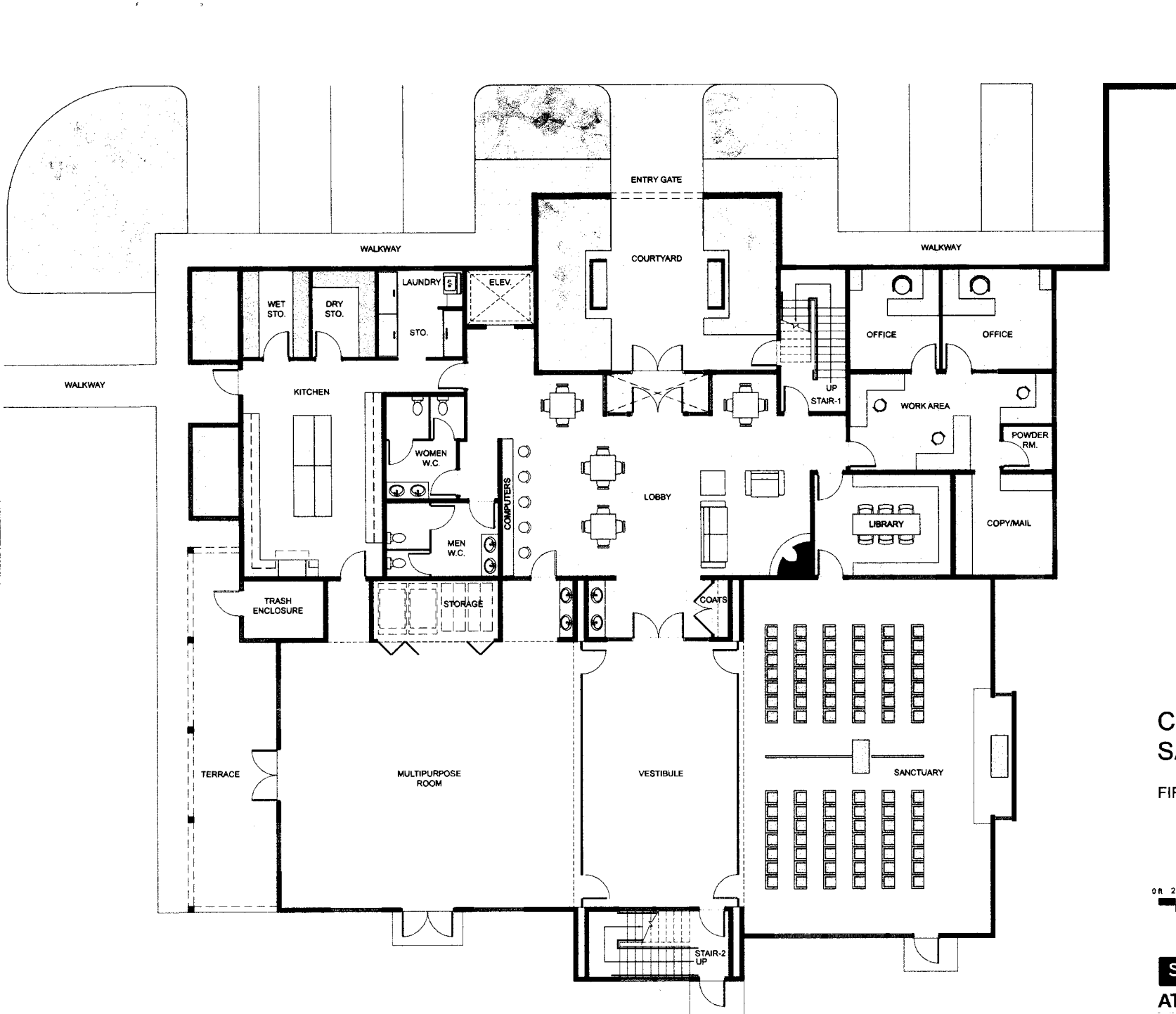
SITE AND ROOF PLAN



SARCON

ATKIN OLSHIN SCHADE ARCHITECTS

Exhibit 4



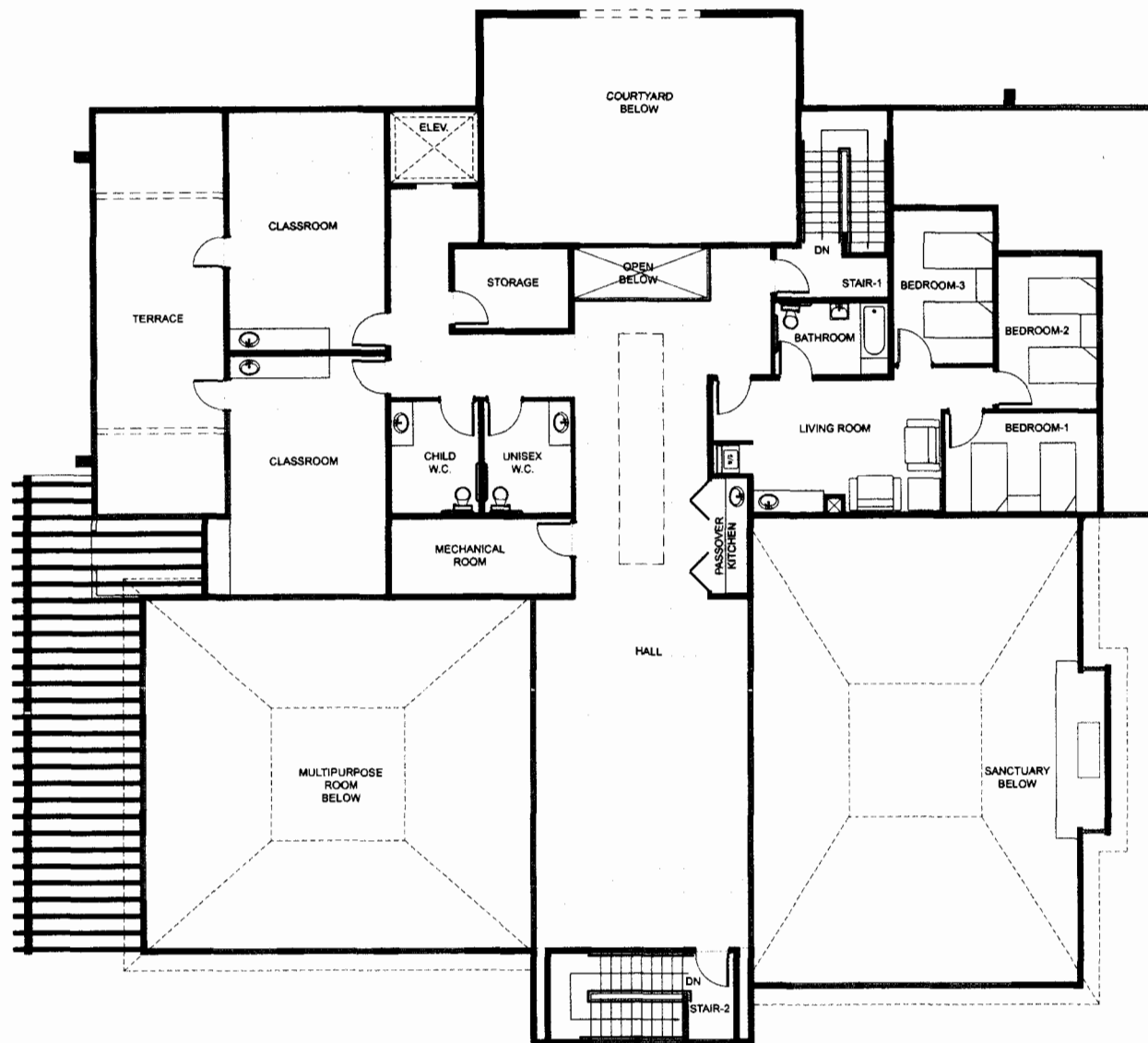
