



AGENDA

MEETING OF
THE BOARD OF
ADJUSTMENT
JANUARY 19, 2021 AT 6:00
PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR VIRTUAL ATTENDANCE AND PUBLIC COMMENT

Attendance: In response to the State’s declaration of a Public Health Emergency, the Mayor’s Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Board of Adjustment meeting will be conducted using Zoom.

Viewing on YouTube: Members of the public may stream the meeting live on the City of Santa Fe’s YouTube channel at <https://www.youtube.com/channel/UCuW5Fb7iWuKpTdsWYNDurgA>. The YouTube live stream can be accessed at this address from most computers, mobile devices, or smartphones. A video recording of the meeting will be posted on YouTube and available for viewing after the meeting.

Attending on Zoom: Members of the public may attend the Zoom meeting on a computer, mobile device, or phone. The video conference link and teleconference number will be posted on the City of Santa Fe’s Calendar of Events website at least seventy-two (72) hours before the meeting: <https://www.santafenm.gov/events>. The direct Zoom link is: <https://us02web.zoom.us/j/83138050511?pwd=UlhueHUwd2VLUG5JM1c4RURFZ1NKdz09> and use password: 349362.

Attending Zoom by Phone: Members of the public can attend the Zoom meeting by phone by dialing:

US: 1 346 248 7799 or 1 669 900 6833 or 1 253 215 8782 or 1 312 626 6799 or 1 929 205 6099 or 1 301 715 8592

Webinar ID: 831 3805 0511

Public Comment:

- By video: A person attending the Zoom meeting by using a computer, mobile device, or smart phone may provide public comment during the meeting. Attendees should use the “Raise Hand” function to be recognized by the chair to speak at the appropriate time.
- By phone: A person attending the Zoom meeting by phone may provide public comment during the meeting but **must** provide advance notice to City staff. Please



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contact Noah Berke (505-490-5930, nlberke@santafenm.gov) at least seventy-two (72) hours in advance of the meeting and provide your **full name, address, and the phone number** you will be using to call in to the teleconference. Without your phone number, the chair will not be able to recognize you to speak at the meeting.

- In writing: A person may submit written public comments in at least seventy-two (72) hours in advance of the meeting via the virtual comment “button” at <https://santafe.primegov.com/public/portal>.

A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

D. ELECTION OF OFFICERS

1. Chair
2. Vice-Chair
3. Secretary

E. APPROVAL OF MINUTES:

1. December 1, 2020

F. APPROVAL OF FINDINGS/CONCLUSIONS

G. OLD BUSINESS

H. NEW BUSINESS

1. **Case #2020-2894. #3 Placita Rafaela Setback/Stepback Variance(s).** Gayla Bechtol Architect, Agent for Holmes Family Trust, Owner, requests approval of a variance to SFCC Table 14-7.2-1 to enlarge existing 2nd story structure that is non-conforming in regards to minimum setbacks and stepback. The property is zoned RC8 (Residential Compound - eight dwelling units per acre), is approximately 0.073 acre, and is within the



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Downtown and Eastside Historic District. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov (505) 955-6656)

2. **Case #2020-2895. 313 - 317 Camino Alire, Special Use Permit.** Andrea Abedi and Hilary Kilpatric, Agents, for Hot Pie, LLC, Owner, requests approval of a special use permit for a Commissary Kitchen at 313 - 317 Camino Alire. The property is zoned C-1 (Office and Related Commercial) and is approximately 1.42 acres. (Donna Wynant, Case Manager, djwynant@santafenm.gov, 955-6325)

I. STAFF COMMUNICATIONS

MATTERS FROM THE BOARD

J. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

Board of Adjustment
December 1, 2020

Item	Motion/Description	Page
Call to Order	Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 6:02 p.m. via virtual meeting	1
Roll Call	A quorum was established with roll call.	1
Approval of the Agenda	Approved	1
Approval of the Minutes from November 3, 2020	Approved	1
Approval of Findings/Conclusions	None	2
Old Business	None	2-3
New Business 1. Case #2020-2774 Richards Lane Unit B, Special Use Permit. Andrew Neighbour, Agent, for Desert Verde Farm, LLC, Owner, requests approval of a special use permit for an indoor aquaponics farm in an existing 5,700 square foot building. The property is located at 3216 Richards Lane, Unit B, and is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager, djwynant@santafenm.gov, 955-6325)	Approved	3
Staff Communications		4
Matters from the Board		4
Adjourn	With all business conducted for the Board of Adjustment, the meeting was adjourned at 6:55 p.m.	4

**Board of Adjustment
Via Virtual Meeting
Tuesday December 1, 2020**

A. CALL TO ORDER

Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 6:02 p.m. via virtual meeting due to the current health restrictions. A quorum was established with roll call.

ROLL CALL

Present:

Rachel Winston, Vice Chair
Donna Reynolds
Coleen Dearing
Doug Maahs
Patricia Hawkins
Daniel Werwath

Absent:

Gary Friedman, Chair

Staff and Others Present:

Noah Berke, City Land Use
Donna Wynant, City Land Use
Linda Vigil, Stenographer
Andrew Neighbour, Applicant

B. 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.

C. APPROVAL OF AGENDA

MOTION: Mr. Werwath moved to approve the agenda with a second from Mr. Maahs,

ROLL CALL VOTE: All members voted in favor of approval (6-0), motion passed.

D. REVIEW AND APPROVAL OF MINUTES FROM November 3, 2020

MOTION: Ms. Dearing moved to approve the minutes of November 3, 2020 with a second from Ms. Hawkins.

ROLL CALL VOTE: All members voted in favor of approval (6-0), motion passed.

E. APPROVAL OF FINDINGS/CONCLUSIONS

None.

F. OLD BUSINESS

None.

G. NEW BUSINESS

1. **Case # 2020-2774** Andrew Neighbour, agent, for Desert Verde Farm, LLC, Owner, requests approval of a special use permit for an indoor aquaponics farm in an existing 5,700 square foot building. The property is located at 3216 Richards Lane, Unit B, and is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager, djwynant@santafenm.gov, 955-6325)

Staff Report:

Ms. Wynant explained as in the report, the special use permit is for Desert Verde Farm, LLC. This is zoned I-1, it is in the Richard's Lane business park just north of Rufina that turns into Henry Lynch Road. It is on its own parcel at that address. Table 14-6-1.1 in Chapter 14 allows for this type of business. The code was amended in 2016 to allow for urban agriculture uses.

Dr. Neighbour will be presenting more information This is a warehouse district, there is an office up front and warehouse in the rear. It is an interesting operation, they evaluated by the criteria. It is well contained and well suited for the area. There are no fumes that would impact the area.

There were no issues with how the business will operate. There were some technical corrections they were all addressed. The Fire Marshall was interested in the fertilizers that could pose a problem. There was an ENN. A few people attended and those that did were supportive and intrigued.

Applicant Report:

Dr. Neighbour prepared a presentation. He thanked them all for their assistance with this process. After a long career he chose to help with the food supply in the community. He visited the SFCC program and worked on a film. He learned that 85% of the agriculture produced gets shipped out of state. They have to bring in about \$8 Billion dollars worth of produce a year to sustain the citizens of NM.

Dr. Neighbour stated, he thought they could do better in New Mexico. The SFCC is also committed to this with their controlled environment agriculture program. The new technologies focus on how to produce food that minimizes using the water, soil and land. There they use 5% of the water getting away from a reliance and reducing the amount of land needed to produce an appropriate amount of food. He has lived in SF for 15 years and he hears about the food insecurities. The college has graduates every year with few jobs in this area. There are only traditional ranchers and soil based farmers.

Dr. Neighbour stated he wants to demonstrate that it works and to show others. Aquaponics is an extension of hydroponics of growing plants on the water. Aquaponics takes the fertilizers out of the equation, they rely on the fish for that. There is a fish tank where the fish are fed high protein food and they secrete ammonia. The clean water with ammonia is digested by microbes that breaks it down to nitrates. The nitrate water is passed into grow areas for the plants. The plants can purify the water.

They can grow herbs and leafy greens and vegetables. At the SFCC they have grown sugar cane, ginger, and turmeric. Because the water is circulated they are able to maintain it and use

minimal water. They will not be throwing anything back into the environment. They break down the solids and can reuse some of the product. They are prohibited from using toxins and chemicals.

Dr. Neighbour showed photos of the process of the SFCC operation and all of the products they are able to grow. One advantage from moving out of a greenhouse to a warehouse, is the sunlight they are less subject to the temperature changes. It means they have to provide lighting and with the new LED technologies they can provide vertically with light in between. There are other technologies like the growing towers, they will be adapting those.

Dr. Neighbour explained the building itself on Richards Ave. By changing the HVAC system it can optimize the growing. There are different zones in the building. There is a 1,000 gallon tank the water is filtered with different filters that breaks down the nitrates. The water goes to vegetables and towers for lettuce and herbs and a variety of other plants. The area in the back will be for a nursery for the fingerling fish and they grow until they can be moved.

They will be able to produce items weekly. This will be the first commercial aquaponics pond and if they can move along they will have their first produce in April. In a year they will have developed the market. His main customers will be producing the local food in the schools. If he qualifies as a vendor he will dedicate an area for local restaurants. They will not sell on site. All product will be shipped out to be distributed.

Public Comment:

Doug Roberts (302 Lomita Street Santa Fe) thinks it is a great project and it is ideal for Santa Fe he is excited to have it in the community.

Questions from the Board:

Mr. Werwath asked staff what the grounds are for a special use permit for this in the first place.

Ms. Wynant states in the table it states the types of businesses, they felt is industrial district. The main thing is there are in zoning districts and place it in the public arena. This Board has the authority to review it to determine if it impacts the surrounding area. This was interesting to work on, it is well contained.

Mr. Berke explained in 2016 the urban agriculture ordinance was adopted. Aquaponics greater than 750 square feet in an industrial area requires a special use permit. This was to deal with the noxious noises and odors.

Mr. Werwath was curious, it just seems it is adding more scrutiny to the process. As they think of limited capacity with the Land Use Department they should look at what comes before the board and what makes the approvals burdensome on the applicant.

MOTION: Mr. Werwath moved to approve the special use permit in Case# 2020-2774 with the conditions outlined in the staff report with a second from Ms. Dearing.

ROLL CALL VOTE: All members voted in favor of approval (6-0), motion passed.

MOTION: Mr. Maahs moved to approve the Findings of Fact and Conclusions of Law in Case #2020-2774 with a second from Mr. Werwath.

ROLL CALL VOTE: All members voted in favor of approval (6-0), motion passed.

Dr. Neighbours thanked the Board and welcomed them to a tour in the upcoming months.

H. STAFF COMMUNICATIONS

Mr. Berke reported that member Hawkins has notified them that she will have to step down. She will continue to serve until they fill her position. There will be two upcoming meetings in January.

Mr. Berke stated there was an item in the newspaper about the Board of Adjustment position as well as the Planning Commission. They are also seeking two positions.

Ms. Hawkins stated she has a health issue and has enjoyed her time on the board and has learned a lot.

Mr. Berke explained they have several applications and for those members who would still like to serve on the Board they can send him an email. If they are interested in joining the Planning Commission they can submit their application as well. They hope to have new board members and an election soon.

Ms. Hawkins urged them to stay on the Board.

Mr. Werwath suggested that when selecting the new members to the Planning Commission they look at people who have mechanical experience with housing development. That would be helpful and there would be more forward movement.

Mr. Berke stated the chair will also need to be filled.

Mr. Werwath asked that the Land Use Department start looking at the code and start cleaning out the types of permits that can be administrative approvals rather than coming to the Board.

I. MATTERS FROM THE BOARD

None.

J. ADJOURN

With all business conducted for the Board of Adjustment, the meeting was adjourned at 6:55 p.m.

SIGNATURES

Gary Friedman, CHAIR

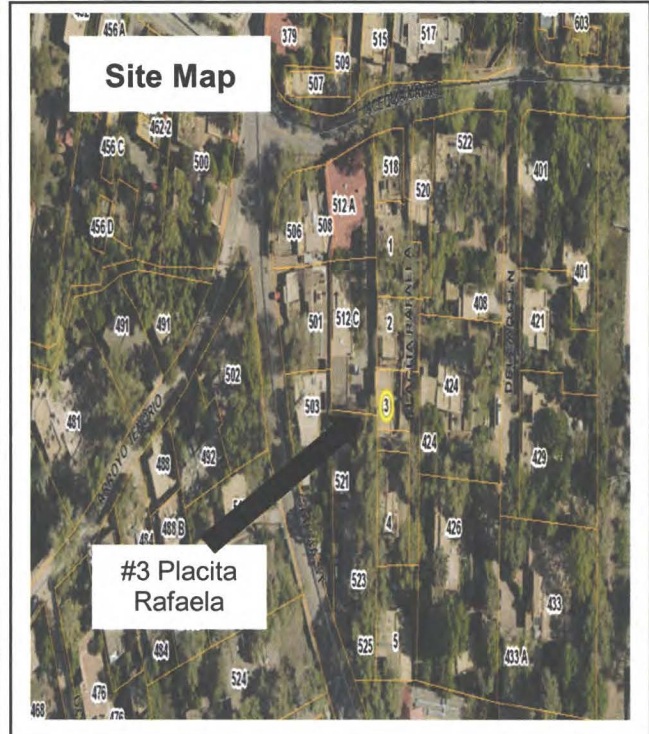


Linda Vigil, Stenographer



Land Use Department Board of Adjustment Staff Report

Case No: 2020-2894
Hearing Date: January 19, 2021
Applicant: Holmes Family Trust, Owner
Request: Setback & Stepback Variance
Location: #3 Placita Rafaela
Case Mgr.: John Neunuebel
Zoning: RC8 (Residential Compound 8 Units Per Acre)
Overlay: Historic
Pre-app Mtg: September 24, 2020
ENN Mtg: ENN meeting is not applicable for proposed variance.
Proposal: Variance from standard setbacks and height stepback to enable expansion of existing 2nd story structure and addition of roof decking and railings .



