



Agenda

CITY CLERK'S OFFICE

DATE 2/28/14 TIME 4:40

SERVED BY [Signature]

RECEIVED BY [Signature]

BOARD OF ADJUSTMENT
Tuesday, March 18, 2014 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. ELECTIONS OF OFFICERS**
- E. APPROVAL OF MINUTES: Minutes of October 1, 2013**
- F. FINDINGS/CONCLUSIONS:**
- G. NEW BUSINESS**

1. Case #2014-07. Beit Tikva Special Use Permit. Peter Brill, Sarcon Construction, agent for Congregation Beit Tikva, requests a Special Use Permit for a religious assembly and to allow a 1,485 square foot addition to the existing 2,527 square foot structure. The property is located at 2230 Old Pecos Trail and is zoned R-1. (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.

Mr. Werwath said, "So, basically, in terms of the recommendation, what is coming from staff is that they maintain a 15 foot buffer area, basically effectively a 15 foot set back. And the implication of whether or not they will have to incur costs around landscaping and meet certain design codes. Because I know that certain design codes include landscaping requirements. I'm just curious to the extent the landscaping buffer will require that."

Ms. Baer said, "We're not looking to create an intense or dense landscape buffer that would not be in keeping with the character of the neighborhood. So if there are additional places where landscaping may be appropriate, I think we would look at that. If, for example, the parking lot is particularly visible from one of the neighbors, we might look at that. But there also is an opportunity that the Code provides to provide alternate compliance. So we're certainly not looking for a row of trees with a dense canopy or a hedge underneath, where that doesn't happen anywhere else in the neighborhood. We're just looking for a reasonable amount of compliance that has to be maintained as a landscape buffer, as opposed to put to any other use."

MOTION: Daniel Werwath moved, seconded by Douglas Maahs, to grant the Special Use Permit for religious assembly in Case #2013-76, Beit Tikva Special Use Permit, with all conditions of approval as recommended by staff, and incorporating the staff's Finding of Facts and Conclusions of Law.

DISCUSSION: Mr. Werwath would like to suggest that the landscaping requirement is applied only on the boundary of the property which is nearest residential.

Ms. Baer said, "The zoning is residential all around it, but on the eastern side it is bounded by Old Pecos Trail."

Mr. Werwath said, "I just don't want to obligate them to planting a bunch of stuff, and as long as we're clear on that, my motion is to approve with all staff conditions."

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

H. STAFF COMMUNICATIONS

There were no staff communications

I. MATTERS FROM THE COMMISSION


Ms. Dearing asked if there will be a meeting on April 1, 2014.


Mr. Esquibel said there will be a meeting on April 1, 2014, noting the Board will be hearing a request from another church.

J. ADJOURNMENT

MOTION: Daniel Werwath moved, seconded by Colleen Dearing, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 6:25 p.m.



Gary Friedman, Chair

Melessia Helberg, Stenographer

**SUMMARY INDEX
OF THE BOARD OF ADJUSTMENT MEETING
Tuesday, March 18, 2014**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
ELECTION OF OFFICERS	Removed from the agenda	2
APPROVAL OF MINUTES – October 1, 2013	Approved	2
FINDINGS/CONCLUSIONS	None	2
<u>NEW BUSINESS</u>		
<u>CASE #2014-07. BEIT TIKVA SPECIAL USE PERMIT. PETER BRILL, SARCON CONSTRUCTION, AGENT FOR CONGREGATION BEIT TIKVA, REQUESTS A SPECIAL USE PERMIT FOR A RELIGIOUS ASSEMBLY AND TO ALLOW A 1,475 SQUARE FOOT ADDITION TO THE EXISTING 2,527 SQUARE FOOT STRUCTURE. THE PROPERTY IS LOCATED ON THE WEST SIDE OF OLD PECOS TRAIL, DIRECTLY ACROSS FROM THE MOTEL AND RESTAURANT, AND IS ZONED R-1</u>	Approved	2-6
STAFF COMMUNICATIONS	None	6
MATTERS FROM THE COMMISSION	Information/discussion	7
ADJOURNMENT		7

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENT
CITY COUNCIL CHAMBERS
SANTA FE, NEW MEXICO
Tuesday, March 18, 2014**

A. CALL TO ORDER AND ROLL CALL

A regular meeting of the City of Santa Fe Board of Adjustment was called to order by Rachel L. Winston, Vice-Chair, at approximately 6:00 p.m., on Tuesday, March 18, 2014, in the Council Chambers, City Hall, Santa Fe, New Mexico.