CHABAD JEWISH CE SANTA FE

FIRST FLOOR PLAN



SARCON

ATKIN OLSHIN SCHADE ARC



CHABAD JEWISH CE SANTA FE

SECOND FLOOR PLAN

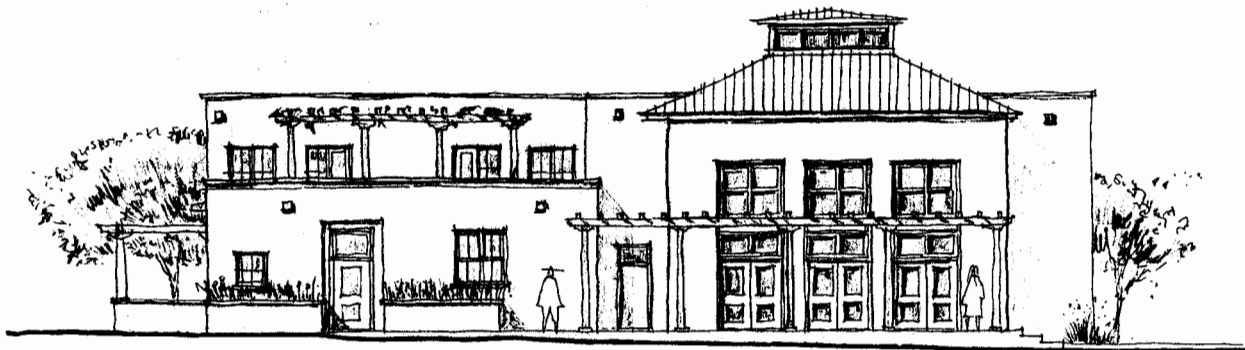


SARCON