Case #2020-2894. #3 Placita Rafaela Setback Variance. Gayla Bechtol Architect, Agent for Holmes Family Trust, Owner, requests approval of a variance to SFCC Table 14-7.2-1 to enlarge existing 2nd story structure that is non-conforming in regards to minimum rear yard setback. The property is zoned RC8 (Residential Compound - eight dwelling units per acre), is approximately 0.073 acre, and is within the Downtown and Eastside Historic District. (John Neunuebel, Case Manager, jcneunuebel@santafenm.gov (505) 855-6656)

I. RECOMMENDATION:

Staff are recommending **DENIAL** of the variance request (Case #2020-2894).

Two motions will be required, in the following order, for this case:

- Approve or deny the Variance to SFCC Table 14-7.2-1 for Case #2020-2894;
- Approve or deny the Findings of Fact and Conclusions of Law for Case #2020-2894, as proposed in Exhibit A(2).

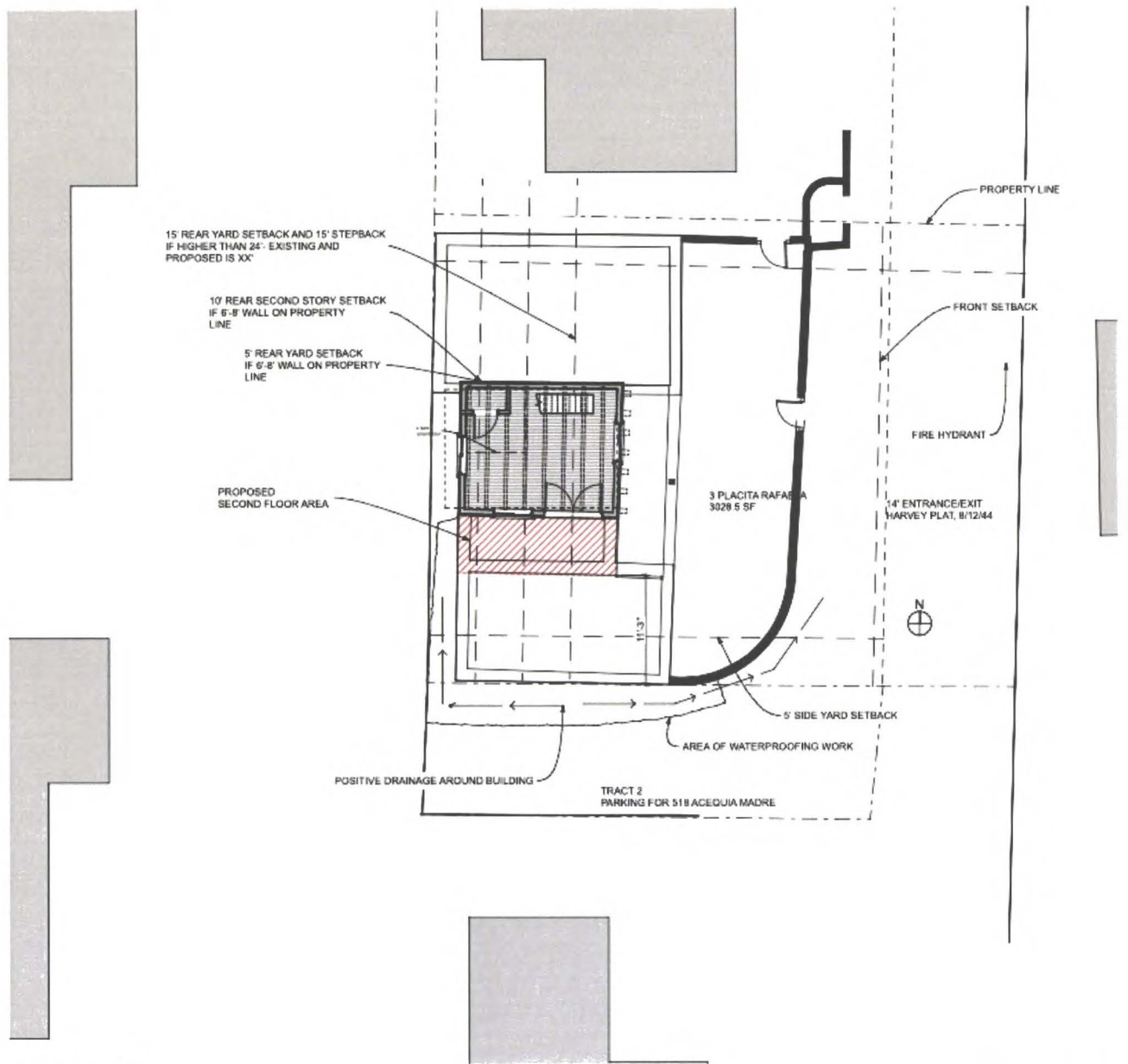
II. EXECUTIVE SUMMARY

The Applicant requests a variance to minimum rear yard areas stipulated within SFCC Table 14-7.2-1, so as to increase the floor area of an existing 2nd story structure from 242 sq.ft. to 340 sq.ft., as well as provide outside decking and associated railings commensurate with the existing roof area atop the 1st story of the structure and adjacent to the structure proposed for expansion. SFCC Table 14-7.2-1 establishes a minimum side yard of five feet in the RC8 district (minimum side yard of five feet, and a minimum rear yard of fifteen feet. The existing structure is placed directly adjacent to side property lines (there are no side yards), and is 3 feet from the rear property line at its widest point, while a portion of the structure is placed directly adjacent to rear property line with no setback.

The Applicant has complied with SFCC Subsections 14-3.1(E) "Pre-Application Conferences" and 14-3.1(H) "Notice Requirements" for Public Hearings.

III. BACKGROUND

The subject property comprises an existing single-family residence including a partial second story as located at #3 Placita Rafaela (approximately 170' south of Acequia Madre). The 1,019 sq. ft. residence was constructed in 1932, which is prior to SFCC current setbacks, while the 242 sq.ft. 2nd story structure was added during the 1970s. The Applicant wishes to expand the 2nd story structure and provide rooftop decking to increase interior and exterior living space.



2 Site Plan
A0.2 SCALE: 1/8" = 1'-0"



SFCC Table 14-7.2-1 for the RC8 zoning district requires a minimum side yard of 5 feet for structures with a maximum height of 14 feet (or 5 feet if a wall is located adjacent to the rear property line), and minimum rear yard of 15 feet for structures greater than 14 feet in height. The rear yard of the subject residence is 3 feet in width for a portion of the property, while part of the residence is located directly adjacent to the rear property line with no setback.

VII. VARIANCE APPROVAL CRITERIA

Subsection 14-3.16(A) governs the authority, procedures and restrictions for a Variance and states that “Land Use Boards may approve variances to the provisions of Chapter 14 as provided in Section 14-2 and elsewhere in this chapter and in accordance with this section. Variances may be granted to provisions regulating the size, location and appearance of structures. A variance shall not be granted to provisions that restrict the type or intensity of principal or accessory uses permitted within a district...”

The variance process balances reasonable use of the Applicant’s property against compliance with the letter and intent of adopted regulations. The proposal must be consistent with at least one of the circumstances listed in Criteria 1a through 1d, and must be consistent with all of Criteria 2 through 5.

<p>Criterion1: Necessary Findings To grant a Variance, a land use board shall make the following finding per Subsection 14-3.6(C)(1) as follows: One or more of the following special circumstances applies: (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or (b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1-7; or (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).</p>	<p>Criterion Met: (Yes/No) NO</p>
<p>(a) <u>Applicant Response</u>: This Approval criteria is met due to the existing non-conformity of the structure and the narrowness of the lot. There is no room to have a 15’ setback without severely renovating or demolishing the house, and even then it is doubtful a minimum size house could be built with the required parking and open space. The setback is already only 3’, not 5’ if a wall or 15’ if no wall. When a code compliant stair is built to the existing second floor there is very little useable space left over. With a slight extension of the second floor the space becomes more practically useable. The existing/proposed ceiling height is less than 8’ so the second floor height remains the same.</p> <p><u>Staff Response</u>: Staff does not observe unusual physical characteristics that distinguish the subject land or structure from others in the vicinity, nor characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or government action.</p>	

- (b) Not applicable
- (c) Not applicable
- (d) **Applicant Response:** The building is old enough to be contributing, but because of the second floor non-conformity is not considered contributing.
Staff Response: Neither Planning or Historic Preservation staff(s) can identify information that may have been utilized in the building being categorized as non-contributing.

Criterion 2:
The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Criterion Met:
 (Yes/No)
NO

Applicant Response: The lot depth is narrow and further diminished by the access easement so that the available lot depth for development is a total of 48'. In order to setback 15' the house would have to be demolished. There is no other place on the property to develop a practical extra room and keep the existing open space and parking available. There are driveways on both sides of this house so will not impact a neighboring home. The second-floor gross square footage now is 242 SF. As of right with the 15' rear setback and required stepback a 30 SF addition is allowed. 100 SF is requested with a difference of 70 SF. This is a nominal easing of the setback/step back requirements. The total gross square footage of the house is 1019 on the ground floor, and 242 on the second floor. In order to live in this house, the owners are requesting a slight easing of a variance of a condition that already exists so that the house is more livable and practical with reasonable stairs without tearing down the house, or altering the extant historic fabric on the front facade.

Staff Response: Development has occurred on the subject property in the form of an existing single-family residence. The Applicant could redesign the second story addition in conformance with the applicable setback regulations and obtain Building Permit in completing the second story. This might not be optimal for design and aesthetic reasons, but could accomplish the Applicant's intent in expanding living space.

Criterion 3:
The intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Criterion Met:
 (Yes/No)
NO

Applicant Response: This Approval Criterion is met because non-conformity to setbacks and step backs occur throughout the city, especially in the historic districts. The intensity of use is not increasing. The room is only extending 6' along the setback/stepback line in order to make the space useable with a code compliant stairway.

Staff Response: The Applicant states that this non-conformity exists throughout the City, however this does not justify the reason to grant such a variance. There is already a non-conformity created by the second story with regards to setbacks, the proposed addition would intensify that non-conformity. So, too, it is probable that development has occurred in the vicinity prior to adoption of the city's codes and requirements, thus defining said development as being non-conforming.

<p>Criterion 4: The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered: (a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and (b): consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.</p>	<p>Criterion Met: (Yes/No) NO</p>
<p><u>Applicant Response:</u> “In the General Plan – Opportunities are provided for housing for all income segments of the population in all areas of the city....Maintain and respect Santa Fe’s unique personality, sense of place and character...promote a compact urban form and encourage sensible/compatible infill development.” The Approval Criterion is met because one of the General Plan’s purpose of good housing is practical, habitable and promotes the general welfare of the citizens of Santa Fe. Providing this minimal extension creates a diverse range of housing in this neighborhood, allowing a diversity of people to live downtown, maintains the compact urban form and is sensitive to infill development.</p> <p><u>Staff Response:</u> Staff contend that the subject property inclusive of an occupied single-family residence, already comprises a reasonable use without the approval and implementation of the requested variance. Reasonable use of a property is that which can be developed, and this property has been developed. The property has been utilized for a single-family residence and can continue to be so utilized without the variance.</p>	
<p>Criterion 5: The variance is not contrary to the public interest;</p>	<p>Criterion Met: (Yes/No) NO</p>
<p><u>Applicant Response:</u> The Approval Criterion is met here because the public has no interest in this property. The only public interest imaginable is the fear of second stories in the historic districts and the existing second story was built by previous owners of this house sometime in the 1970’s; however, the immediate neighbors are positive about this development.</p> <p><u>Staff Response:</u> The requested variance is contrary to the public interest in that it seemingly does not meet required approval criteria, and may result in establishing a precedent that weakens the integrity of City of Santa Fe standards and requirements for new development. The “public interest” appropriately include the ordinances that are adopted by elected officials, with requirements regarding building setbacks so adopted.</p>	
<p>Criterion 6: There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14</p>	<p>Criterion Met: (Yes/No) YES</p>
<p><u>Applicant Response:</u> The Historic Districts Review Board approved the extension of the second floor appreciating the more balanced massing. The railing [for proposed rooftop deck] is under revision and will be reviewed with the HDRB pending approval for this variance to the setback/stepback.</p>	

Staff Response: Staff concurs that the Applicant will need seek additional review by the Historic Districts Review Board for proposed rooftop deck railing prior to obtaining building permit (and if the subject variance were to be approved by the Board of Adjustment).

IV. EARLY NEIGHBORHOOD NOTIFICATION

Early Neighborhood Notification meeting not required for the subject variance request.

V. EXPIRATION

Per SFCC Section 14-3.19(B) (5), approval of a variance expires if it is not exercised within three years. Should the Board approve the variance and adopt Findings of Fact at this hearing, the expiration date would be January 19, 2024

VI. ATTACHMENTS:

EXHIBIT A:


- 1. Draft Findings of Fact/Conclusions of Law

EXHIBIT B: Maps and Photos

- 1. Aerial Photo

EXHIBIT C: Applicant Materials

APPROVED BY:

Title	Name	Initials
Planning and Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	
Land Use Department Case Manager	John Neunuebel, Planner Senior	

City of Santa Fe, New Mexico

Exhibit A

Draft Findings of Fact/ Conclusions of Law

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

Case #2020-2894

3 Placita Rafaela Variance

Owner/Applicant – Holmes Family Trust

Agent – Gayla Bechtol, Architect

THIS MATTER came before the Board of Adjustment (Board) for hearing on January 19, 2021 upon the application (Application) by Gayla Bechtol, agent, for Homes Family Trust, owner of 3 Placita Rafaela. The Application pertains to a property located at 3 Placita Rafaela totaling approximately 0.073 acre (Property). The Property is zoned RC-8 (Residential Compound - eight dwelling units per acre) and is within the Downtown and Eastside Historic District. The Applicant requests a Variance to Table 14-7.2-1, “Table of Dimensional Standards for Residential Districts,” to allow a rear yard setback of less than 15 feet (Project).

