



Agenda

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BOARD OF ADJUSTMENT
Tuesday, July 16, 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: June 04, 2013 minutes

E. FINDINGS/CONCLUSIONS:

1. **Case #2013-34.** 242 West San Mateo Road Special Use Permit.

F. OLD BUSINESS

G. NEW BUSINESS

1. **Case #2013-36. Capilla de Luz Special Use Permit.** Archaeo Architects, agents for Rivera Family Mortuary and Capilla de Luz, request a Special Use Permit to construct a 7,065 structure for Religious Assembly. The property is zoned C-1 (General Office) and is located at 417 E. Rodeo Road within the Rivera Cemetery grounds. (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.

**Index Summary of Minutes
BOARD OF ADJUSTMENT
July 16, 2013**

<u>INDEX</u>	<u>ACTION TAKEN</u>	<u>PAGE(S)</u>
Cover Sheet		1
Call to Order and Roll Call	The Board of Adjustment Meeting of July 16, 2013 was called to order by the Chair, Rachel Winston at 6:05 pm, City Council Chambers, Santa Fe, New Mexico. Reflected Roll Call constituted a quorum.	2
Approval of Agenda No changes	<i>Ms. Hawkins moved to approve the agenda as presented, second by Mr. Maahs, motion carried by unanimous voice vote.</i>	2
Approval of Minutes June 4, 2013 Page 2: May 27, 2003 should be 2013	<i>Mr. Maahs moved to approve the minutes of June 4, 2013 as amended, second by Ms. Hawkins, motion carried by unanimous voice vote.</i>	2
Findings/Conclusions	Case #2013-34. 242 West San Mateo Road Special Use Permit. Findings/Conclusions will be placed on the next agenda.	2
Old Business	None	3
New Business <u>Case #2013-36. Capilla de Luz Special Use Permit.</u> Archaeo Architects, agents for Rivera Family Mortuary and Capilla de Luz, request a Special Use Permit to construct a 7,065 structure for Religious Assembly. The property is zoned C-1 (General Office) and is located at 417 E. Rodeo Road within the Rivera Cemetery grounds. (Dan Esquibel, Case Manager)	MOTION: <i>Ms. Reynolds moved to approve Case #2013-36. Capilla de Luz Special Use Permit the request, incorporating the findings of facts and the staff conditions as well as the following conditions; in coordination with city staff the applicant shall adopt dust control measures to address the dust created by heavy equipment digging graves and pushing dirt; agree not to stock pile dirt and debris against the property lines and use tarps and other dust prevention techniques when stockpiling dirt, the applicant shall adopt a drainage plan for</i>	3-10

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	<p><i>adjacent properties, and work with the neighbors to identify certain properties that may want to have a higher wall between their property and the cemetery, second by Ms. Dearing.</i></p> <p>Discussion: FRIENDLY AMENDMENT: Ms. Dearing - Request for the Applicant to work with the neighbors on the height of the building knowing that they are in the legal zoning code.</p> <p>Ms. Reynolds accepted the Friendly Amendment to her motion.</p> <p>Mr. O'Reilly: If the board member is proposing an amendment, it would be a friendly amendment.</p> <p><i>VOTE: Chair called for the question, motion carried by unanimous voice vote.</i></p> <p>Mr. Dick: I know that this is against procedure, but I am unclear as the Architect to the Applicant, I am unclear as to my directive as it relates to the height of the building.</p> <p>Mr. O'Reilly commented that as Mr. Esquibel explained at the beginning of the meeting, there is a lot of latitude that this board has, you certainly could ask that the building height be lessened.</p> <p>Mr. O'Reilly: Madam Chair, a motion would have to be made to reconsider it. The motion to be reconsidered would have to pass and then you would be taking action on Case #2013-36.</p>	
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	<p>Ms. Dearing: My only concern is that we cannot ask them to lower it. I guess we could.</p> <p>Ms. Hawkins: So you are saying that a board member would have to open it up and ask for the motion to be reconsidered?</p> <p><i>Ms. Hawkins I move to reconsider the motion that we just approved.</i></p> <p><i>Chair asked for a second. Motion dies for lack of a second.</i></p>	
Staff Communications	Informational	11
Matters from Commissioners	None	11
Adjourn and Signature Page	There being no further business to come before the Board of Adjustment, the meeting was adjourned at 7:45 pm	11

MINUTES
BOARD OF ADJUSTMENT
July 16, 2013
City Council Chambers, Santa Fe, New Mexico
6:00 pm – 7:45 pm

The Board of Adjustment Meeting of July 16, 2013 was called to order by the Chair, Rachel Winston at 6:05 pm, City Council Chambers, Santa Fe, New Mexico. Reflected Roll Call constituted a quorum.

A. ROLL CALL

Present:

Rachel L. Winston, Vice-Chair
Coleen Dearing
Patricia Hawkins
Douglas Maahs
Donna Reynolds

Not Present:

Gary Friedman, Chair
Daniel H. Werwath

OTHERS PRESENT:

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

B. PLEDGE OF ALLEGIANCE

Commissioner Hawkins

C. APPROVAL OF AGENDA

No changes

Ms. Hawkins moved to approve the agenda as presented, second by Mr. Maahs, motion carried by unanimous voice vote.

Welcome to Donna Reynolds, new board member.

D. APPROVAL OF MINUTES: June 04, 2013 minutes

Page 2: May 27, 2003 should be 2013

Mr. Maahs moved to approve the minutes of June 4, 2013 as amended, second by Ms. Hawkins, motion carried by unanimous voice vote.

