



# Agenda

**BOARD OF ADJUSTMENT**  
**Tuesday, December 3, 2019 at 6:00 P.M.**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSION:**
  - MINUTES: November 5, 2019**
  - FINDINGS/CONCLUSIONS:**
  - Case #2019-990. 1611 Camino Porvenir Variance.**
- E. OLD BUSINESS**
- F. NEW BUSINESS**

- 1. Case #2019-1143. Upaya Zen Center Special Use Permit.** Mark C. Little Design Studio, Agent, for Upaya Chapter of Tief Hien Ordinance, Owner, requests approval of a Special Use Permit for an addition onto the existing monastery structure on approximately 0.88 acres. The property is located at 1404 Cerro Gordo Road and is zoned R-2 (Residential-two dwelling units per acre). The property is located in the Downtown and Eastside Historic District. (Donna Wynant, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325).

- G. STAFF COMMUNICATIONS**
- H. MATTERS FROM THE BOARD**
- I. 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.

<b>RECEIVED AT THE CITY CLERK'S OFFICE</b>	
<b>DATE:</b>	<b>November 13, 2019</b>
<b>TIME:</b>	<b>11:29 PM</b>

**Board of Adjustment  
December 3, 2019**

Item	Motion/Description	Page
Call to Order	Rachel Winston, Vice Chair of the Board of Adjustment called the meeting to order at 6:04 p.m. in the City Council Chambers.	1
Roll Call	A quorum was established with roll call.	1
Approval of the Agenda	Mr. Werwath moved to approve the agenda with a second from Mr. Maahs which passed by voice vote.	1
Approval of the Minutes from November 5, 2019	Mr. Maahs moved to approve the minutes as amended with a second from Ms. Reynolds which passed by voice vote.	1
Approval of Findings/Conclusions Case # 2019-990 1611 Camino Porvenir Variance	Mr. Maahs moved to approve the Findings of Fact and Conclusions of Law for Case #2019-990 with a second from Ms. Reynolds which passed by voice vote.	2-3
Old Business		3
New Business: 1. Case #2019-1143 Upaya Zen Center Special Use Permit	Mr. Werwarth moved to approve the Special Use Permit for Case # 2019-1143 incorporating the conditions and the Findings of Fact and Conclusions of Law with a second from Ms. Reynolds which passed by voice vote.	3
Staff Communications	None	3-4
Matters from the Board	Discussion Only	4
Adjournment	With all business conducted for the Board of Adjustment, the meeting was adjourned at 6:39 p.m.	4

Board of Adjustment  
City Council Chambers  
200 Lincoln Ave. Santa Fe  
Tuesday December 3, 2019

**1. CALL TO ORDER**

Rachel Winston, Vice Chair of the Board of Adjustment called the meeting to order at 6:04 p.m. in the City Council Chambers. A quorum was established with roll call.

**ROLL CALL**

**Present:**

Rachel Winston, Vice Chair  
Daniel Werwath  
Donna Reynolds  
Doug Maahs

**Absent:**

Coleen Dearing  
Gary Friedman, Chair  
Patricia Hawkins

**Staff and Others Present:**

Noah Berke, City Land Use  
Donna Wynant, City Land Use  
Sally Paez, City Attorney's Office  
Linda Vigil, Stenographer

**2. PLEDGE OF ALLEGIANCE**

**NOTE: All items in the packet for all agenda items were incorporated herewith by reference. The original packet is on file with the City Land Use Staff. Any additional attachments will be labeled as exhibits.**

**3. APPROVAL OF AGENDA**

**MOTION:** Mr. Werwath moved to approve the agenda with a second from Mr. Maahs which passed by voice vote.

**4. REVIEW AND APPROVAL OF MINUTES FROM November 5, 2019**

*Minor Corrections submitted by Ms. Winston:*

Page 3 line 4, imperative impartial

Page 5 third paragraph change to Ms. Winston will not vote she is serving as Chair of the meeting.

**MOTION:** Mr. Maahs moved to approve the minutes as amended with a second from Ms. Reynolds which passed by voice vote.

**5. APPROVAL OF FINDINGS/CONCLUSIONS-Case #2019-990 1611 Camino Porvenir  
Variance**

**MOTION:** Mr. Maahs moved to approve the Findings of Fact and Conclusions of Law for Case #2019-990 with a second from Ms. Reynolds which passed by voice vote.

Mr. Werwath abstains from voting. Mr. Werwath would like to state that through this process he would like to suggest this Board to use a referral process for board members to be sent to other boards. This could've been passed on to the Planning Commission.

Also, the design took months and cost a lot of money. There were a few trips to permitting. They need to look at the setbacks and create flexibility. Now they are going to have to build a less efficient structure and they may have to use this as an investment home. There were more negative outcomes that came out of this.