After conducting a public hearing and having heard from staff and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. At the hearing, the Board received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including a pre-application conference [SFCC § 14-3.1(E)] and (b) compliance with notice and public hearing requirements [SFCC § 14-3.1(H)-(I)].
3. A pre-application conference was held on September 24, 2020 in accordance with SFCC Section 14-3.1(E).
4. Pursuant to SFCC Sections 14-2.4(B) and 14-3.16(B)(1), the Board has the authority to hear and decide requests for variances.
5. Under SFCC Table 14-7.2-1 and note 13, a residential structure in an RC-8 district requires a minimum rear yard setback of 15 feet, and “[n]o portion of any story above ground-level story shall be closer than 15 feet from property line.”
6. The subject property includes an existing single-family residential structure that partially straddles the rear property line, effectively providing for no building setback/ rear yard.
7. The Applicant seeks to expand the second story of the existing structure from 242 square feet to 340 square feet and to construct a rooftop deck and guard railings.
8. At a hearing held October 27, 2020 (Case #2020-2693-HDRB), the City’s Historic Districts Review Board approved the design of the proposed addition with regard to the City’s Historic Districts Ordinance, SFCC Section 14-5.2, but postponed a decision on the design of the rooftop deck and railings.
9. Approval of the Project requires a variance to the underlying zoning requirements because the Project would increase the existing nonconformity with the rear setback requirement in SFCC Table 14-7.2-1.

10. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Board with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
11. To obtain a variance, the Applicant must demonstrate that all applicable criteria set forth in SFCC Section 14-3.16(C)(1) through (6) have been met.
12. Staff recommended denial of the requested variance because Staff found that the Applicant failed to meet all of the variance criteria.

Criterion 1:

13. First, under SFCC Section 14-3.16(C)(1), to grant a variance the Board must find that “[o]ne or more of the following special circumstances applies: (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; or (b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid; or (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more restrictive provision as provided in Section 14-1-7; or (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).”
14. The Applicant asserted that the Criterion 1 was met due to the existing non-conformity of the structure and the narrowness of the lot, and further asserted that there is no room to have a 15’ setback without severely renovating or demolishing the house, and even then it is doubtful that a minimum size house could be built with the required parking and open space. The Applicant also indicated that construction of a replacement, non-compliant stairway to the second floor would provide for little useable space left over.
15. Staff found that the Applicant failed to meet the first criterion due to staff not observing unusual physical characteristics that distinguish the subject land or structure from others in the vicinity, nor characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that was created by natural forces or government action.
16. The Board finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 1.

Criterion 2:

17. Second, under SFCC Section 14-3.16(C)(2), to grant a variance the Board must find that “special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.”
18. The Applicant asserted that the lot depth is narrow and further diminished by the access easement so that the available lot depth for development is a total of 48’. In order to setback 15’ the house would have to be demolished. There is no other place on the property to develop a practical extra room and keep the existing open space and parking available. There are driveways on both sides of this house so will not impact a neighboring home.

The second-floor gross square footage now is 242 SF. As of right with the 15' rear setback and required setback, a 30 square foot addition is allowed. A 100 square foot addition is requested, with a difference of 70 square feet. This is a nominal easing of the setback/step back requirements. The total gross square footage of the house is 1019 on the ground floor, and 242 on the second floor. In order to live in this house, the owners are requesting a slight easing of a variance of a condition that already exists so that the house is more livable and practical with reasonable stairs without tearing down the house, or altering the extant historic fabric on the front facade.

19. Staff found that Development has occurred on the subject property in the form of an existing single-family residence, and further commented that the Applicant could redesign the second-story addition in conformance with the applicable setback regulations and obtain a building permit to expand the second story. Such an option might not be optimal for design and aesthetic reasons, but could accomplish the Applicant's intent in expanding living space.
20. The Board finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 2.

Criterion 3:

21. Third, under SFCC Section 14-3.16(C)(3), to grant a variance the Board must find that the "intensity of the development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14."
22. The Applicant asserted that Criterion 3 is met because nonconformity to setbacks and step backs occur throughout the city, especially in the historic districts. The intensity of use is not increasing. The room is only extending 6' along the setback/stepback line in order to make the space useable with a code compliant stairway.
23. The Applicant states that this non-conformity exists throughout the City, however this does not justify the reason to grant such a variance. There is already a non-conformity created by the second story with regards to setbacks, the proposed addition would intensify that non-conformity. So, too, it is probable that development has occurred in the vicinity prior to adoption of the city's codes and requirements, thus defining said development as being non-conforming.
24. The Board finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 3.

Criterion 4:

25. Fourth, under SFCC Section 14-3.16(C)(4), to grant a variance the Board must find that the "variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered: (a) whether the property has been or could be used without variances for a different category or lesser intensity of use; and (b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan."
26. The Applicant asserted the following: "In the General Plan – Opportunities are provided for housing for all income segments of the population in all areas of the city....Maintain and respect Santa Fe's unique personality, sense of place and character...promote a compact urban form and encourage sensible/compatible infill development." Criterion 4 is

met because it would further the General Plan's purpose of providing good housing that is practical, habitable, and promotes the general welfare of the citizens of Santa Fe. Providing this minimal extension creates a diverse range of housing in this neighborhood, allows a diversity of people to live downtown, maintains the compact urban form, and is sensitive to infill development.

27. Staff found that the subject property inclusive of an occupied single-family residence already comprises a reasonable use without the approval and implementation of the requested variance. Reasonable use of a property is that which can be developed, and this property has been developed. The property has been utilized for a single-family residence and can continue to be so utilized without the variance.
28. The Board finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 4.

Criterion 5:

29. Fifth, under SFCC Section 14-3.16(C)(5), to grant a variance the Board must find that the "variance is not contrary to the public interest."
30. The Applicant asserted that Criterion 5 is met because the public has no interest in this property. The only public interest imaginable is the fear of second stories in the historic districts, and the existing second story was built by previous owners of this house sometime in the 1970's; however, the immediate neighbors are positive about the proposed development.
31. Staff found that the requested variance is contrary to the public interest in that it seemingly does not meet required approval criteria, and may result in establishing a precedent that weakens the integrity of City of Santa Fe standards and requirements for new development. The "public interest" appropriately includes the ordinances that are adopted by elected officials, with requirements regarding building setbacks so adopted.
32. The Board finds, based on the Staff Report and the evidence presented at the hearing, that the Applicant has not provided a rationale that meets Criterion 5.

Criterion 6:

33. Finally, SFCC Section 14-3.16(C)(6) provides, "There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14."
34. The Applicant provided that the Historic Districts Review Board approved the extension of the second floor, appreciating the more balanced massing. The railing for the proposed rooftop deck is under revision and will be reviewed with the HDRB pending approval for this variance to the setback/stepback.
35. Staff found and the Board agrees that the proposed project would require additional review by the Historic Districts Review Board if the proposed variance were to be approved.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Board CONCLUDES as follows:

1. The Board has the authority review and approve or deny the variance requested for the Property.

2. The Applicant complied with the applicable procedural requirements for requesting a variance, including proper and sufficient notice.
3. The request for variance should be denied because the Applicant has failed to demonstrate that all of the variance criteria set forth in SFCC Section 14-3.16(C) have been met.

WHEREFORE, IT IS ORDERED ON THE 19TH DAY OF JANUARY 2021 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:

That the application for a variance to Table 14-7.2-1, "Table of Dimensional Standards for Residential Districts," is denied.

Chair

Date

FILED:

Kristine Mihelcic
City Clerk

Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

Date

City of Santa Fe, New Mexico

Exhibit B

Aerial Photo

ACEQUIA MADRE

GARCIA ST

PLACITA RAFAELA



City of Santa Fe, New Mexico

Exhibit C

Applicant Materials



**PLANNING COMMISSION
VARIANCE APPLICATION
SUBDIVISION OR DEVELOPMENT PLAN STANDARDS**

Parcel Information

Project Name: 3 PLACITA RAFAELA ADDITION
 Address: 3 PLACITA RAFAELA Property Size: .073 AC
 Zoning: R.C.-O Proposed Use of Land: RESIDENTIAL
 Does this project have a Final Development Plan approval? YES NO Case Number: _____
 Early Neighborhood Notice (ENN) meeting date: _____ Uniform Parcel Code Number: 1054098430440000000
 Preapplication Conference Date: 9/24/2020

Property Owner Information

Company Name: HOLMES/CREASEY FAMILY TRUST
 Name: LAURA HOLMES GRAMM CREASEY
 Address: 3 PLACITA RAFAELA
SANTA FE NM 87501
 Phone: 505 904 3818 E-mail Address: lholmes3@gmail.com
GC: 650 704 2394 gcreasey@gmail.com

Applicant/Agent Information (if different from owner)

Company Name: GAYLA BECHTOL ARCHITECT
 Name: GAYLA BECHTOL, MA
 Address: 410 MONTEZUMA AVE
SANTA FE NM 87501
 Phone: 505 660 6301 E-mail Address: gayla@gbasantafe.com
 Correspondence Directed to: Owner Applicant Both

Affidavit to Authorize Agent (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 3 PLACITA RAFAELA
 I/We authorize GAYLA BECHTOL to act as my/our agent to execute this application.
 Signed: [Signature] Date: 9/24/2020
 Signed: [Signature] Date: 9/24/2020

GAYLA BECHTOL ARCHITECT ARCHITECTURE + URBAN DESIGN

November 20, 2020

Mr. Lee Logston and Board of Adjustment
City of Santa Fe

RE: Approval Criteria Statement for Proposed Variance to setback/stepbacks at 3 Placita Rafaela located in zone RC-8, a non-contributing/non-conforming structure in the Downtown/Eastside Historic District in the Camino de Monte Sol subdistrict

Dear Mr. Logston and Board of Adjustment,

We are asking for a variance to the land development rules of the City of Santa Fe based on the uniqueness of this old structure in the historic part of Santa Fe. We are asking for the least possible variance in order to make the house useful and practical by adding a code compliant stairway. The impact to our neighbors is minimal and they have been very positive in their responses. We ask for your kind consideration of our request.

14-3.16 Variances

(C) Approval Criteria

Subsections 14-3.16(C)(1) through (5) and, if applicable, Subsection 14-3.15(C)(6), are required to grant a variance.

(1) One or more of the following special circumstances applies:

- (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid; This Approval criteria is met due to the existing non-conformity of the structure and the narrowness of the lot. There is no room to have a 15' setback without severely renovating or demolishing the house, and even then it is doubtful a minimum size house could be built with the required parking and open space. The setback is already only 3', not 5' if a wall or 15' if no wall. When a code compliant stair is built to the existing second floor there is very little useable space left over. With a slight extension of the second floor the space becomes more practically useable. The existing/proposed ceiling height is less than 8' so the second floor height remains the same.*

GAYLA BECHTOL ARCHITECT ARCHITECTURE + URBAN DESIGN

AND (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts). Although the building is old enough to be contributing, but because of the second floor non-conformity is not considered contributing.

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14. –The lot depth is narrow and further diminished by the access easement so that the available lot depth for development is a total of 48'. In order to setback 15' the house would have to be demolished. There is no other place on the property to develop a practical extra room and keep the existing open space and parking available. There are driveways on both sides of this house so will not impact a neighboring home. The second-floor gross square footage now is 242 SF. As of right with the 15' rear setback and required step back a 30 SF addition is allowed. 100 SF is requested with a difference of 70 SF. This is a minimal easing of the setback/step back requirements. The total gross square footage of the house is 1019 on the ground floor, and 242 on the second floor. In order to live in this house, the owners are requesting a slight easing of a variance of a condition that already exists so that the house is more livable and practical with reasonable stairs without tearing down the house, or altering the extant historic fabric on the front façade.

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14. – This Approval Criteria is met because non-conformity to setbacks and step backs occur throughout the city, especially in the historic districts. The intensity of use is not increasing. The room is only extending 6' along the setback/stepback line in order to make the space useable with a code compliant stairway.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use; Only storage is allowed if kept the same. The stair is not a legal nor safe stair. This increase is the minimum to make it more practical to use.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan. “In the General Plan - Opportunities are provided for housing for all income segments of the population in all areas of the city...Maintain and respect Santa Fe’s unique personality, sense of place and character...promote a compact urban form and encourage sensitive/compatible infill development.” The Approval Criteria is met because one of the general plan’s purpose of good housing is practical, habitable and promotes the general welfare of the citizens on Santa Fe. Providing this minimal extension creates a diverse range of housing in this neighborhood,

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allowing a diversity of people to live downtown, maintains the compact urban form and is sensitive infill development.

(5) The variance is not contrary to the public interest. The Approval Criteria is met here because the public has no interest in this property. The only public interest imaginable is the fear of second stories in the historic districts and the existing second was built by previous owners of this house sometime in the 1970's. However, the immediate neighbors are positive about this development.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14. The Historic Districts Review Board approved the extension of the second floor appreciating the more balanced massing. The railing is under revision and will be reviewed with the HDRB pending approval for the variance to the setback/stepback.

Thank you again for your kind consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'GB', followed by a long horizontal line extending to the right.