E. FINDINGS/CONCLUSIONS:

1. **Case #2013-34. 242 West San Mateo Road Special Use Permit.**
Findings/Conclusions will be placed on the next agenda.

F. OLD BUSINESS

None

G. NEW BUSINESS

1. **Case #2013-36. Capilla de Luz Special Use Permit.** Archaeo Architects, agents for Rivera Family Mortuary and Capilla de Luz, request a Special Use Permit to construct a 7,065 structure for Religious Assembly. The property is zoned C-1 (General Office) and is located at 417 E. Rodeo Road within the Rivera Cemetery grounds. (Dan Esquibel, Case Manager)

Order of Process:

Chair explained that staff would present case to the Board. Board will ask staff questions. Applicant can speak and present their testimony; Board can ask questions of the applicant and we will conduct a public hearing for testimony. Quasi judicial hearing, any member of the public will need to be sworn in and staff will also be sworn in.

Staff was Sworn In

Dan Esquibel

This is a request for a Special Use Permit, Archeo Architects, agents for Rivera Family Mortuary and Capilla de Luz, request a Special Use Permit to construct a 7,065 structure for Religious Assembly. The property is zoned C-1 (General Office) and is located at 417 E. Rodeo Road. The Land Use Department recommends approval of the Special Use Permit subject to conditions listed on Exhibit A of your packet. This application is for a Special Use Permit to allow for a Religious Assembly use, Rivera Family Mortuary and Capilla de Luz. The property has been in existence since 1954 and what they will be doing is tearing down 850 sq. ft. and they will be removing the out buildings, 1,425. Sq. ft and they will add and replace the existing with a total of 5,189 sq. ft. They will be adding parking that they currently do not have and total parking spaces is 47 parking spaces. The proposed request is consistent with Chapter 14 for allowed uses in a C-1 District. The proposed use is an existing and established use. 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 finding 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, structure and uses of the abutting property and other properties in the vicinity. With that, I will stand for questions.

Questions from the Board

Chair Winston: Latitude from the Board, can we only address the structure or can we address other issues or concerns.

Mr. Esquibel: Madam Chair, if you look on the Approval Criteria, II. 14-3.6-2, the Board has the latitude to establish anything within the criteria set forth in Chapter 14 outlined in letter a) through r).

Ms. Reynolds: Can you show me where the residential areas are and what they butt up to in the property.

Mr. Esquibel: The vicinity map listed on page 6, Exhibit C - that will provide you an overview of the residential areas that are surrounded. To the South you have Rainbow Vision, to the East, North and west you will have single family residential development.

SWEARING IN

Tim Rivera, 417 E. Rodeo Road, Santa Fe, New Mexico (Applicant)

My family and I have done this business for three generations. We are one of the last businesses in New Mexico in this business. When we brought this property it had a funeral home and a cemetery. We have spent the last few years beautifying the cemetery. It has been something we have taken a lot of pleasure in improving. It is the last cemetery that is available for those who are not Catholic or Veteran's. There are many ethnic and religious groups that use that cemetery. For the first couple of years it was unpleasant as families came to share their concerns of how so much neglect was visible of where their family rested. If you go by there now you see the improvements. The other side of it when we bought it was the Chapel was in bad shape and there was no designated parking. We have a lot of earthwork going on and the neighbors were not pleased with us moving the earth. The Chapel was not designed for the city of Santa Fe size. There are no bathrooms where the Chapel is, there is no parking, and the neighbors have to witness a lot of what is conducted at the Chapel. It has been a current problem and will continue as part of the facility. The Chapel that is not there did not have a proper flow, people would park wherever. The other part is the area where the body is taken care of; we need more space and a more private space. The neighbors witness this movement. This project is something that is way overdue for the community, the need is here today; it should have been done a few years ago. This is about sustainability for the community in a couple of different aspects; for those in the community who use it and the rituals for the families that we serve. We have richness in the cultural services for this community. This Chapel that you have drawings before you is not like anything you will see in the United States. I was very interested in having an Architect who could understand the significance of the groups that would be served. There are members in denominations, there are those who are spiritual but not religious, they still conduct services that are not tied in to religious denominations in this community. We want to offer a spiritual place for individuals who want to have services that are spiritual and non-denominational. We did a survey about 2 months ago asking people what they would like to see done in the future. The answer was the Chapel, the space was inadequate and the spiritual significance and the fact that there are people who are not tied in to any specific religion. In New Mexico we don't use the word cemetery we use the Spanish word "Campo Santo" which is holy ground.

Ms. Reynolds: Is there a timeline on this project?

Mr. Rivera: We hope to get the foundation work done before the freeze comes; I think the Architect can speak in more detail. If we can't do it we would have to wait until the spring of 2014. We are getting in to the monsoon season, so we hope to start as soon as approved. We would hope for a completed project by summer of 2014.

Ms. Hawkins: How many grave sites do you have total and how many do you have to be used?

Mr. Rivera: Previous to the corporation that owned this property, we only have less than 300 plots for future use. We got a city permit I believe a year and a half ago - we are doing in-fill and we know that in 5-years we probably won't have existing plots left. We have build walls with niches which will be used almost exclusively for cremation. When I purchased this the Planner informed me that in 5-years I would be out of plots. For cemeteries to maintain you need to have existing sales of property. We have a long term plan for 40-50 years; we have the property to put to use the niches for

cremation. That has to go with the sustainability, long term. There will be very few casket burials. Rosario Cemetery is also dealing with those same issues. Cemeteries are very expensive to keep up.