He thinks they should deal with the code and setbacks to address it. The arbitrary issues won't help with the needs of some neighborhoods.

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

**1. Case #2019-1143 UPAYA ZEN CENTER SPECIAL USE PERMIT-**Mark C. Little Design Studio, Agent for Upaya Chapter of Tiej Hien Ordinance, Owner, requests approval of a Special Use Permit for an additional onto the existing monastery structure on approximately 0.88 acres. The property is located at 1404 Cerro Gordo Road and is zoned R-2 (Residential two dwelling units per acre). The property is located in the Downtown and Eastside Historic District.

*Staff Report:*

Ms. Wyant stated the case subject to approval is all in line with the criteria. The center is not expanding, they are improving the quality of life. There is one dormitory for the monks and with the proposed plan they will have individual rooms and bathrooms.

Ms. Wynant described the area and the current building. The proposed plan will have a courtyard and a common area. There is room for the Fire Department to service when needed. The property will also be sprinkled. It doesn't affect the flood plain. There is an area to be conserved. There are not any water lines to be affected.

Staff recommends approval of the special use permit. They have met all criteria.

Criteria 1-Does the Board have the authority to grant the application and grant a special use permit. They do.

Criteria 2- Will granting the special use permit adversely affect the public interest. Yes it will.

Criteria 3- Are the structures compatible with the abutting buildings. Yes

Ms. Wynant explained there will be a setback affidavit to acknowledge the portal is the same property. Ms. Wynant states the only concern there may be is parking.

Ms. Wynant states at the ENN they had one neighbor ask a question and there were emails, the applicant read them into the record and there were additional meetings and all concerns were answered.

One question was regarding the parking when there are events at the center. The center will have people they may look for another venue because of the parking.

*Questions from the Board:*

Ms. Winston asked if there would be any intensification.

Ms. Wynant explained they aren't intensifying the area.

*Applicant:*

Mr. Mark Little (1000 Cordova Place, Ste. 369). Mr. Little stated he doesn't have anything else to add to the staffs report, he will answer questions.

*Questions from the Board:*

Ms. Winston asked what the neighbor's issues were. Mr. Little states the letters stated they happy with them as neighbors. The issue was parking on Cerro Gordo Road, also they wanted to be assured that it was as large as it was going to get.

They were assured by the center's board there would not be any growth. In the future for any events whether it was a memorial or wedding, and they are to be anticipating a large crowd they will be required to set up a shuttle service. They are setting up a carpooling service on their website.

*Public Comment:*

For the applicant- Troy Fernandez (1245 Cerro Gordo Road) is a neighbor and sits on the neighborhood association board. There is a letter from the President of the Canyon Road Neighborhood Association in the packet.

They consider them to be a good neighbor and gave the center an award to for preserving the riparian areas.

*Against the applicant-None.*

**MOTION:** Mr. Werwarth moved to approve the Special Use Permit for Case # 2019-1143 incorporating the conditions and the Findings of Fact and Conclusions of Law with a second from Ms. Reynolds which passed by voice vote.

Mr. Little thanked the staff at the City.

## **8. MATTERS FROM STAFF**

Mr. Berke states the Land Use Director has announced her resignation. There has not been an appointment of a replacement or interim Director yet.

Mr. Berke introduced Mr. Eli Isaacson who is the Assistant Director for Land Use and Policy.

Ms. Winston asked for an update on the code rewrite. Mr. Berke states they haven't started the process yet.

Mr. Werwath states it is a heavy lift and to do an annual cleaning of the code is needed.

Mr. Isaacson mentioned they are in the process of drafting an RFP that will be for the code clean up. They will hire consultants and include public participation they need to communicate and solicit input.

Mr. Werwath states they have made minor fixes but they need to bring it up to a baseline. Clarify and clear it up and then engage in long range planning. Mr. Werwath states there is a lack of acknowledgement of the climate change. The code has been layered over the last 20 years. He is concerned there isn't enough movement to the long range. It can reflect the values people have. He sees the City as having an important role in this.

Mr. Isaacson discussed the 1999 plan that has a lot of value as a starting point. It needs to align with environmental and equitable ideas.

Mr. Werwath realizes it moves slowly but they need to do it in the next 8-10 years.

Mr. Isaacson states they need to get good data to support and get good GIS information. There isn't a good handling on the map. As a whole they need to understand where they are and start tracking some decisions they made.

Mr. Werwath states they have gotten away from the intent of the code. What is it meant to protect? There are so many things that exclude low income. Staff time is also an issue.

## 9. MATTERS FROM THE BOARD

None.

## 10. ADJOURN

With all business conducted for the Board of Adjustment, the meeting was adjourned at 6:39 p.m.

## SIGNATURES

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Gary Friedman, CHAIR

  
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Linda Vigil, Stenographer