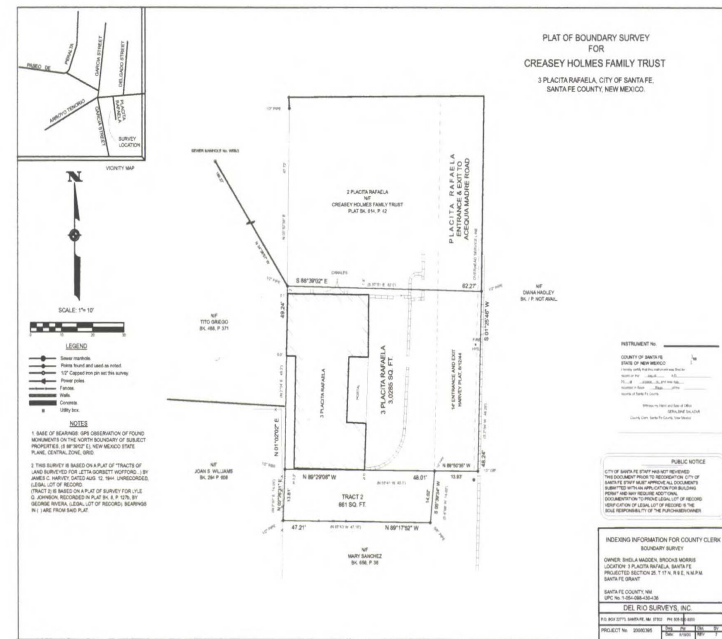
Gayla Bechtol, AIA



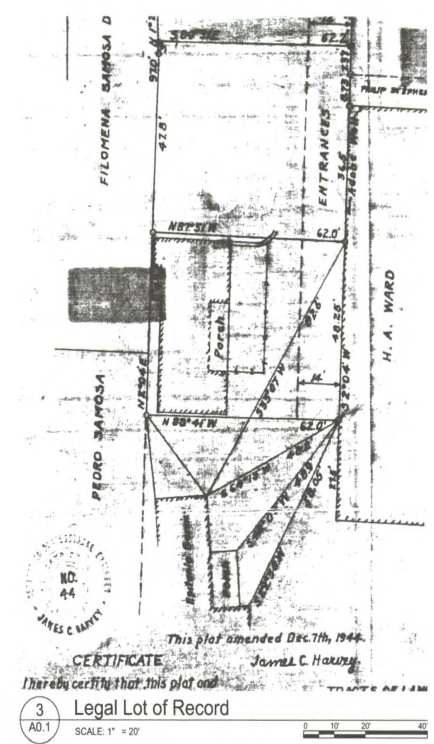
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A0.1 3 PLACITA RAFAELA CONTEXT AERIAL
SCALE: 1" = 11.20'



2
A0.1 3 PLACITA RAFAELA FOOTPRINT
SCALE: 1" = 1'-0"



4
A0.1 Plat of Survey (1)
SCALE: 1" = 20'



3
A0.1 Legal Lot of Record
SCALE: 1" = 20'

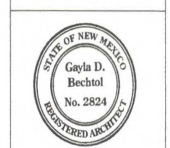
Gayla Bechtol Architects

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www.gbarchitects.com

Holmes Creasey Renovation
3 Placita Rafaela
Santa Fe, NM 87501

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3 PLACITA RAFAELA RENOVATION
HISTORIC DISTRICT REVIEW



ISSUED:
10.19.20 CLARIFICATIONS
Site Information and Context

A0.1
Printed: 11/20/20



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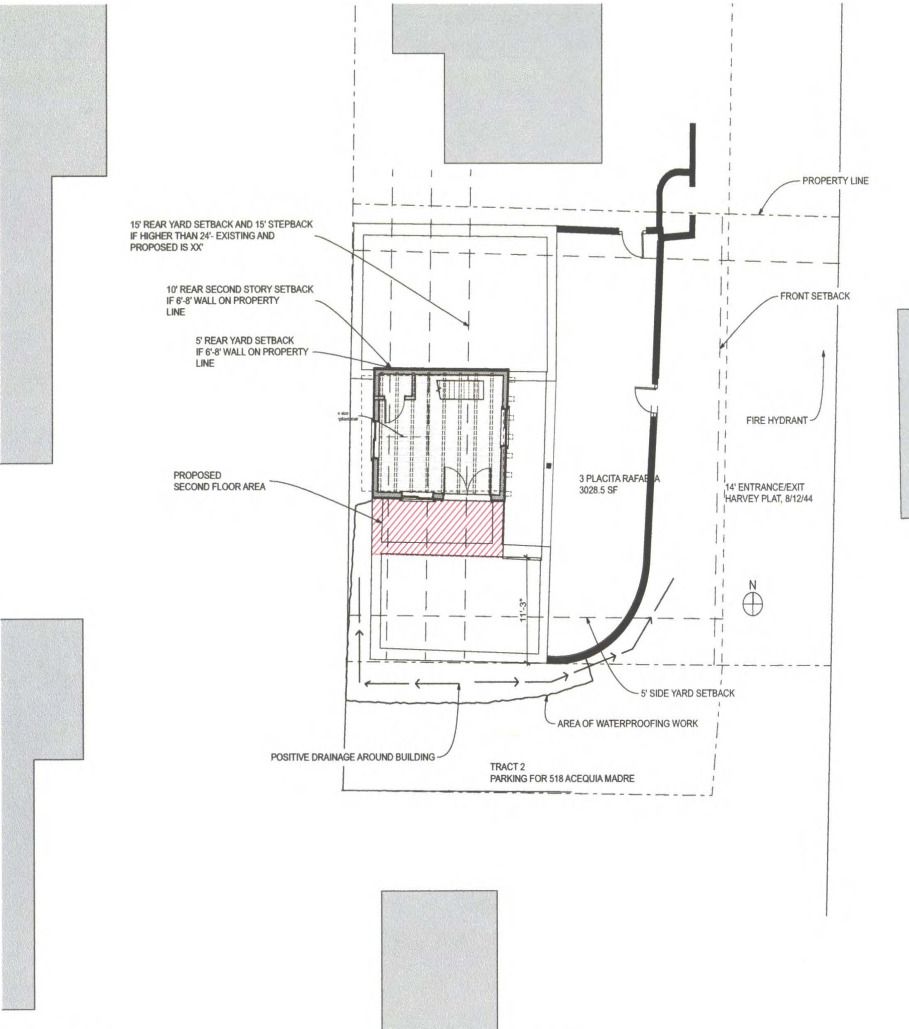
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Santa Fe, NM 87501

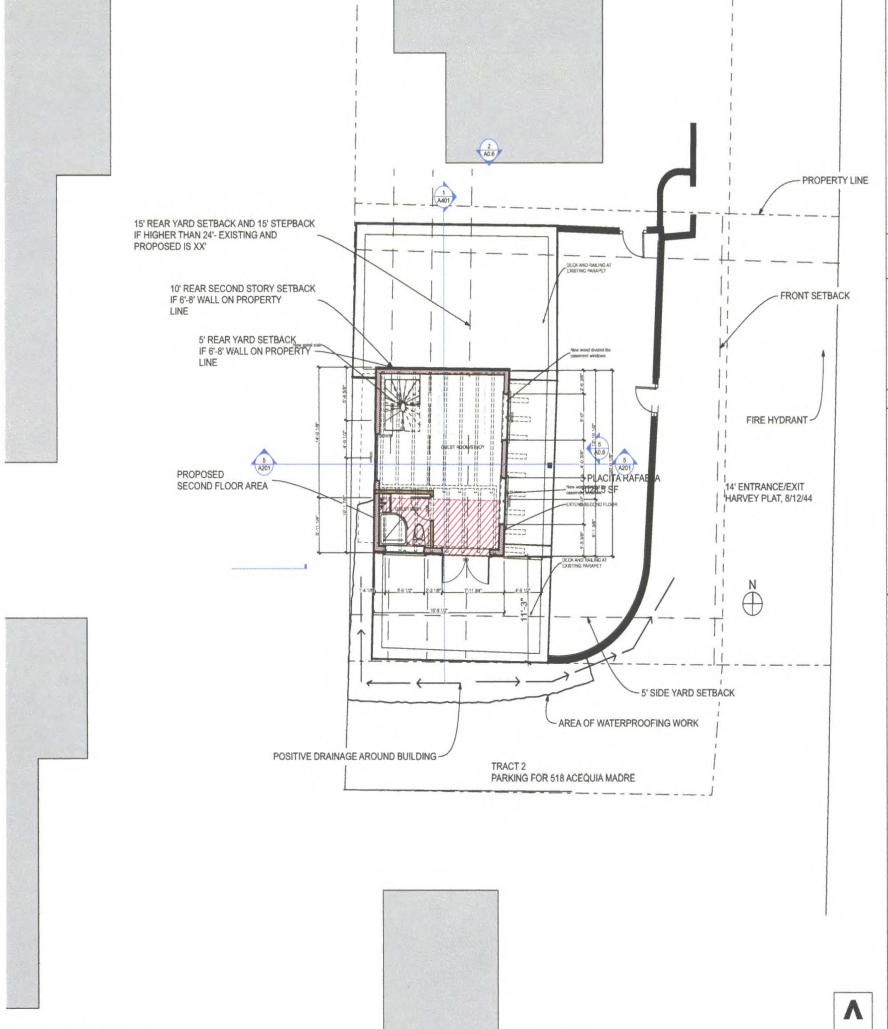
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2
A0.2 Site Plan
SCALE: 1/8" = 1'-0"



5
A0.2 Site Plan
SCALE: 1/8" = 1'-0"

**3 PLACITA RAFAELA RENOVATION
HISTORIC DISTRICT REVIEW**



7
A0.2 PHOTO MONTAGE
SCALE: 1:45.08

ISSUED:

10.19.20 CLARIFICATIONS
12.30.20 Site Dimension

Site Plan

A0.2

Printed: 12/29/20



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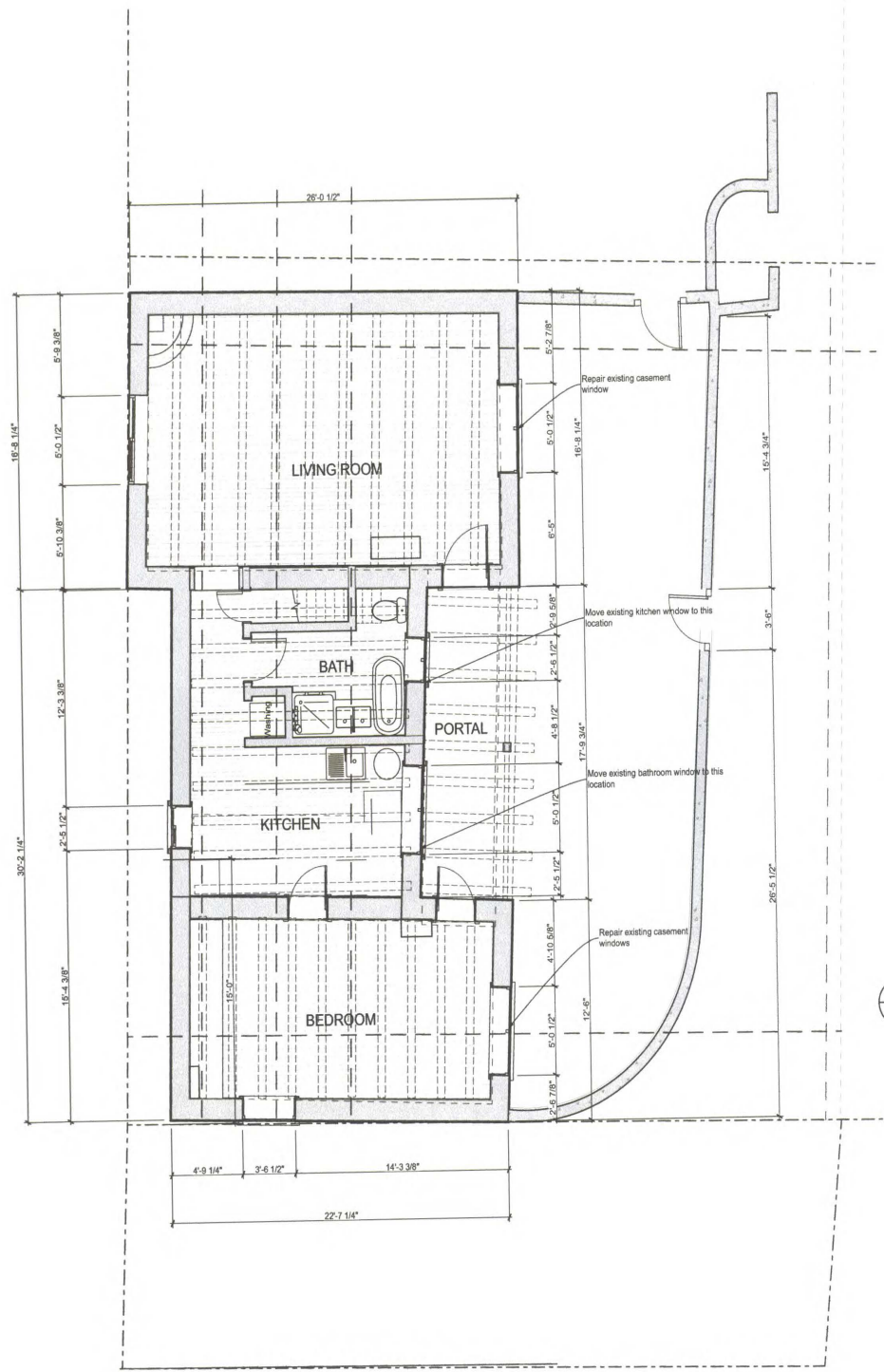
ISSUED:

10.19.20 CLARIFICATIONS

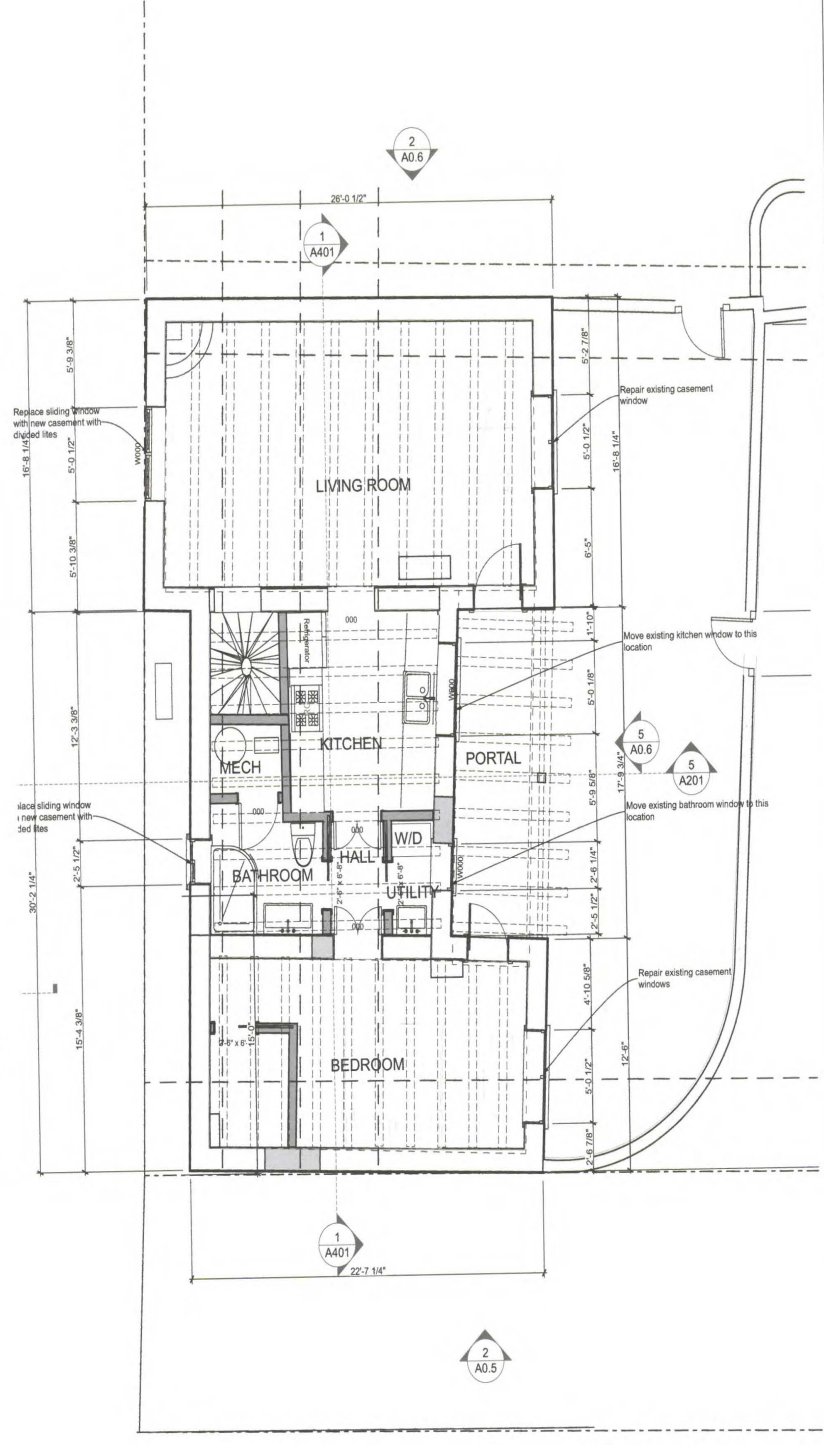
Floor Plans

A0.3

Printed 11/20/20



1
A0.3 Existing Ground Floor
SCALE: 1/4" = 1'-0"



2
A0.5 Proposed Ground Floor
SCALE: 1/4" = 1'-0"





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HISTORIC DISTRICT REVIEW**

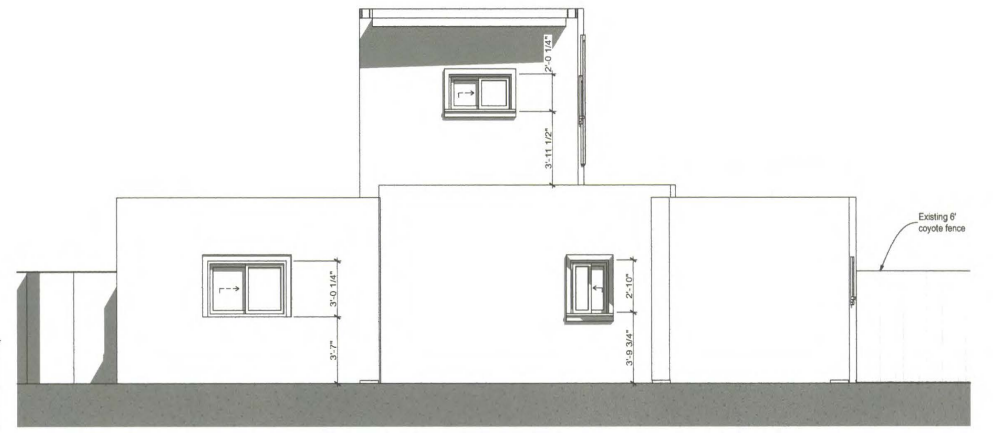


ISSUED:
10.19.20 CLARIFICATIONS
12.30.20 Site Dimension

West/South Elevations

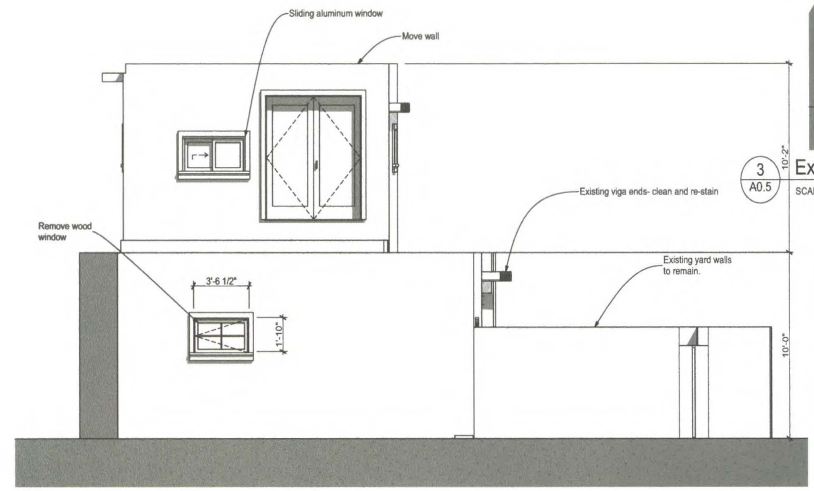
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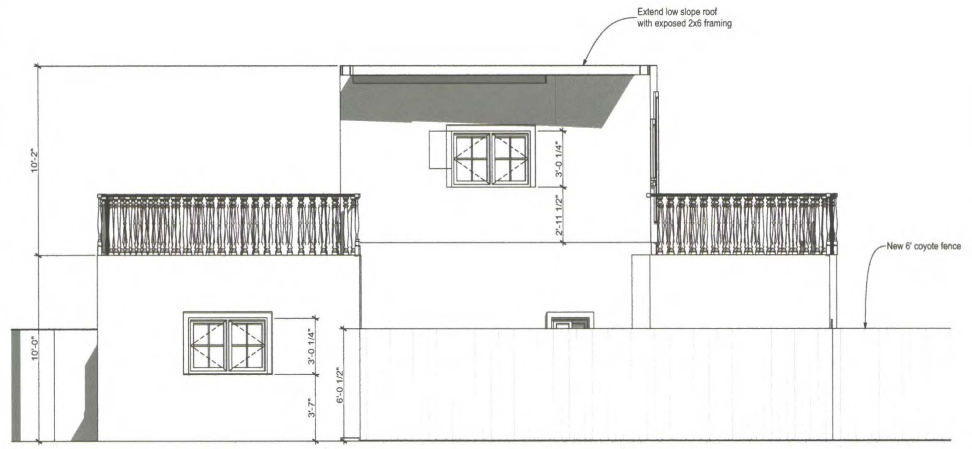
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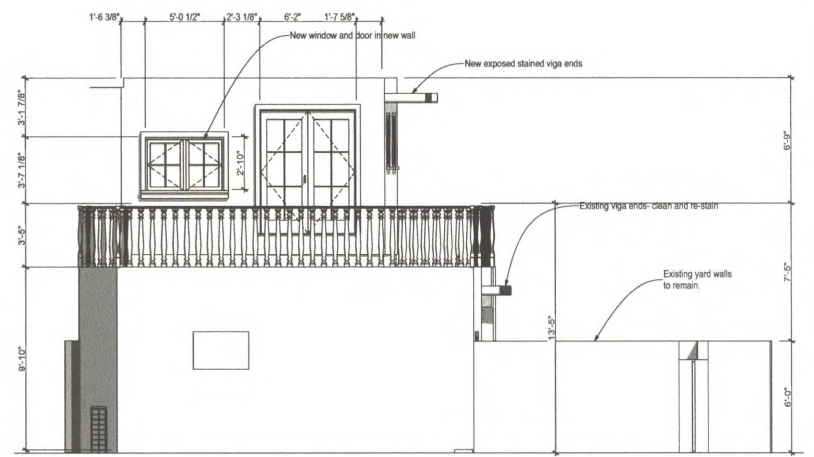
4 Existing South Elevation

SCALE: 1/4" = 1'-0"



1 West Elevation

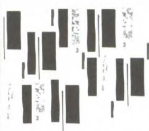
SCALE: 1/4" = 1'-0"



2 South Elevation

SCALE: 1/4" = 1'-0"





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**3 PLACITA RAFAELA RENOVATION
HISTORIC DISTRICT REVIEW**

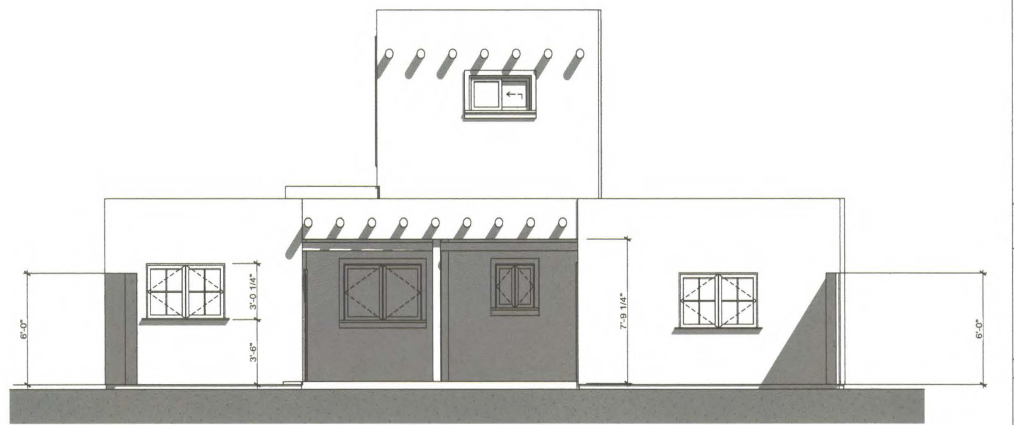


ISSUED:
10.19.20 CLARIFICATIONS

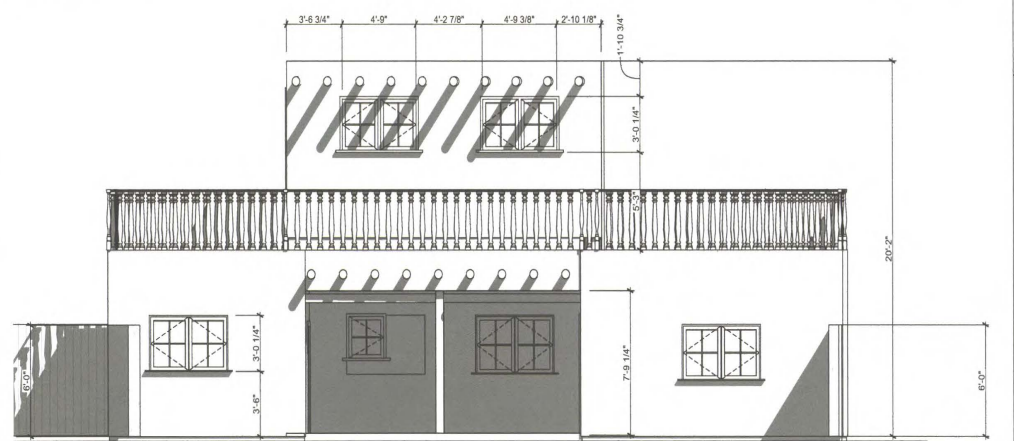
North and East Elevation

A0.6

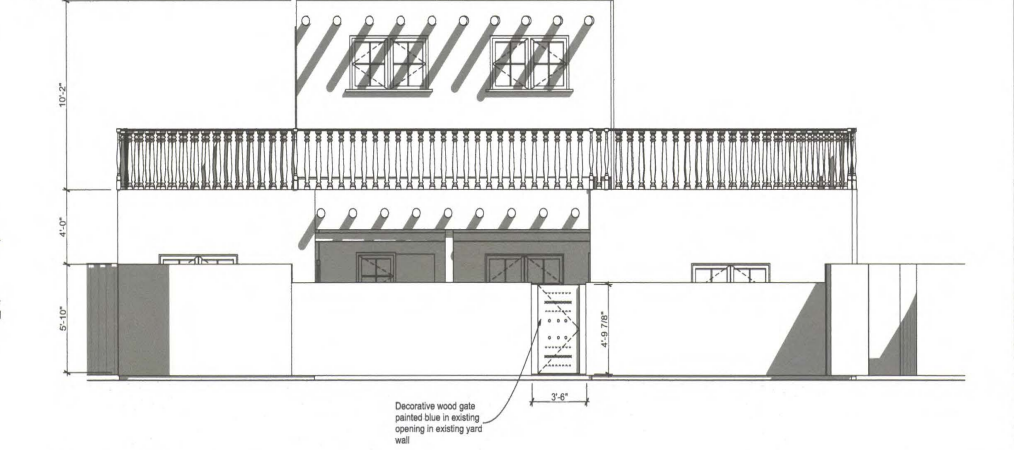
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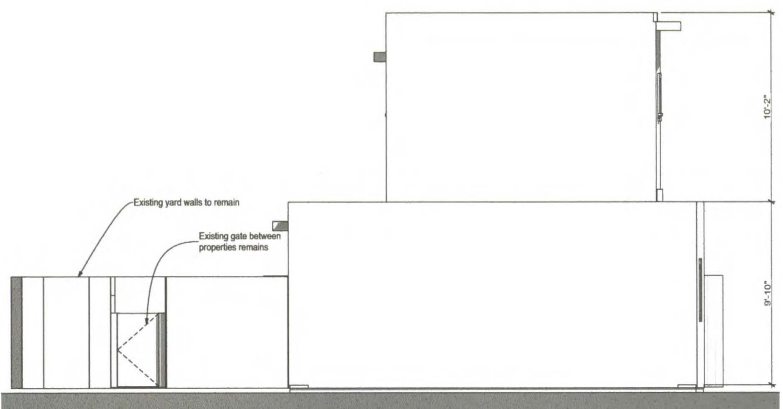
6 Existing East Elevation
SCALE: 1/4" = 1'-0"



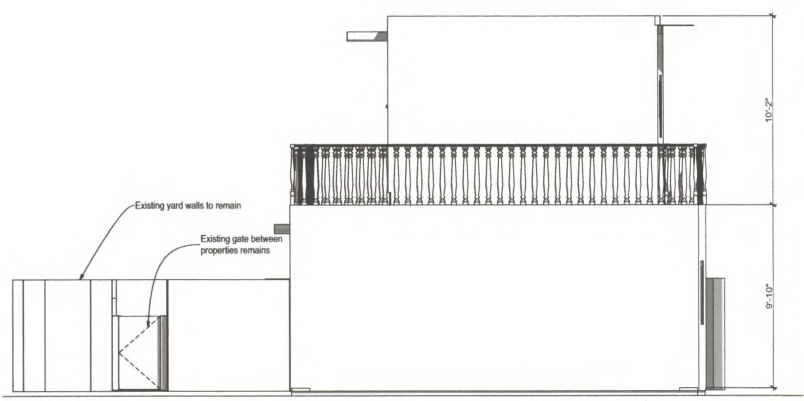
5 East Elevation
SCALE: 1/4" = 1'-0"



1 East Elevation from Driveway
SCALE: 1/4" = 1'-0"



3 Existing North Elevation
SCALE: 1/4" = 1'-0"



2 North Elevation
SCALE: 1/4" = 1'-0"



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except by agreement in writing and
appropriate compensation to the Architect.