Sworn In: John Dick, Architect, (Business Address) 1519 Upper Canyon Road, Santa Fe, New Mexico

I wanted to go over a few things that are more technical in nature just to clarify how the design fell out. As Tim mentioned, the property now is 6 acres, the key aspect was inadequate space for the Chapel and they needed a new Chapel. The key to this is that the existing Chapel is behind the existing main building. There are existing buildings including the Chapel that will be demolished. It is set directly behind it and to the far east end of the property due to the existing grave plots. We placed the building as far west as far away from neighbors as we could possibly could, we were hinged in by the cemetery proper and the eastern property line so the north south corridor was the only place we could place the structure and we are essentially putting it by where the existing Chapel is now, although just slightly to the North. The other thing I wanted to emphasize is that we are providing support space which internalizes all of the functions of the mortuary as Tim touched on. There will be a much more efficient use of the facility, a larger Chapel for final funeral services. From the standpoint of meeting the technical requirements, it is a 5' setback which code requires, we pushed is as far as we could from the base it is 26' from the property line so it flares out and from the parapet it is 20' from the property line. We are going to improve the parking spaces and have designated set spaces. We are also improving the drainage issues; the site slopes from South to the North towards the neighbors of the north. There is an existing 10' by 185' drainage easement in the northeast corner that really doesn't exist now and we will create a swale. The civil engineer drawings indicate where those potential ponds are going to be. As Tim mentioned earlier that whole property including the residential area from the north to the east was one property and then the owner divided it up and created drainage easements that are somewhat complicated. From the east there is a retention pond that actually drains on to the cemetery property and the residential property falling in to the cemetery. There is also the drainage easement all around the property to the north and it too has a drainage easement around it so there is a historical flow that goes across all three of those properties. We will do all we can to retain the drainage on the cemetery property. Mr. Rivera's request was to improve the Chapel, the parking and design space that provided beautification. We have made the building as large as we could to accommodate as many parishioners that would come, 32' at the low point, 29' at the highest point, so we are down by 6'. Schedule, we are working with a contractor who is providing us the data and they are saying it would be about a 7-month process, we would need at least 2 months to get the paperwork ready for permitting and hopefully have a permit within a month which would bring us to about November. There would be noise from construction during the 7-month time.

Ms. Hawkins: Is there a crematory on the property?

Mr. Dick: No, there is not.

Ms. Dearing: This is going to impact the residents to the west, it looks like a very industrial building from the side, did you consider a softer design, and it looks like a concrete wall.

Mr. Dick: It is not a concrete wall and it is not flat, it is circular. We haven't addressed that as this is the first time I hear it being characterized this way.

Ms. Dearing: It is a beautiful building.

Mr. Dick: We are trying to create a softer image with the circular design; we want to create a great number of skylights to have natural lighting to bring in spirituality to the building. The lack of

penetrations on the east side is allowing us to concentrate more on the inside. If we can make modifications, we can consider how we could soften the east side.

Ms. Dearing: Maybe you could consider something to soften the static mass.

Mr. Maahs: There was a reference made to future buildings that would house ashes, is that in this plan or referenced for future development.

Mr. Dick: There won't be any additional buildings to satisfy those functions but if you will look on the 11 x 17, A-101 which is the floor plan – in the far right of that lobby there will be memorials where people can choose to place their ashes and indeed there may ashes placed in the floor where people can choose. We want to continue the memorial gardens around the existing property. There is no plan for additional buildings.

Mr. Maahs: Drainage that flows to the northeast corner, with the request and conditions set forth by staff, do you see any benefit to trees being in the drainage pond.

Design Engineer Sworn In

Ms. Ortiz: 1421 Luisa St., Suite B, Design Engineering, Santa Fe, NM

The plan retention ponds will handle the run-off. Trees might offer a small benefit. What we have will handle the anticipated run off.

Public Hearing: Swear In - 3 Testimonials

Shannon Bullman, 2708 Villa Antigua, Santa Fe, NM and husband Chris

Our home is directly east of the Chapel and probably most impacted. We have lived in this home for 15 years and in New Mexico for 30 years. The Rivera family has been very good to us. The primary concern is the height of the Chapel. If you look at the plat we are the second house in from the end behind the Chapel, our master bedroom and outdoor patio are directly behind the Chapel. All of the houses on that side are one story. The proposed Chapel is equivalent to about 2 ½ stories. Right now we look at a view of the Jemez Mountains and the trees; we have a mixed view, building and apartments on the far side of the cemetery. Our concern is the height of the Chapel; it is not consistent with the height of the neighborhood. Visually it will impact our property value. We appreciate the fact that Mr. Rivera has talked to us and offered to landscape and build higher fences, and we understand that the Chapel will be beautiful in the inside but the outside is our concern. We are concerned about the ice in the winter in to our back yard; we have about ¼ ac. of land behind the Chapel. The only other issue we have, I don't know if this is in the purview of the Board, the lighting would glare into the back yards on Villa Antigua.