ATKIN OLSHIN SCHADE ARCHITECTS



NORTH ELEVATION
WEST SAN MATEO ROAD



WEST ELEVATION
GALISTEO ROAD

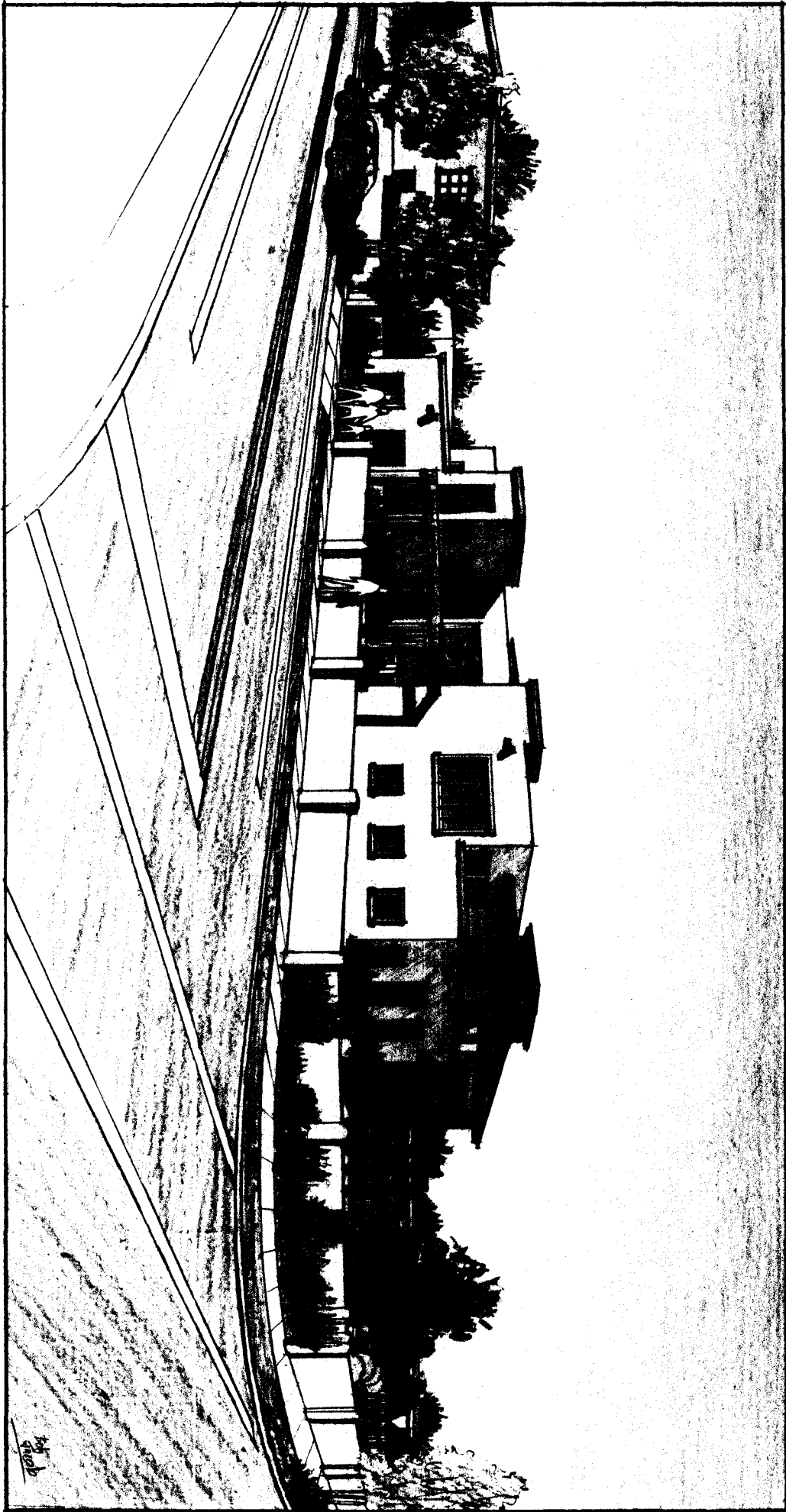
CHABAD JEWISH CENTER SANTA FE