The General Contractor is responsible for
confirming and consulting dimensions at
the job site. The Architect will not be
responsible for construction means,
methods, techniques, sequences, or
procedures, or for safety precautions and
programs in connection with the project.
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**3 PLACITA RAFAELA RENOVATION
HISTORIC DISTRICT REVIEW**

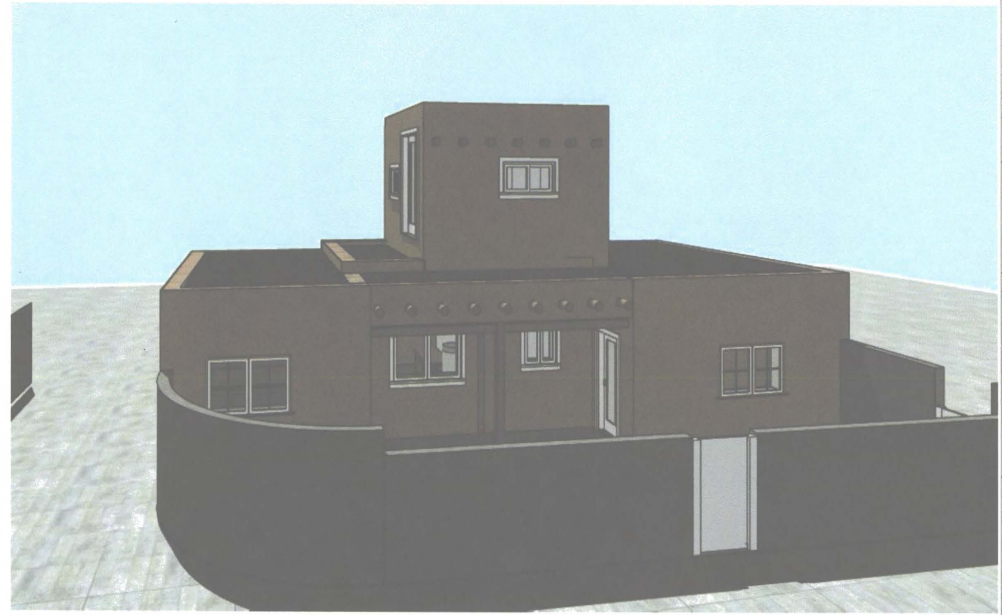


ISSUED:
10.19.20 CLARIFICATIONS

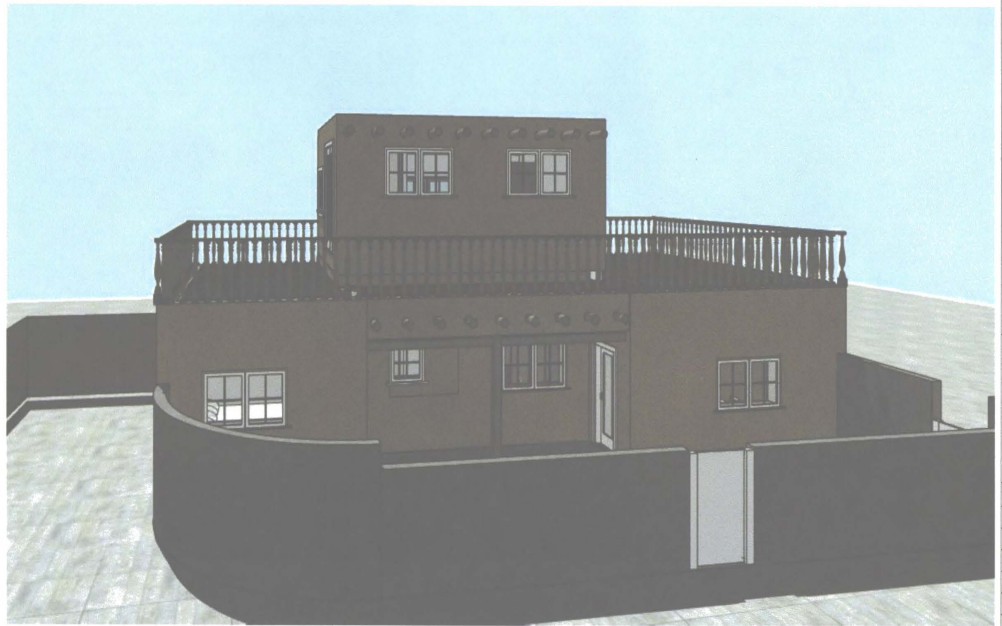
Existing and New 3D

A0.7

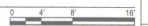
Printed 10/20/20



1 Camera (1)
A0.7 SCALE: 1/8" = 1'-0"



2 Camera
A0.7 SCALE: 1/8" = 1'-0"



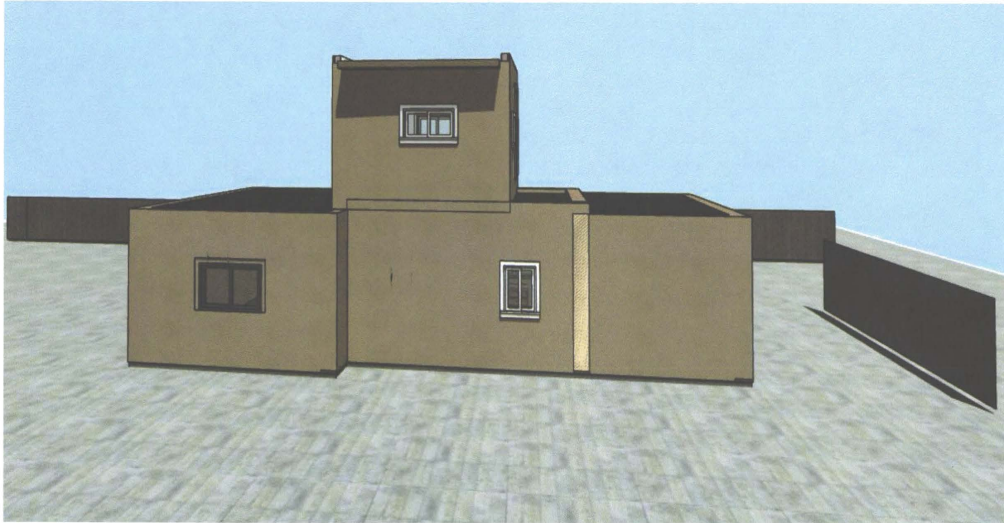


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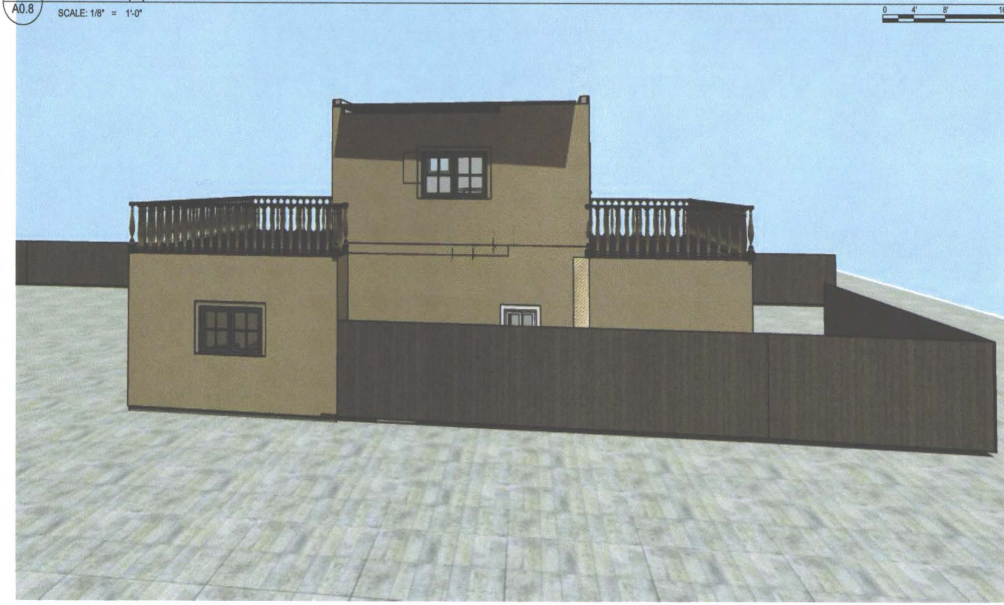
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Santa Fe, NM 87501

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The General Contractor is responsible for confirming and controlling dimensions at the job site. The Architect will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.
© Gayla Bechtol Architects



2
A0.8 Camera (1)
SCALE: 1/8" = 1'-0"



1
A0.8 Camera
SCALE: 1/8" = 1'-0"

**3 PLACITA RAFAELA RENOVATION
HISTORIC DISTRICT REVIEW**



ISSUED:
10.19.20 CLARIFICATIONS

Existing and New 3D 2

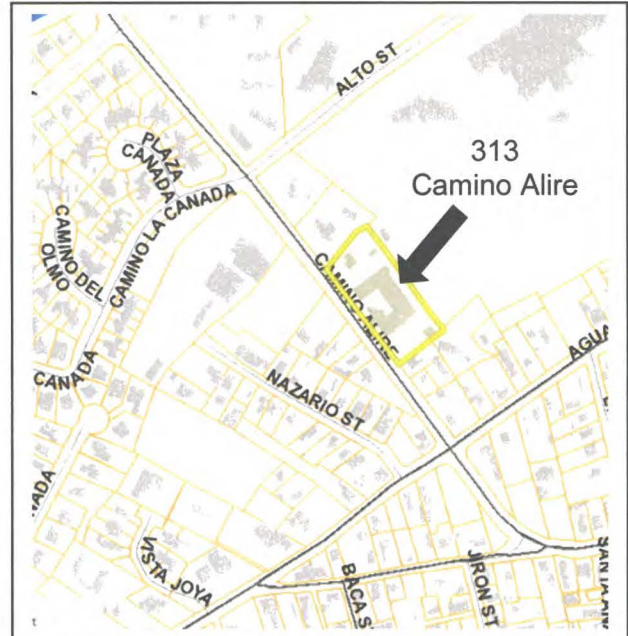
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Printed: 11/20/20



Land Use Department Board of Adjustment Staff Report

Case No: 2020-2895
Hearing Date: January 19, 2021
Applicant: Andrea Abedi and Hilary Kilpatric
Request: Special Use Permit
Location: 313 Camino Alire
Case Mgr.: Donna Wynant, AICP
Zoning: C-1 (Office and Related Commercial)
Overlay: None
Pre-app Mtg: October 22, 2020
ENN Mtg: November 12, 2020
Proposal: Special Use Permit for Commissary Kitchen in the existing building at 313-317 Camino Alire.



Case #2020-2895, 313 Camino Alire Special Use Permit. Andrea Abedi and Hilary Kilpatric, Agents, for Hot Pie, LLC, Owner, requests approval of a special use permit for a Commissary Kitchen at 313 Camino Alire. The property is zoned C-1 (Office and Related Commercial) and is approximately 1.42 acres. (Donna Wynant, Case Manager, djwynant@santafenm.gov, 955-6325)

I. RECOMMENDATION:

The Land Use Department recommends **APPROVAL** with the conditions of approval as outlined in this report.

Two motions will be required in this case:

- *Approve or deny the Special Use Permit for Case #2020-2895 subject to the technical corrections recommended by staff.*
- *Approve or deny the Findings of Fact and Conclusions of Law for Case #2020-2895 as shown in Exhibit A(2)*

II. CONDITIONS OF APPROVAL

Staff recommends the following conditions of approval for Case #2020-2895.

#	Condition of Approval	Dept. or Division	To be completed by
1	<ul style="list-style-type: none"> Though there is an existing water meter for this building, the tenant spaces and uses have changed over time at this property necessitating water fixture counts and associated flows be provided for this new tenant space and the existing building to verify the existing water meter is accurately sized. 	Water Division, Brian Snyder	Prior to Certificate of Occupancy
2	<ul style="list-style-type: none"> Design work shall comply with ICC ANSI A117.1-2009, Chapters 1-5 and Chapter 7 as required and applicable Federal and State codes and statutes. (See Requirements & Conditions below for additional information). Provide ADA detail/specifications for site fencing gate latches as required. Incorporate dimensions into construction plans for all features required for ADA accessibility. These may be shown on an enlarged plan as typical. 	ADA Review	Prior to Construction Permit Application
3	<ul style="list-style-type: none"> Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2015 Section 503.2.1) Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2015 section 503.1.1) 	Fire	At the time of any new construction or remodel.