Jane Prouty, 2728 Herradura, Santa Fe, New Mexico

I do appreciate that the cemetery is being beautified. My home is adjacent to the cemetery on the eastside. I get a view of the back end of the cemetery which is not what the public sees. I have lived there for 21 years and it was a beautiful forest and years past there was one mobile home for a caretaker. In 2007 it became a bustling place; the problem for me is they took the area right next to my house right up to the fence line for the construction equipment. There is movement every day, there are a lot of projects and building in a small area, a cremation garden – it took a long time with employees. There are dirt mounds (30' – 8' high), tractors, dumpsters, cement, and equipment. When they move those items it creates a lot of noise and dust. A lot of what you see is above 6'. The 2007 project was very hard for me; they had cinder blocks and dirt. When I mentioned these issues at the ENN meeting, Tim took the initiative to clean the debris and put in the dumpster which is now

permanently behind my property again. I would like to know what is planned for all of this equipment. I do appreciate the work that has been done since the ENN meeting. I am much more fortunate as some of these people as I won't be looking at these buildings, they didn't put in any detail on the trees, vehicles, lawn mowers, etc. What I was requesting of you is to have their work areas documented on the plan. There are a lot of service areas, picking up caskets. I am wondering if the parking lot in the back is going to be used as a parking lot. They will be using that for trucks making deliveries. I would ask that you make that a condition on the plan. I also asked that they hose down the area every day due to the dirt and dust, I asked for that in 2011. In relation to the trees and the drainage pond, if they do overflow, they will go straight in to my house. (Exhibit A – Letter from Ms. Prouty) My fence that was broken by the back hoe and I would appreciate if that could be fixed. The dirt mound now has weeds; the last picture is the view out of my foyer picture window. Thank you.

Ms. Dearing: I wanted to ask you about the timeline, you said there was only a mobile home on the property in 2007, were the existing other buildings there?

Mr. Rivera: The Chapel was done in approximately 2003. She is referring to the cremation gardens and they are landscaped with wall niches; that project was done 2 years ago.

Ms. Prouty: If she is referring to when I moved in, there was only the mobile home on the property.

Mr. Rivera: When I worked for the McGee's it was a lot of land for development. It then followed with a new owner who put a mobile home for security reasons which was in the late 80's.

Ms. Dearing: How long have those existing buildings been there?

Mr. Rivera: I would say since the 90's.

Ms. Reynolds: One other thing, screening, landscaping, would that be helpful to you?

Ms. Prouty: I have a 6' cedar fence, if there was a higher fence that would be very nice. They need a place for their storage. In my own property I do have skinny blue spruces. I would appreciate anything that blocks the view, but it is the parking area, they have 15' which is in the ponding area.

Jacqueline Gonzales, 2704 Villa Antigua, Santa Fe, New Mexico

I don't oppose the project, Mr. Rivera and his employees have been very nice and amenable to every complaint I have had. The Campo Santo has never looked as beautiful as it looks today and I have lived in that area for about 13 years. I am commenting on the size of the structure and the height. I don't have what you have but it shows that the structure is a circular building 30' in height. I can't tell what the diameter would be but according to the site plan if it is drawn to scale it looks like most of our houses would fit inside. It is very big; to me it will look like a silo. I don't know what it will look like on the outside, I am sure the inside will be beautiful. There will be tremendous overshadowing in the winter and in the summer. I am also concerned about the noise disturbance. This structure looks a lot like an amphitheater. I don't oppose religious ceremonies, I am concerned that the building will house several people; I am wondering if there will be music and if the noise will be a disturbance. Over flow traffic is a concern, groups of people congregating and often we have seen them often parking on Rodeo Road so I am not sure that 46 spaces will be sufficient. Overflow will have to go somewhere. I do have to mention that the pond situation at the corner of my property and Ms. Joanna McLaughlin's property is a big concern. In a heavy rain like we had last week, the pond overflowed and goes in to the cemetery. It is more than I can handle at times. With major rain storms, like last

week there will be a concern where that water is going to flow into and where the erosion is going. Thank you.

Public Hearing Closed

Mr. Esquibel informed the Board that the fence/wall issue, non-resident use, applicants on both sides can go up to 8' height without a variance.

Chair: Question for Mr. Rivera: Would it be possible for you or the Architect to identify on the plans the storage locations, vehicles, etc.?

Mr. Rivera: I am sure we can. We are moving almost everything; the ugly shed areas, it is a lot - 50 years of a cemetery operation, left over tubing, wire whatever has been piled there; most of that will be disposed of. It has to do with the evolution of the cemetery, almost all of the equipment will be moved off-site, the cemetery will not be the same type of cemetery in the future, we will have a back hoe, and we won't be doing casket burials, we will be doing the cremation interment. The cemetery will be more landscaping and mowing the lawn. Where the parking spaces are proposed to be, there is piled dirt right now. Once the parking lot is built we will move everything off site. In fact, our work will not be burying caskets. The customers that use our cemetery are those who will use cremation more often.

Mr. Rivera: If you look at the plans what currently would happen, this Chapel will seat 40-50 people, when people come in to the cemetery for services it is an open field, they park wherever they want to park. They park on Rodeo Road – our plan is to have planned parking with designated flow, so we avoid the issue of people parking at random. We have that problem now, we have parking in the front and back, they will take the front parking before they use the back parking. We know it looks like a problem to the neighbors on Rodeo Road, we feel that having the back parking lot will eliminate this program.