MEMBERS PRESENT:

Rachel L. Winston, Vice-Chair
Coleen Dearing
Douglas Maahs
Daniel H. Werwath

MEMBERS EXCUSED:

Gary Friedman, Chair
Patricia Hawkins
Donna Reynolds

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

Mr. Esquibel said Item D is a holdover from the last meeting and should be removed from the agenda.

MOTION: Daniel Werwath moved, seconded by Douglas Maahs, to approve the Agenda, as amended.

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

D. ELECTION OF OFFICERS

This item was removed from the agenda.

E. APPROVAL OF MINUTES – October 1, 2013

MOTION: Daniel Werwath moved, seconded by Douglas Maahs, to approve the minutes of the meeting of October 1, 2013, as presented.

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

F. FINDINGS/CONCLUSIONS

There were no Findings/Conclusions for approval.

G. NEW BUSINESS

1. **CASE #2014-07. BEIT TIKVA SPECIAL USE PERMIT. PETER BRILL, SARCON CONSTRUCTION, AGENT FOR CONGREGATION BEIT TIKVA, REQUESTS A SPECIAL USE PERMIT FOR A RELIGIOUS ASSEMBLY AND TO ALLOW A 1,475 SQUARE FOOT ADDITION TO THE EXISTING 2,527 SQUARE FOOT STRUCTURE. THE PROPERTY IS LOCATED ON THE WEST SIDE OF OLD PECOS TRAIL, DIRECTLY ACROSS FROM THE MOTEL AND RESTAURANT, AND IS ZONED R-1. (DAN ESQUIBEL, CASE MANAGER)**

A Memorandum prepared March 7, 2014, for the March 18, 2014 meeting, with attachments, to the Board of Adjustment, from Daniel A. Esquibel, Land Use Planner Senior, is incorporated herewith to these minutes as Exhibit "1."

Vice-Chair Winston explained the rules of procedure for a Hearing before the Board of Adjustment, which is a *quasi judicial* body.

Staff was sworn.

Staff Report

The staff report was presented by Daniel Esquibel, which is contained in Exhibit "1." Please see Exhibit "1" for specifics of this presentation. A copy of the Site Plan is on file with, and can be obtained from, the Land Use Department.

Staff recommendation: The Land Use Department recommends approval subject to the following conditions:

1. Satisfy the requirement of providing a landscaped buffer along all boundaries of the property that abut residential zoning. This buffer shall be a minimum of 15 feet and shall have a combination of trees and shrubs planted to achieve the purpose and intent of Article 14-8.4(J)(3) "Buffer for Nonresidential Development Abutting Residential."
2. Prior to any new construction or remodel: 1) Comply with International Fire Code (IFC) 2009 Edition; 2) Fire Department access shall not be less than 20 feet in width; 3) Fire Department shall have 150 feet of distance to any portion of the building on any new construction; 4) Shall have water supply that meets fire flow requirements as per IFC; and 5) All Fire Department access shall be no greater than 10% grade throughout and maintain 20' minimum width.

Questions from the Board Prior to Public Hearing

There were no questions from the Board to staff prior to the Public Hearing.

Public Hearing

Presentation by the Applicant

Peter Brill, Sarcon Construction, P.O. Box 6020, Santa Fe, NM 87502, was sworn. Mr. Brill said this is one of their most straightforward requests. It is an addition to existing building they built 9 years ago, noting they contemplated building the addition at that time, and they now have

reached the point where they need to build the addition. He said Jamie Blosser, Atkin, Olshin, Schade Architects will make the technical presentation. He said he will be available to answer any questions the Board might have of him.

Jamie Blosser, Atkin, Olshin, Schade, Architects, 1807 Second Street, #34, Santa Fe, NM, was sworn.

Ms. Blosser presented information regarding this matter using enlarged drawings and photographs. Ms. Blosser said, "The existing building is 'this' part, 'this' [inaudible] we're adding on 'here,' and it is existing, 2,527 sq. ft., and we are adding 1,485 sq. ft., for a total of 4,012 sq. ft. And just to very quickly go through the floor plan. The shaded area is the existing building, which is basically just the Synagogue, a lot of the area, bathrooms and a kitchen. We are adding on a library, office space and an additional lobby area with a new portal. 'This' is all the same functions that happen right 'here' in the Synagogue right now. They're just now able to pull some files out of the storage area and renovate their kitchen."

Ms. Blosser continued, "And the character is very much the same as phase 1. We will match the stucco. We have an existing a portal along 'here,' 'this is existing.' And so it is all very much character with that existing, in fact the doors and windows will all match existing. And, of course, we will have the same builder as before as well, which is Sarcon."