ELEVATIONS



SARCON

ATKIN OLSHIN SCHADE ARCHITECTS



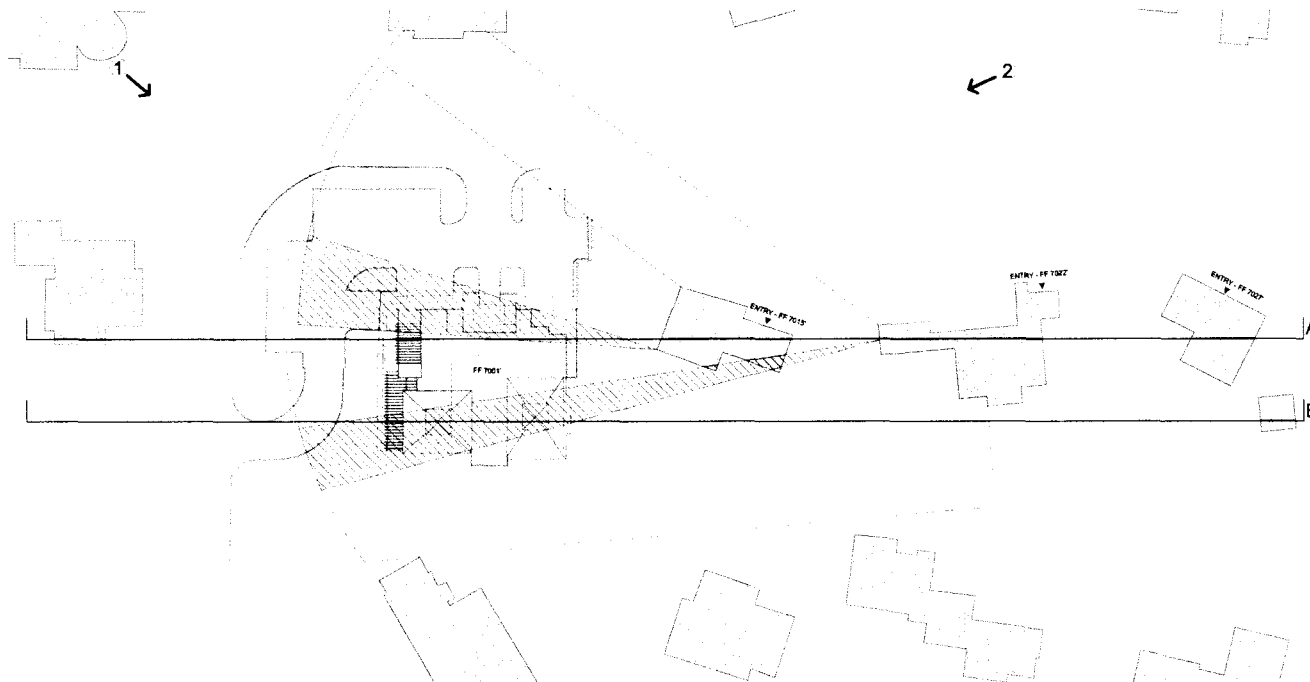
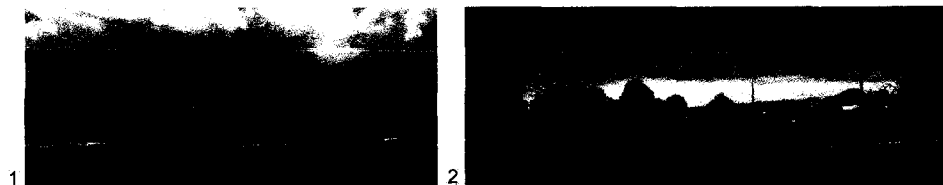
10/10/00
10/10/00