From the drawings it may look like a silo, but there are no windows on this structure, we have the light coming from the top. We didn't want to have a second story for people looking down at the neighbors. What this is meant to do is to contain the noise. In that little tiny chapel, what happens is when there aren't enough places to sit they all stand outside. Regardless if there are 50 seats or 125 seats the people that come for the services currently stand outside. When we have a service we don't say 50 or less, typically we have about 100 people. We are trying to create a spiritual place; we don't want to have a space when the neighbors are looking in to the Chapel when families are having their intimate services for the death of a loved one. I didn't want to have a building with stain glass windows; I wanted walls that contain spirituality, intimacy. Right now those walls will not impact the neighbors, right now they are standing against neighbor fence lines. We are trying to move everything away from the neighbors to give them their privacy.

Member Hawkins: Was any consideration given to swinging the Chapel away from the property line?

Mr. Dick: We went as far west as we can because there are existing grave sites.

Ms. Hawkins: There are grave sites between where you put the Chapel and where you have the exit road.

Mr. Dick: Unfortunately there are grave plots about 8 ½' since we are anticipating a 5' construction zone, about 8 ½' feet from the building.

Ms. Dearing: Is there any way to maintain the architectural integrity if you lower it to a more acceptable height and I don't know what that is. Could you build out in to the ground to make it lower? We know you are below the allowable height per code.

Mr. Dick: I have a photograph; the two properties in question have significant mature trees, and I understand it will be visible. (Exhibit C) There is a 5' fence and mature trees, and I don't think it is going to be excessive. As far as the height of the building I would yield to the neighbors to ask what is accessible. Could we lower it, yes, but we would be compromising the interior use. We have made every effort to make it as low as we could and achieve the interior character that we are going after. When we were designing it we did not know that we would be coming to the Board of Adjustment. We were making every effort to be as neighborly as possible and make that building as low as we could in keeping with the traditional pueblo architecture as more churches in the region. The question; could we lower it, what would be the acceptable height? I would defer to the neighbors to weigh in on that.

Mr. Dearing: That shows in the nature of your comments and we know you have gone a long way to accommodate the neighbors. We can see that you have worked with the neighbors, thank you.

Mr. Rivera: This cemetery is going to be there a long time and we want to be a good neighbor and them a good neighbor to us. This was a cemetery that was surrounded by a residential area. When I walked the area I didn't realize there were so many houses that were so tall. There are 2 story plus condos surrounding us. Across from us are 2 story houses. We need to find a happy median. The fact is this is a funeral home and it is a public place. The Mormon place is much higher and has spires and close to us. There is a way to create a space that creates spirituality. Across from us is the LDS church. I think of neighbors in two senses, the neighbor who is across the fence line and the little white haired lady who comes to see who they have buried here.

Mr. Maahs: I would like to see the photos that the Architect has.

Mr. Esquibel provided the pictures to the Board for their review. Included as exhibits.

Ms. Bullman asked the Chair if she could return to the podium and share pictures that she had.

The Chair allowed Ms. Bullman to address the Board and provide a picture.

Ms. Bullman: We have never had a problem with having a cemetery. My neighbor Jackie has a photo of the existing Chapel which is behind our property and is about 16' high. *(Shown on the overhead.) (Exhibit B)* Our property is a little bit higher, we actually walk down a couple of steps to our backyard so when we look out we have trees which shed their leaves in the winter and we look out to a view of the Sangre de Cristo Mountains. Doubling the height of that existing peak and having directly across, it will be a significant barrier. LDS is not adjacent to any residential homes. We would appreciate further investigation lower the height. A two story building is 24' and this building is 30'.

Ms. Prouty addressed the Chair and asked if she could also provide added comments.

Mr. O'Reilly addressed the Chair: "The public portion of the meeting has closed."

Ms. Hawkins said she would like to hear what Ms. Prouty had to say.

Ms. Prouty: It hasn't been asked where all the equipment will go during the building construction which will take 7 months to a year. I would like to know the answer once the trucks come in where they will put their stuff.

Chair: Do you have a plan for the construction of the building for equipment?

Mr. Dick: I would preface my answer by saying that the Contractor, Damian Chimenti from Albuquerque with Insight Construction has numerous years working in very tight sensitive areas; he has a lot of experience working in downtown Albuquerque where there is very limited space for trucks or any kind of equipment so he views this almost as a breeze. I suffice it to say that for 7 months there will be a staging area that has to be constructed on the property and for convenience and expediency the best location will be the closest area to the site and in all probability would be the northeast corner. I can say we would work as closely with all of the neighbors regarding the construction hours, watering of dirt which is very standard and we would make it as minimally impact as possible. I can speak for myself, the Contractor and Mr. Rivera, if at any time there are concerns from the neighbors we will consider them and work with them.

MOTION: *Ms. Reynolds moved to approve Case #2013-36. Capilla de Luz Special Use Permit the request, incorporating the findings of facts and the staff conditions as well as the following conditions; in coordination with city staff the applicant shall adopt dust control measures to address the dust created by heavy equipment digging graves and pushing dirt; agree not to stock pile dirt and debris against the property lines and use tarps and other dust prevention techniques when stockpiling dirt, the applicant shall adopt a drainage plan for adjacent properties, and work with the neighbors to identify certain properties that may want to have a higher wall between their property and the cemetery, second by Ms. Dearing.*

Discussion:

FRIENDLY AMENDMENT: Ms. Dearing - Request for the Applicant to work with the neighbors on the height of the building knowing that they are in the legal zoning code.

Ms. Reynolds accepted the Friendly Amendment to her motion.

Mr. O'Reilly: If the board member is proposing an amendment, it would be a friendly amendment.

VOTE: *Chair called for the question, motion carried by unanimous voice vote.*

Mr. Dick: I know that this is against procedure, but I am unclear as the Architect to the Applicant, I am unclear as to my directive as it relates to the height of the building.