Ms. Blosser continued, "I do have one question of staff, which is clarification on the landscape buffer. 'This' is the road, this is Old Pecos Trail out 'here.' A non-residential abutment to residential, as you can see, is quite expensive for such a small addition. And so I'm wondering exactly the extent of the landscape buffer, because putting a 15 buffer along the three sides would create a hardship for my client."

Ms. Baer said, "The intent of the landscape buffer was originally created to buffer residential properties from commercial or other non-residential uses that may impact them in a negative way. The character of this development is already along the lines of what's out there, in terms of residences, so I don't think we would be looking for a buffer as much as meeting the spirit of that Code section. We wouldn't want the applicant to create an artificial and incongruent kind of landscape planting. What we would be looking for is at least a setback of that amount, and then any landscape that was similar to what was already out there. And I would say that would be in keeping with the type of vegetation as well as the density of vegetation that is in the surrounding area."

Ms. Blosser said, "That is all for my comments. Do you have any questions."

Ms. Dearing said, "The driveway there, if memory serves me, and most of the parking area is gravel, correct, just a small section is paved for the handicapped parking."

Mr. Brill said this is correct. He said the entry is paved from Old Pecos Trail, the parking area is gravel and there is concrete ADA parking.

Ms. Dearing said, "The reason for my question is that I didn't want a big asphalt pad around the building, if you weren't going to have a visual buffer."

Mr. Brill said all of the people in attendance this evening are with the congregation, and here to speak in favor of it. However, if no one is here speaking in opposition, we will not ask anyone to speak, unless you want to hear from them or "they desperately like to talk."

Vice-Chair Winston said since it is a public hearing, she feels we are obligated to offer people the opportunity to comment if they would like.

Ms. Baer said, "To follow up on Ms. Dearing's question, the parking lot is not expanding and the congregation is not anticipated to expand either. So, the parking lot is what it is now, and we don't anticipate any change to it. The parking requirement is based on the number of seats, and since they are not increasing the number of seats it is going to stay as it is."

Ms. Dearing said, "Right, and my clarification was more about whether the 15 foot traditional buffer with landscaping of trees and shrubs, and all of that infill along a two acre parcel would be necessary if you weren't trying to minimize the impact of an asphalt or concrete parking area."

Speaking to the Request

There was no one speaking to this request.

The public testimony portion of the public hearing was closed

The Board commented and asked questions as follows:

- Mr. Maahs asked if the 5 feet is in depth or in width, but not in height.

Ms. Baer said this is correct.

City of Santa Fe, New Mexico

memo

DATE: March 7, 2014 for the March 18, 2014 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*

2230 OLD PECOS TRAIL SPECIAL USE PERMIT

Case #2014-07. Beit Tikva Special Use Permit. Peter Brill, Sarcon Construction, agent for Congregation Beit Tikva, requests a Special Use Permit for a religious assembly to allow a 1,485 square foot addition to the existing 2,527 square foot structure. The property is located at 2230 Old Pecos Trail and is zoned R-1. (Dan Esquibel, Case Manager)

RECOMMENDATION

The Land Use Department recommends **APPROVAL** of the Special Use Permit subject to the following conditions.

1. Satisfy the requirement of providing a landscaped buffer along all boundaries of the property that abut residential zoning. This buffer shall be a minimum of 15 feet and shall have a combination of trees and shrubs planted to achieve the purpose and intent of Article 14-8.4 (J)(3) "Buffer for Nonresidential Development Abutting Residential"
2. Prior to any new construction or remodel: 1) Comply with International Fire Code (IFC) 2009 Edition; 2) Fire Department Access shall not be less than 20 feet width; 3) Fire Department shall have 150 feet distance to any portion of the building on any new construction; 4) Shall have water supply that meets fire flow requirements as per IFC, and 5) All Fire Department access shall be no greater than 10% grade throughout and maintain 20' minimum width.

I. SUMMARY and ANALYSIS

The application is for a Special Use Permit approval to allow Religious Assembly use at 2230 Old Pecos Trail, and the construction of a 1,485 square foot addition to the existing 2,527 square foot building.

Exhibit 1

- (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;*

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 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 B: Maps

1. Vicinity Map

Exhibit C: Early Neighborhood Notification (ENN) materials

1. Meeting notes
2. ENN Guidelines

Exhibit D: Applicant Submittals

ESQUIBEL, DANIEL A.