Following standard practice, redline comments will be provided to the applicant who shall make any necessary changes to comply with technical corrections, and submit the corrected site plan prior to building permit application. The “technical corrections” that must be made to the site plan are found in Exhibit A.

II. EXECUTIVE SUMMARY:

Andrea Abedi and Hilary Kilpatric, Agents, for Hot Pie, LLC, Owner, request approval of a special use permit for a Commissary Kitchen in the existing building at 313 Camino Alire. The property is zoned C-1 (Office and Related Commercial) and is approximately 1.42 acres. The Applicant proposes to lease a portion of the building, as shown on the floor plan, for a Commissary Kitchen.(Exhibit E: Applicant Submittals)

Ordinance No. 2020-24 was approved by the Governing Body on September 30, 2020 to amend the Table of Permitted Uses in SFCC Section 14-6.1(C) to include Commissary Kitchens as a permitted

use in C-1 Zoning Districts, and subject to a special use permit if the use is within 200 feet of residentially zoned land. The subject property is located within 200 feet of residentially zoned property, and therefore, requires a special use permit.

The Ordinance also amended Section 14-12.1 to add the definition of Commissary Kitchens:

“A food preparation facility leased by or licensed to food service providers or food product manufacturers for commercial production of meals and food products: loading and unloading of supplies, ingredients, food and products produced at the facility; and for related services, including, but not limited to, storage of food and ingredients, education and training, the promotion of food service providers, food manufacturers, and food and products produced by them; leasing of food preparation equipment for off-site; consumption of food and beverages at the facility not open to the general public; and sale and promotion of food products produced at the facility”

As the Applicant stated in their ENN materials, the kitchen

“will provide a space for entrepreneurs to flourish and grow their ideas into small businesses. The kitchen will also create jobs for an operations manager, janitors, administrative personnel, etc. Additionally, by providing a safe and affordable space for small business to cook, this kitchen will support small businesses to create additional jobs in the City. The kitchen will support economic development and financial stability. Additionally, the business will contribute to keeping the supply chain local by providing a central location for farmers and the food community to meet and exchange products.”

The Applicant further states:

“The use of the property under a proposed marketing plan is targeted for creating affordable kitchen rental spaces for small local business who are unable to afford brick and mortar restaurant space in the City.” ...“We are a community-based organization where respect for people and property is of the highest value. All clientele will comply with these guidelines in order to be allowed to use the kitchen.”

III. EXISTING CONDITIONS:

Direction	Property Address	Zoning
North	307 Camino Alire- Single family residence	C-1 (Office & Related Commercial)
East	430 La Madera Street- Aspen Community Magnet School Athletic Field	R-5 (Residential- five dwelling units per acre)
South	431 Camino Alire & 1211 Agua Fria – Single family residences	R-5 (Residential- five dwelling units per acre)
West	312-314 Camino Alire- Single family residences	R-5 (Residential- five dwelling units per acre)

The subject site, as shown in the aerial map below, is adjacent to residentially zoned property with the exception of a residential property immediately to the north that is zoned C-1. The proposed Commissary Kitchen is consistent with the commercial development that has taken place in the

neighborhood for many years. The neighborhood is made up of Payne's Nursery, offices, single family homes, apartments, Aspen Community Magnet School athletic field, and the Bicentennial Pool. The building was previously Pinon Hills hospital in 1984, the Desert Academy School in 2000, and more recently was rezoned in 2014 to C-1 (Office and Limited Commercial) for office use.

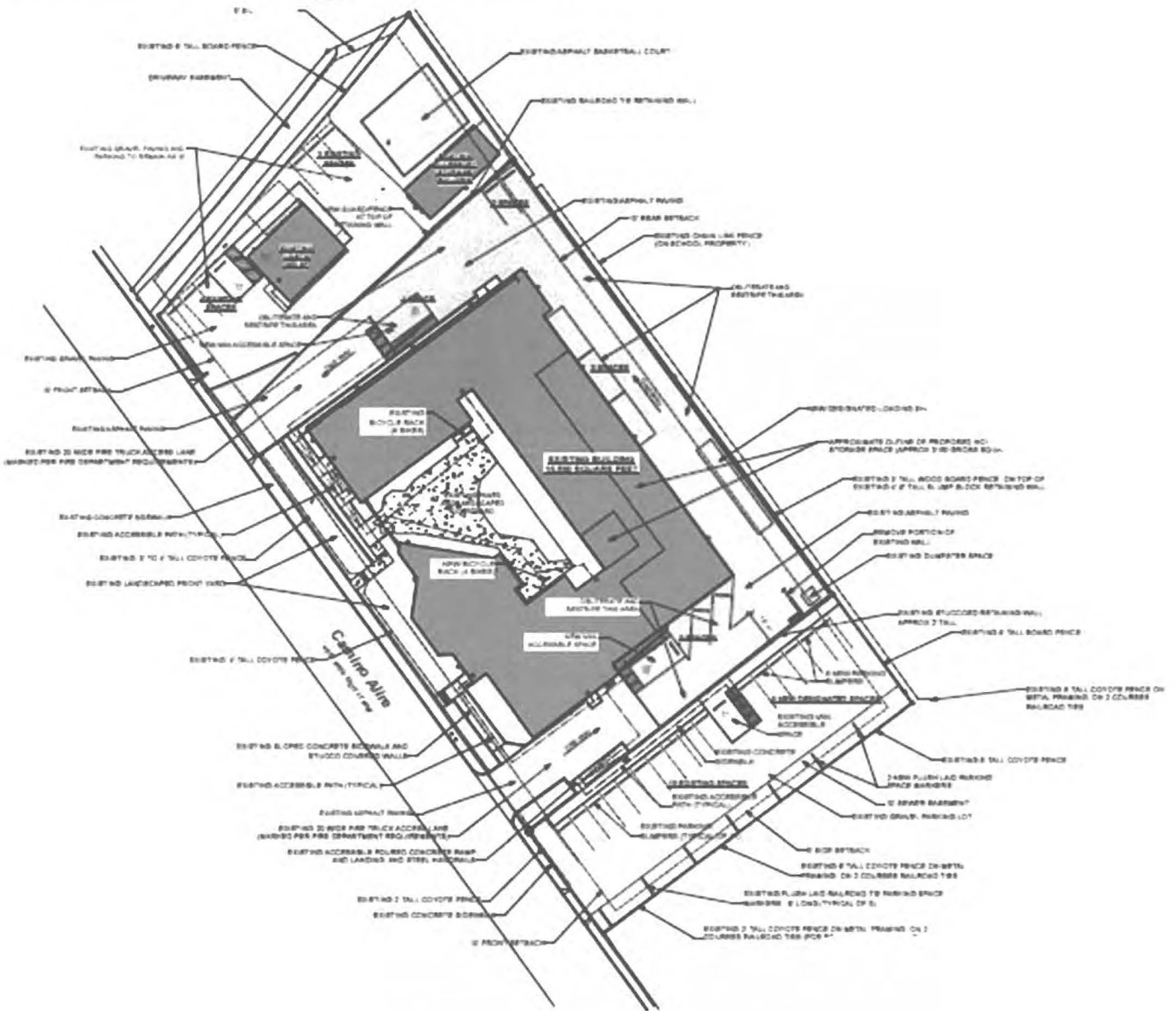


IV. PROJECT DESCRIPTION AND ANALYSIS

Site and Use of Structure

The 1.42 acre site includes the existing 16,675 square foot building, a parking lot on the south side of the building and a separate small casita on the north side of the structure used by a non-profit organization, which is not part of the Applicant's proposal. The space that the Applicant will lease within the existing building for the Commissary Kitchen is shown on the floor plan below and in the Applicant Materials. (Exhibit E: Applicant Materials).

A one-way entrance into the site off Camino Alire south of the main building, (the side closer to Agua Fria Street) loops around the rear of the property and then out to Camino Alire, providing a few parking spaces alongside the building and a loading/delivery area at the back of the building. (See Exhibit E Applicant Submittals, for a larger version of the site plan.)



The building is predominantly a single story structure that wraps around a gated inner courtyard with a second story over a portion of the building at the southwest corner of the building. (See Exhibit A, Applicant Submittals, Floor Plan.) The Applicant's business, Hot Pie, will lease several spaces in the building for a hot kitchen, cold kitchen, refrigeration and freezer areas and storage rooms. Current uses of the building by other tenants, as shown on the floor plan, include artist studios, a flower studio, video production studio, and several rooms used by small non-profit organizations. The second story at the southwest corner of the building is used by a variety of other small businesses. A break/snack area will also be provided for all the occupants of the building.

V. PROJECT ANALYSIS

The Applicant states that their hours of operation will include overnight hours up to midnight and from 3:00 am -7:00 am, but will not be hours of intense use. The Applicant further states that they will comply with the City of Santa Fe noise ordinance, and pointed out that such use of the building will help to serve as a type of neighborhood watch, thereby increasing security to the area.

Though the area is not a historic district, the Applicant is helping to preserve an old building that has been a fixture in the neighborhood as the Pinon Hills hospital, the Desert Academy school, and more recently rezoned as office for Dragonstone Studios for a variety of businesses that have fit the building and neighborhood well.

Traffic and Access

The property will have a one-way traffic pattern with the entrance at the southwest corner of the site (closer to Agua Fria Street) that circles around the building and exits back to Camino Alire. Following a one-way traffic pattern will help to reduce any potential traffic impacts on Camino Alire. Also, the fact that the Commissary Kitchen will be open only to its clientele and not to the public, will serve to limit the number of vehicles accessing the site at any given time and their impact on traffic in the neighborhood. The property will have 29 parking spaces on the south, east and north sides of the building, to include three ADA designated spaces. Most of the spaces will be provided in the parking lot south of the building, accessed by a separate curb cut. Bike racks will be located in the interior courtyard area. Parking will not be designated, but shared with the other tenants of the building. The Traffic Impact Analysis concluded, when the property was rezoned in 2014, that the roadway network has sufficient capacity to accommodate the overall proposed office development for the property.

Water and Sewer

Public water and sewer are provided to serve this existing building and tenant spaces. The Applicant states that the building will comply with all water system regulations and modifications will be made to ensure water conservation. Water conservation will be achieved via an on-site rain catchment system for landscape irrigation. Site drainage will be detained on site and all new equipment will be purchased with water and energy conservation in mind including the use of low flow faucets and energy efficient dishwashers.

The Applicant states that trash management will comply with City codes using the services of the City for trash and recycling collection. The trash will be collected in large dumpsters with lids to ensure that smells do not affect the neighborhood. Organic waste will be composted through the Reunity Resources composting program. The grease trap for the kitchen will be serviced and flushed weekly by AA Plumbing to ensure property functioning and sanitation.

Landscape, Parking and Lighting Plan

The property includes existing landscaping along the frontage of the building. The Applicant will enhance the interior courtyard to the building with additional landscaping and has agreed to clean up the site by refreshing the mulch around the existing landscaping and will ensure that the irrigation system is properly functioning to water all plant materials.

Fire Department

The Applicant has indicated that an update and modification of the sprinkler systems within the building was completed in 2015. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive and an unobstructed vertical clearance of not less than 13 feet 6 inches The proposal will be more closely evaluated at time of building permit for compliance with Fire Code requirements.(Exhibit A: Fire Marshal’s Memorandum)

VI. SPECIAL USE PERMIT APPROVAL CRITERIA: SECTION 14-3.6(D)(1)

Subsection 14-3.6(D) governs the authority, procedures and restrictions for a Special Use Permit. Subsection 14-3.7(B)(3)(d) states that “the Planning Commission and the Board of Adjustment have the authority to hear and decide applications for special use permits as authorized by Chapter 14; to decide questions that are involved in determining whether special use permits should be granted; and to grant special use permits with such conditions and safeguards as appropriate under Chapter 14 or to deny special use permits when not in harmony with the intent and purpose of Chapter 14” The following documents the status of the approval criterial:

Status of Approval Criteria for a Special Use Permits

Criterion 1: that Board of Adjustment has the authority and is empowered under the section of Chapter 14 described in the application to grant a special use permit and to approve the plan;	Criterion Met: (Yes/No/N/A) YES
Santa Fe City Code (SFCC) Subsection 14-2.4(C)(2) authorizes the Board of Adjustment to hear and decide applications for special use permits as provided in Section 14-3.6 and Table 14-6.1-1 (Permitted Uses and Use Regulations), unless jurisdiction for such special use permits is specifically reserved to another land use board.	

Criterion 2: that granting the special use permit and approving the plan will not adversely affect the public interest; and	Criterion Met: (Yes/No/N/A) YES
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Applicant’s Response:
“Granting the Special Use Permit will not adversely affect the public interest. The proposed Commercial Kitchen is an extremely low-impact use of the C-1 zoning, light commercial. The Special Use Permit will allow the improvement of an existing building. This will help preserve an old building that has been a fixture in the neighborhood for many years, thereby contributing to keep intact the character of the neighborhood. Granting the special use permit will not negatively affect the surrounding properties in terms of noise, pollution, traffic, smells, or parking. Additionally, this special use permit will contribute to the mixed-use character of the neighborhood and bring vitality and life back to the area.”

Staff's Response:
 The term "Public Interest" is not defined in Chapter 14; however, the Governing Body has implemented the General Plan and ordinances in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. Staff has reviewed the proposed special use permit application and has found that the proposed special use permit complies with minimum standards of Chapter 14 SFCC and would not adversely affect the public interest.

<p>Criterion 3: 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.</p>	<p>Criterion Met: (Yes/No/N/A) YES</p>
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Applicant's Response:
"The use requested in the special use permit is compatible with and adaptable to buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration. This special use permit will not change the structure of the existing building and the proposed use is compatible with previous uses of the building as Pinon Hills (1984), Desert Academy (2000), and DragonStone Studios (2014)".