Mr. O'Reilly commented that as Mr. Esquibel explained at the beginning of the meeting, there is a lot of latitude that this board has, you certainly could ask that the building height be lessened.

Mr. O'Reilly: Madam Chair, a motion would have to be made to reconsider it. The motion to be reconsidered would have to pass and then you would be taking action on Case #2013-36.

Ms. Dearing: My only concern is that we cannot ask them to lower it. I guess we could.

Ms. Hawkins: So you are saying that a board member would have to open it up and ask for the motion to be reconsidered?

Ms. Hawkins I move to reconsider the motion that we just approved.

Chair asked for a second. Motion dies for lack of a second.

H. STAFF COMMUNICATIONS

Mr. Esquibel informed the board that there are no new cases for the next meeting. The Board will need to vote for a new Chair and vote for a Secretary.

The Chair asked if the next meeting could be a lunch meeting. Mr. Esquibel will coordinate as requested.

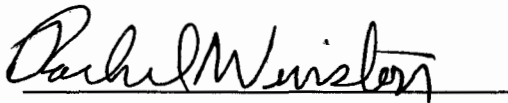
Mr. O'Reilly: Thank you to Ms. Reynolds for joining the BAR, this board is going to find her as a great addition to the BAR.

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

There being no further business to come before the Board of Adjustment, the meeting was adjourned at 7:45 pm

Signature Page:

A handwritten signature in black ink, appearing to read "Rachel Winston", written over a horizontal line.

Rachel Winston, Chair

A handwritten signature in black ink, appearing to read "Fran Lucero", written over a horizontal line.

Fran Lucero, Stenographer

Jane Prouty
2728 Herradura Rd.
Santa Fe, NM 87505

July 15, 2013

Board of Adjustment
City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM

Thank you for the opportunity to provide feedback on the Capilla de Luz Special Use Permit for the Rivera Family Mortuary. I also thank Daniel Esquibel and Risana Zaxus of the Land Use Department for providing me with information and documents.

I want this project to succeed because the Rivera Family Mortuary is important to the people of Santa Fe and to the economic success of the city.

Background:

My home is adjacent to the cemetery on the northeast side; my fence runs for approximately 115' of this border. I have owned my home for 21 years; for the first 15 years the cemetery was a sleepy forest of pinon with one employee and one single-wide trailer home. Since 2007 the Rivera family has turned the cemetery into a robust business with beautiful results but at times with a negative impact on my life and the value of my property because all tractors, mowers, trucks, carts, supplies, decaying mowed grass, trash, diseased tree branches, dirt mounds, pipes, boulders, dumpsters and excess cement are kept near my property. Therefore the impact of heavy equipment movement, trash, excessive dust and noise is more significant to me than it has been or will be to the cemetery's other neighbors. My living room and foyer are almost all glass and directly face the north area of the cemetery.

2011 Project Impact:

The everyday impact of the cemetery's activities is generally acceptable. However, the Rivera Family Mortuary constructed a small addition during all of 2011 that had a grossly negative impact on its neighbors due to excessive tractor traffic that generated massive amounts of dirt daily for the full year and due to highly visible construction trash, storage and debris that remained in place for the full year. Photographs are attached. I am speaking today in hopes of eliminating a similar impact with this proposed project.

Current Environment:

I expressed the negative impact of the cemetery's activities next to my property at the May 13, 2013 ENN meeting. Tim Rivera listened and on July 1, 2013 the 30' dirt pile and its accompanying debris that had been 2' from my property for five years

Exhibit A

was removed and a dumpster lower than my fence was obtained. I appreciate these steps.

Proposed Plan:

Based on the plans submitted, the north side of the cemetery will be used for customer parking so when all construction is complete the environment near my property may be much better than it has been for five years. However, the plans do not indicate where building materials, supplies, heavy equipment, maintenance vehicles, dirt, dumpsters, city trash bins and debris will be located either during construction nor afterwards. These items currently comprise a large percentage of the footprint of the cemetery but at the ENN meeting there was no information available on this question.

Requests:

Therefore I request that before the Board of Adjustment approve this Special Use Permit that it requires the Rivera Family Mortuary to identify on the plans the locations of storage areas, building materials, outdoor supplies, heavy equipment, maintenance vehicles, dirt, dumpsters, city trash bins and debris for the construction phase as well as post-construction. I request that the evaluation by the Land Use Department and the Board of Adjustment of the selected locations consider the impact on the cemetery's neighbors for the year of construction and beyond.

I request that a condition be added to the permit stating that all dirt areas to be traversed by heavy vehicles both during and after construction be watered daily to reduce the amount of dirt churned into the air.