T236 - MAX BLDG HT
 T237 - CURRENT BLDG HT

SIGHTLINES

T201 - FF

A SITE SECTION A
 1/16" = 1'-0"



1 SITE PLAN WITH VIEW SHEDS
 1" = 30'-0"

B SITE SECTION B
 1" = 30'-0"

CHABAD JEWISH CENTER SANTA FE

VIEW STUDY

SARCON

ATKIN OLSHIN SCHADE ARCHITECTS

I live in the impacted neighborhood, two houses away from the proposed three story high, two story, building. This proposed massive 10,000sf structure is far out of character with the neighborhood, will negatively impact property values up and down the street, and is totally inconsistent with what residential zoning is meant to protect. If you were to approve the building, the County Assessor should expect many property value challenges from this neighborhood next year. If you want to do what is right rather than what might be borderline legal, you should reject this application out of hand. By allowing this building to go forward, even with adjustments, there is no way to diminish the adverse effect it will have on the neighborhood for years to come.

Many people in this room today are here to support the application but most of those are not people who live in the neighborhood. As people make statements to you, you should ask firstly whether they live in the neighborhood and secondly whether they would welcome this structure next door to their own home. If the answers are "no" to living in the neighborhood and "yes" to welcoming the structure next door, then problem solved. You have found a better site for the proposed monstrosity and the application can be turned down. At the very least you should value or discount what you hear based on the answer to those two questions.

The architect has sought to squeeze every ounce of building mass out of what may or may not be legally allowed. The result is to inflict as much damage on the residential neighborhood as possible. Let me put it this way. If you had hired this architect to do urban planning for this area, he would never propose that this building be built or he would risk being read out of the profession. I have worked directly with enough prominent architects in historically sensitive environments to feel deeply that this building should not be built. As my Jewish heritage and common vernacular might have me put it, the building is "not kosher." It is wrong.

The immediate next door neighbors, the Raels and the Quintanas, whose personal lives and property values will be devastated if this massive structure and parking lot are built, are the essence of Santa Feans. They have lived in their houses for over 40 – 50 years – since the beginnings of the neighborhood. To do to them what is being proposed simply for the convenience of a very few people is ethically and morally wrong and not in the least consistent with the Judaeo-Christian values being professed by the supporters of this highly questionable scheme. While I would normally be reluctant to bring religion into the conversation, note that this residential neighborhood is mostly restricted to one story structures by deed and the only reason a three story high structure is being considered is due to questionable preferences given to religious organizations in residential neighborhoods. Those questionable exceptions, in essence, give those organizations free rein to trash the basic religious underpinnings of their members in exchange for personal benefit. It is shameful and wrong and can be stopped if a few good men and women look in the mirror and do so. Please reject this application.

Exit "5"

Should you not reject this application, then I would ask:

1. That you carefully review the deed and related history for this property to determine if there are underlying one story restrictions as there are with homes directly adjacent to the property and up San Mateo. Note that zoning subsequent to deeded restrictions can undo illegal covenants, can impose more restrictive conditions on property use, but cannot override legal height restrictions without going to court to do so.
2. In issuing the "special use" permit, require that before the project go forward that "conditions for approval" over and above what is specifically allowed in code be negotiated with the Neighborhood Association. This has not been done.
3. That the City require a traffic study and an environmental impact study to be completed and then approved by the Board of Adjustment and other appropriate government bodies before any building or site prep work be undertaken.
4. That both the construction company and the architect be required to post \$1 million bonds for any damage done to houses in the neighborhood from heavy construction and blasting for the proposed structure rather than requiring each property owner to go to court.
5. That the property owner be required to post a \$1 million bond to be forfeited if the project once build deviates from what code allows and what has been approved as determined by independent property surveyors and building inspectors.

Thank you for your consideration.