From: KASSENS, SANDRA M.
Sent: Wednesday, February 12, 2014 9:23 AM
To: ESQUIBEL, DANIEL A.
Cc: ROMERO, JOHN J
Subject: Beit Tikva Special Use Permit 2014-07


Dan,
The Traffic Engineering Division has no comments on the Special Use Permit request for the Congregation Beit Tikva, case # 2014-07.
Sandy

*Sandra Kassens
Traffic Engineering Division
Public Works Department
City of Santa Fe
PO Box 909
Santa Fe, New Mexico 87504*

Phone: 505-955-6697

City of Santa Fe, New Mexico

memo

DATE: March 7, 2014
TO: Case Manager: Dan Esquible
FROM: Reynaldo D Gonzales, Fire Marshal 
SUBJECT: Case #2014-07 Beit Tikva 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 prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to any new construction or remodel these conditions would apply

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Fire Department Access shall not be less than 20 feet width.
3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
4. Shall have water supply that meets fire flow requirements as per IFC.
5. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width

ESQUIBEL, DANIEL A.

From: ZAXUS, RISANA B.
Sent: Friday, March 07, 2014 9:45 AM
To: ESQUIBEL, DANIEL A.
Subject: FW: Beit Tikva Special Use Permit

From: ZAXUS, RISANA B.
Sent: Friday, February 07, 2014 11:11 AM
To: ESQUIBEL, DANIEL A.
Subject: Beit Tikva Special Use Permit

Dan,

I have no review comments on this Special Use Permit.

RB

Wastewater.txt

From: HOLLAND, TOWNSEND S.
Sent: Monday, March 03, 2014 12:11 PM
To: ESQUIBEL, DANIEL A.
Subject: DRT 2014-17

Dan

Spoke with Sam Valencia today and there are no concerns to address at this time and therefore the Wastewater Division has no objection to

the special use permit

Stan Holland, P.E.
Wastewater Division
73 Paseo Real
Santa Fe, New Mexico 87507
505-955-4637
tsholland@santafenm.gov

Aerial Photo
Congregation Beit Tikva-Santa Fe
2230 Old Pecos Trail



SITE

R-1

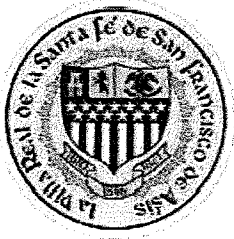
Legend

--- CITY LIMITS

▭ PARCELS

— Roads

▭ ZONING (Text only)



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

Project Name	Beit Tikva Special Use Permit
Project Location	2030 Old Pecos Trail
Project Description	Special Use Permit and office addition
Applicant / Owner	Congregation Beit Tikva-Santa Fe
Agent	Sarcon Construction
Pre-App Meeting Date	Not required
ENN Meeting Date	January 15, 2014
ENN Meeting Location	Beit Tikva –Santa Fe 2030 Old Pecos Trail
Application Type	ENN
Land Use Staff	Dan Esquibel
Other Staff	8
Attendance	

Notes/Comments:

On January 15, 2014 at 242 2030 Old Pecos Trail, the applicant and one (1) interested member of the community attended an Early Neighborhood Notification (ENN) meeting regarding Congregation Beit Tikva-Santa Fe, Special Use Permit and addition. On January 30, 2014 the applicants met with 3 members of Sol y Lomas. There were no concerns raised regarding the proposed use or proposed addition.



ENN GUIDELINES

Applicant Information

Project Name: Beit Tikva Phase 2

Name: Congregation Beit Tikva

Last First M.I.

Address: 2230 Old Pecos Trail (Mailing address: PO Box 24094)

Street Address

Suite/Unit #

Santa Fe

NM

87502

City

State

ZIP Code

Phone: (505) 820-2991

E-mail Address: rap1818@aol.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.*

This is a one story, 1,485 square foot addition to an existing 2,527 square foot structure, consisting of office space, storage, a lobby area, and a small library. The height of this addition will be less than the existing structure, and it will be Pueblo style. It will match the existing structure in terms of stucco color, window and door types, and portal finishes. The character and appearance is appropriate to the neighborhood, which is a mix of Santa Fe styles but predominantly Pueblo style. The setbacks are well within the required setbacks, and open space, at over 65%, is well above the required minimum. Existing landscaping and lighting will remain, with the addition of some lighting underneath a new portal addition.

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

There is no effect on protection of the physical environment, with the exception that a few existing trees will need to be removed in order to construct the new addition. The existing building will have a fire separation from the new addition.

(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 construction in 2005.

(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.*

The project is a very small addition, and will not include a below grade cistern to capture rainwater on site. However, the project team will route roof runoff to plants to be utilized for irrigation, and will specify all landscaping to be native and drought-resistant. 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.*

As this is a small addition to an existing structure, it is not anticipated that there will be an effect on the opportunities for community integration and social balance.

(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.*

As this is an addition to an existing structure, it promotes more compact urban form through appropriate infill development. However, as it is a small addition, it is within the context for the surrounding neighborhood.

(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, which help to integrate the addition into the neighborhood.