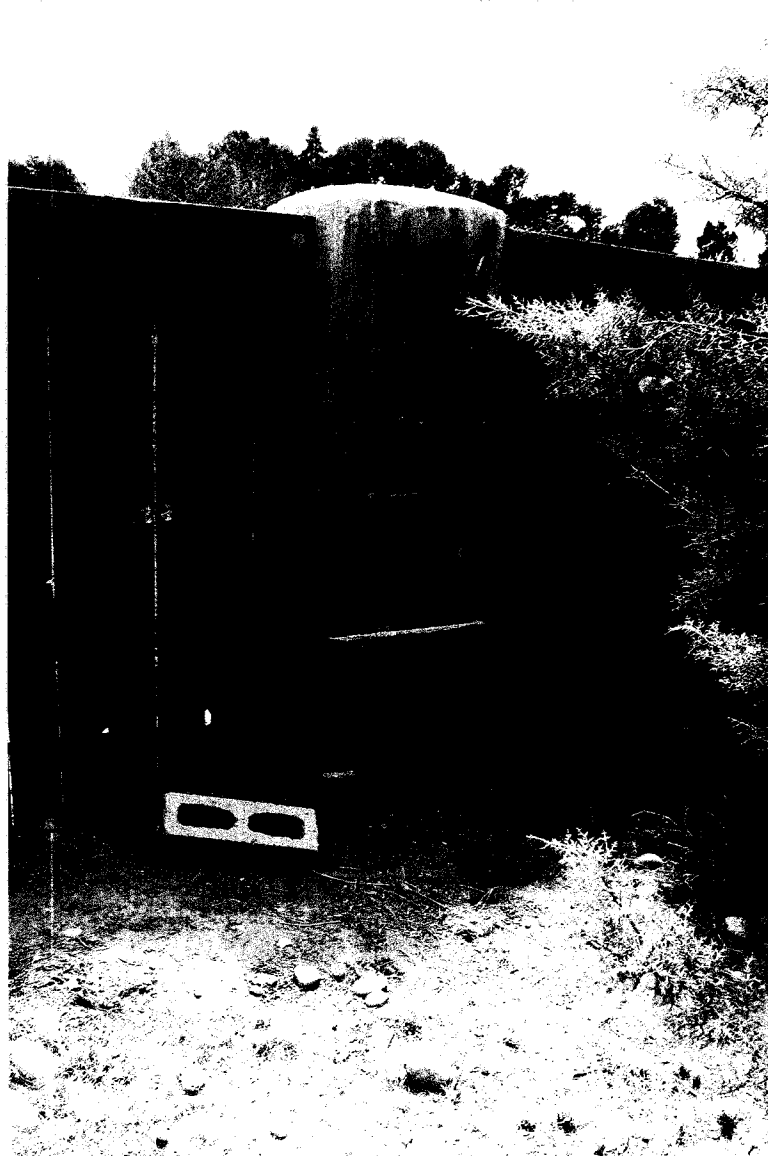
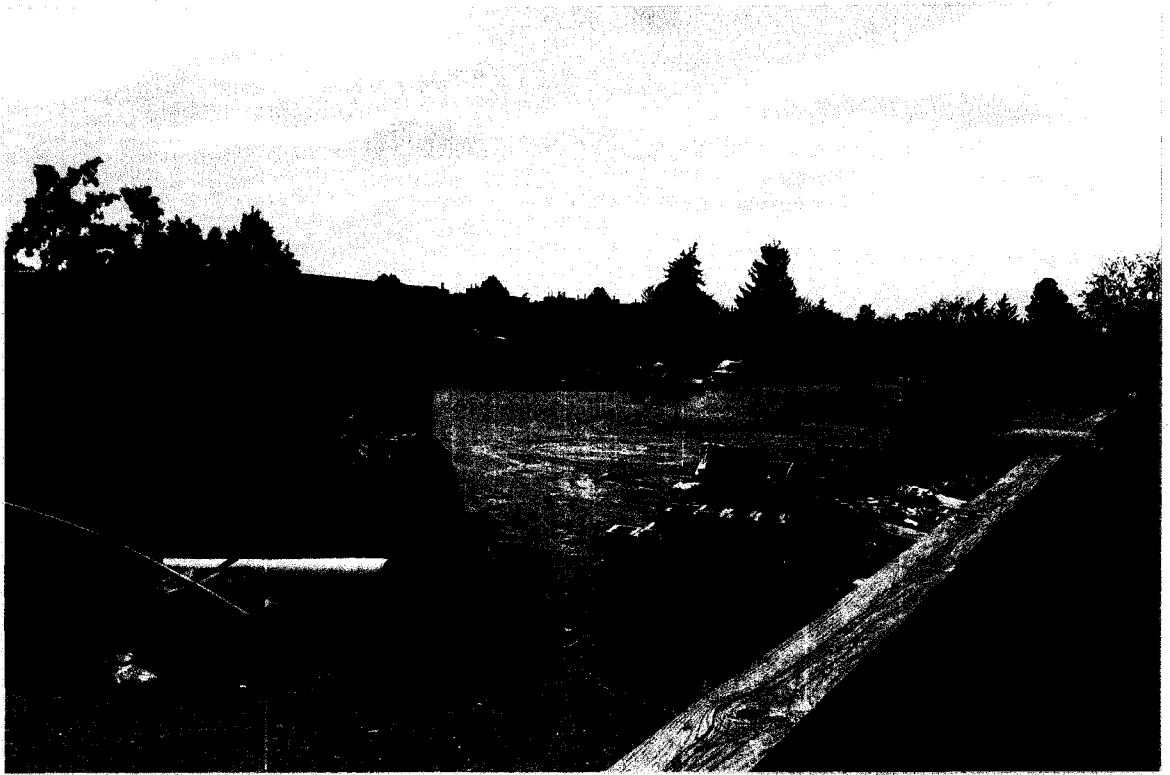
Last, I request that a condition be added to the permit stating that additional trees will be placed in the new drainage ponds on the north side to speed drainage during heavy storms.

Thank you for your consideration of these requests.

Sincerely,



Jane Prouty



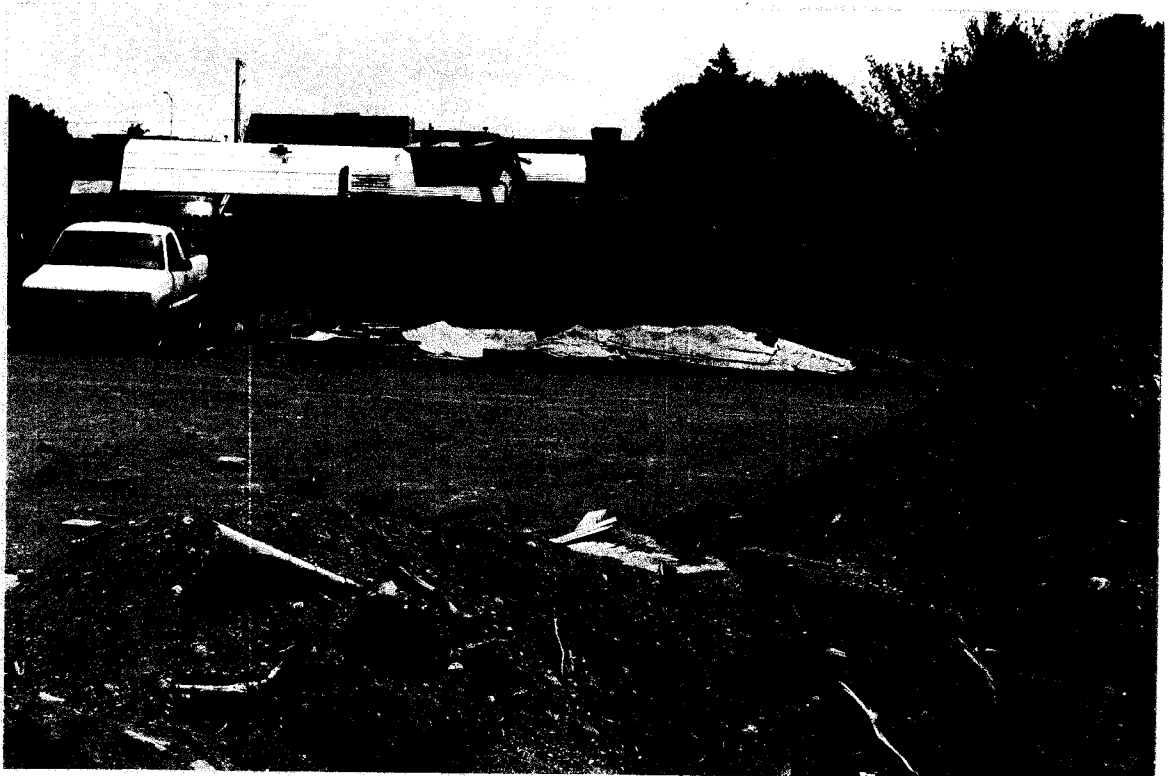
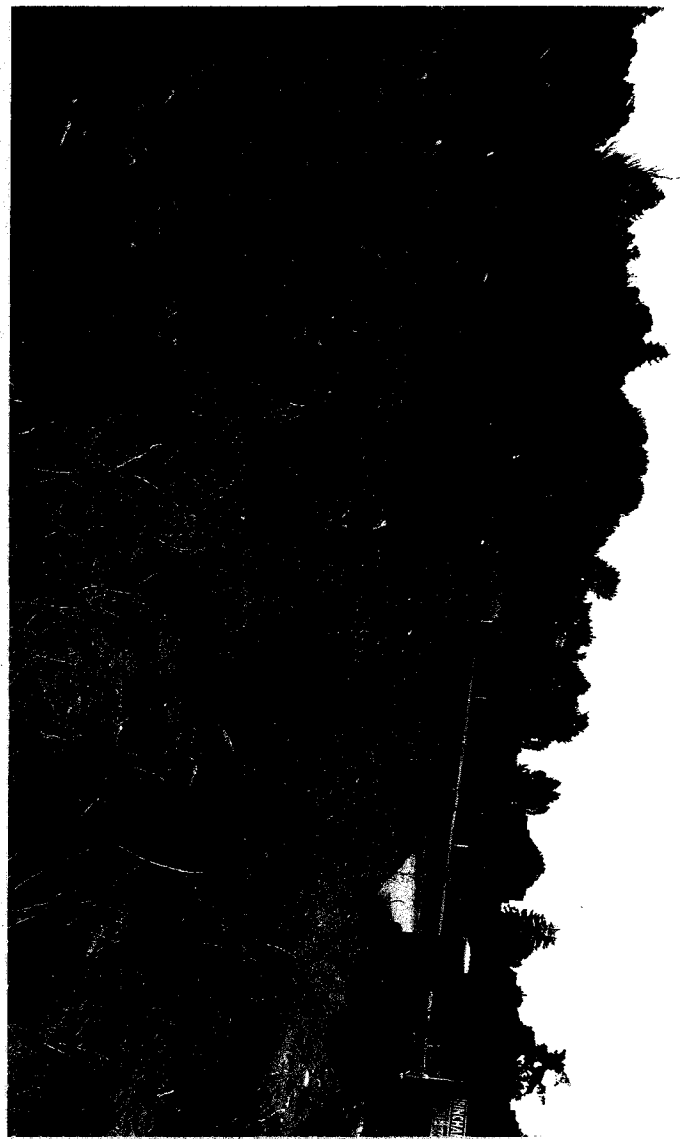




Exhibit B



Exhibit C