Staff Response:
 Staff concurs with Applicant's response. The use of the existing building at 313 Camino Alire for a Commissary Kitchen is compatible with and adaptable to adjacent land use and nearby homes. Staff believes the proposed use will help to preserve an old building that has been a fixture in the neighborhood by bringing it up to modern standards with high end equipment and additional landscaping.

VII. EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification meeting was held on November 12, 2020 via Zoom. The Applicant gave a power-point presentation defining a commissary kitchen, and explained who will use it, and what the commercial kitchen will offer its users. They also discussed the parking and traffic patterns. The meeting was attended by six members of the neighborhood and they all spoke in support of the proposed Special Use Permit and affirmed the importance of a commissary kitchen for Santa Fe's restaurant and food vendor community.

VIII. EXPIRATION

Special Use Permits may expire as per Subsection 14-3.6(E) which states that a special use permit that has not been exercised within three years from the date of the approval will expire, but may be extended as provided in Subsection 14-3.19(C). Should the Board of Adjustment approve the Special Use Permit, the expiration date would be January 19, 2024.

ATTACHMENTS:

EXHIBIT A:

- 1. Technical Corrections
- 2. Findings of Fact and Conclusions of Law for Case #2020-2895

EXHIBIT B: Development Review Team Memoranda

- 1. Wastewater Division email, Stan Holland, P.E.
- 2. Technical Review Division, Dee Beingessner
- 3. Water Engineering Division Memorandum, Brian Snyder
- 4. Landscape Memorandum, Lawrence Rivera
- 5. Technical Review email, Dee Beingessner
- 6. Fire Department Memorandum, Geronimo Griego
- 7. ADA- Site Review, Jason Kluck
- 8. Solid Waste email, Eric Lucero

EXHIBIT C: Maps and Photos

- 1. Future Land Use Map
- 2. Current Zoning Map
- 3. Aerial Photo
- 4. Google Street Views

EXHIBIT D: Early Neighborhood Notification

- 1. Guidelines & Request for Staff Attendance
- 2. Meeting Notes

EXHIBIT E: Applicant Materials

- 1. Letter of application
- 2. Special Use Permit Application
- 3. Legal Lot of Record
- 4. Ordinance No. 2020-24 (Amended Permitted Use Table to include Commissary Kitchens as a permitted use requiring a Special Use Permit in C-1 Zoning Districts)
- 5. DRT review comments submitted when the property was rezoned to C-1 in 2014
- 6. Site Plan/Parking Modifications (11" x 17")
- 7. Building's Floor Plan (11" x 17")

APPROVED BY:

Title	Name	Initials
Land Use Department Director	Eli Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP, CFM	NLB
Land Use Department Case Manager	Donna Wynant, AICP	DJW

City of Santa Fe, New Mexico

Board of Adjustment

Exhibit A

- Technical Corrections
- Draft Findings of Fact/Conclusions of Law

Technical Corrections

313 Camino Alire Special Use Permit

#	DRT Comments	Dept. or Division	To be completed by:
1	The applicant may possibly have to add a sampling port to their sewer line.	Public Utilities/Waste water: Stan Holland	Prior to sign-off for building permit.
2	A landscape and irrigation system is existing, but requires maintenance to acquire City of Santa Fe minimum standards. A list of maintenance items was compiled. Maintenance Items are required: weeding, silt removal from planters, plant and tree pruning, refresh gravel and add mulch to planters, and irrigation repairs.	Landscape Review: Lawrence Rivera	Prior to permit review.
3	<ol style="list-style-type: none">1. Fire apparatus access shall have an unobstructed width of not shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)2. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.3. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.4. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.5. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)6. Shall comply with Section D102.1 Access and Loading (75,000 lbs).7. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)8. Shall comply with IFC 2015 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.9. Shall comply with IFC 2015 Section D103.5 Fire apparatus access road gates.10. Shall comply with IFC 2015, Appendix D, Aerial Fire Apparatus Access Roads.11. Shall meet the IFC code requirements 2015 edition or the most current edition the governing body has adopted at the time of permitting.	Fire Prevention Geronimo Griego	At the time of any new construction or remodel.
4	Though there is an existing water meter for this building, the tenant spaces and uses have changed over time at this property necessitating water fixture counts and associated flows be provided for this new tenant space and the existing building to verify the existing water meter is accurately sized.	Public Utilities/ Water- Brian Snyder	Prior to final plat approval.
5	Must comply with noise ordinance regulations.	Land Use Dept. Donna Wynant	

6	<p>1. Per meeting with applicant and design professional on 12/4/20, an onsite accessible path of travel route shall be established between the proposed new use, area of primary function and the existing southerly most ADA parking space</p> <p>2. Provide clearly marked/signed accessible path of travel route between the PROW and the existing southerly most door, or provide a clearly marked/signed path of travel between the new primary function and PROW along another route, including all required modifications for ADA accessibility.</p> <p>Accessible path(s) of travel route shall be provided from the Public Right-of-Way and accessible parking aisle(s) to accessible building entrance(s) and shall comply with Section 302 floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Ensure accessible route(s) from the Public Right-of-Way and accessible parking space aisle(s) to building entrance(s) are provided and maintained. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.</p> <p>IBC 1104.1 Site arrival points: At least one (firm, stable, slip resistant) accessible route within the site shall be provided from public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.</p> <p>Businesses must comply with the provisions of the ADA Standards to the "maximum extent feasible" with a building alteration. The costs for the added ADA work is considered disproportionate if it is over 20% of the costs of the project. Improvements should be prioritized up to the 20% limit: entrance, route to the primary function area, at least one unisex ADA restroom or one restroom for each sex serving the area, drinking fountains serving the area, other.</p>	ADA Review- Jason Kluck	Prior to construction permit application
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| <ol style="list-style-type: none">3 Provide detectable warning strips at driveway crossings along the proposed accessible path of travel route(s)4 Provide ADA accessible parking space striping and signage plans and details demonstrating compliance with the 2015 NM Accessible Parking Checklist and referenced codes5 Indicate ADA accessible parking signage locations on Site/Grading & Drainage plans6 Confirm existing bicycle racks comply with the requirements set forth in SFCC Chapter 14 (Subsection 14-8 6(E) along with Appendix Exhibit D bicycle rack standards and dimensions for size, clearance and location7 Provide Design Professional Seal and signature with date signed on all drawing sheets | | |
|--|--|--|

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

Case #2020-2895

313 Camino Alire, Special Use Permit

Applicant's Name- Hot Pie, LLC

Agent's Name – Andrea Abedi and Hilary Kilpatric

THIS MATTER came before the Board of Adjustment (Board) for hearing on January 19, 2021, upon the application (Application) of Andrea Abedi and Hilary Kilpatric, Agents, for Hot Pie, LLC, (Applicant). The Applicant seeks a special use permit to allow a Commissary Kitchen in the existing building located at 313 Camino Alire which is zoned C-1 (Office and Related Commercial) and is located within two hundred (200) feet of residentially zoned property.

After conducting a public hearing and having heard from staff and all interested persons, the Board hereby FINDS, as follows:

FINDINGS OF FACT

1. At the hearing, the Board received reports from staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public.
2. Under the Santa Fe City Code (SFCC) Sections 14-2.4(C)(2) and 14-3.6(B), the Board has the authority to hear and decide applications for special use permits as provided in SFCC Sections 14-3.6 (Special Use Permits) and 14-6 (Permitted Uses) and in accordance with applicable provisions of Chapter 14.
3. Under SFCC Table 14-6.1-1, a Commissary Kitchen in a C-1 district that is located within two hundred (200) feet of residentially zoned property requires a Special Use Permit.
4. SFCC Section 14-3.6(C) sets forth procedures to be followed prior to the grant by the Board of a special use permit.
5. Pursuant to SFCC Section 14-3.6(C)(1)-(2), the Applicant submitted an Application and supporting information, including a site plan documenting that the Project can be accomplished in conformance with applicable code standards, the code section under which the special use permit is sought, and the grounds on which the special use permit is requested.
6. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(viii)]; and (b) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
7. A virtual ENN meeting was held on November 12, 2020, using Zoom.
8. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant, City staff, and six members of the public who all spoke in support of the proposed Special Use Permit and affirmed the importance of a Commissary Kitchen for Santa Fe's restaurant and food vendor community.

10. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable code requirements and provided the Board with a written report of its findings (**Staff Report**), together with a recommendation that the special use permit be granted, subject to certain conditions (**Conditions**) and technical corrections set forth in the Staff Report and exhibits.
11. The information contained in the Staff Report and attached exhibits is sufficient to establish that the Applicant has met the submittal requirements for a special use permit application, and the site plan documents that the Project can be accomplished in conformance with applicable code standards.
12. Under SFCC Section 14-3.6(B), the Board has the authority to decide questions that are involved in determining whether a special use permit should be granted; and either to grant a special use permit with such conditions and safeguards as appropriate under Chapter 14, or to deny a special use permit when not in harmony with the intent and purpose of Chapter 14.
13. SFCC Section 14-3.6(D)(1) sets out certain findings that the Board must make to grant a special use permit.
14. Pursuant to SFCC Section 14-3.6(D)(1)(a), the Board finds that SFCC Sections 14-2.4(C)(2) and 14-3.6(B) and Table 14-6.1-1 authorize the Board to grant a special use permit for a Commissary Kitchen in a C-1 District that is located within two hundred (200) feet of residentially zoned property.
15. Pursuant to SFCC Section 14-3.6(D)(1)(b), the Board finds that granting a special use permit for the proposed Commissary Kitchen will not adversely affect the public interest.
16. Pursuant to SFCC Section 14-3.6(D)(1)(c), the Board finds that the proposed Commissary Kitchen is compatible with and adaptable to the other properties in the vicinity. The Commissary Kitchen would be located in an area of mixed uses comprised of residential, institutional, and commercial uses.
17. Pursuant to SFCC Section 14-3.6(D)(2), the Board is authorized to specify conditions of approval for a special use permit to accomplish the proper development of the area and to implement the policies of the general plan.
18. The Board finds that the Conditions and technical corrections set forth in the Staff Report and exhibits are necessary to accomplish the proper development of the area and to implement the policies of the general plan.
19. The Applicant has agreed to comply with the Conditions and technical corrections recommended by staff.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the Hearing, the Board **CONCLUDES** as follows:

1. The Board has legal authority to approve the Application for a special use permit.
2. The Applicant complied with all applicable procedural requirements set forth in the SFCC.
3. The Applicant satisfied the approval criteria set forth in SFCC Section 14-3.6(D)(1).
4. The special use permit should be granted for the specific use and intensity applied for, subject to the Conditions and technical corrections set forth in the Staff Report and exhibits.

WHEREFORE, IT IS ORDERED ON THE 19th DAY OF JANUARY 2021 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:

1. That the Application for a special use permit is approved, subject to the Conditions and technical corrections recommended by staff.
2. No change of use or more intense use shall be allowed unless approved by the Board under a new or amended special use permit or as otherwise permitted by applicable code provisions.
3. The special use permit shall expire if (a) it is not exercised within three (3) years of the date these Findings of Fact and Conclusions of Law are adopted by vote of the Board, subject to any right of the Applicant under applicable code provisions to request an extension of such time; or (b) the use approved by the special use permit ceases for any reason for a period of three hundred and sixty five (365) days.

Gary Friedman
Chair

Date:

FILED WITH THE CITY CLERK:

City Clerk

Date:

APPROVED AS TO FORM:



Sally A. Paez
Assistant City Attorney

January 19, 2021
Date

City of Santa Fe, New Mexico

Board of Adjustment

Exhibit B

DRT Memos

- Wastewater Division email, Stan Holland, P.E.
- Technical Review Division, Dee Beingessner
- Water Engineering Division Memorandum, Brian Snyder
- Landscape Memorandum, Lawrence Rivera
- Technical Review email, Dee Beingessner
- Fire Department Memorandum, Geronimo Griego
- ADA- Site Review, Jason Kluck
- Solid Waste email, Eric Lucero

Wed 12/9/2020 1:59 PM

HOLLAND, TOWNSEND S.

RE: Commissary Kitchen - (313 Camino Alire) DRT comments needed

To: WYNANT, DONNA J.

Donna

FYI

I gave her a call about possibly having to add a sampling port to their sewer line

From: WYNANT, DONNA J. <djwynant@santafenm.gov>

Sent: Tuesday, December 8, 2020 11:16 PM

To: HOLLAND, TOWNSEND S. <tsholland@santafenm.gov>

Subject: Commissary Kitchen - (313 Camino Alire) DRT comments needed

Mon 11/30/2020 12:26 PM

BEINGESSNER, DEE

RE: DRT Meeting 11/25/2020 - My cases for January 7, 2021

To: WYANT, DONNA

i You replied to this message on 11/30/2020 12:30 PM.

Donna,

I don't have any comments on this case, 2020-2895.

Dee

Development Review Team

Comment Form

Date: 11/30/2020

Staff person: Brian Snyder

Dept/Div: Public Utilities/Water

Case: **Case #2020-2895, 313 Camino Alire, Special Use Permit.**

Case Mgr: Donna Wynant



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:

Must be completed by:

1 Though there is an existing water meter for this building, the tenant spaces and uses have changed over time at this property necessitating water fixture counts and associated flows be provided for this new tenant space and the existing building to verify the existing water meter is accurately sized.	Prior to final plat approval.
2	
3	
4	

Technical Corrections*:

Must be completed by:

1	
2	
3	
4	

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team

Comment Form

Date: 12/02/2020

Staff person: Lawrence Rivera

Dept. /Div.: Land Use/Terrain Management- Landscape/Irrigation Review

Case: Case #2020-2895. 313 Camino Alire, Special Use Permit

Case Mgr.: Donna J. Wynant



Review by this division/department a site visit with applicants representatives has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:

Must be completed by:

Technical Corrections*:

Must be completed by:

A landscape and irrigation system is existing, but requires maintenance to acquire City of Santa Fe minimum standards. A list of maintenance items was compiled. Maintenance Items are required: weeding, silt removal from planters, plant and tree pruning, refresh gravel and add mulch to planters, and irrigation repairs.	Prior to permit review

*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team

Comment Form

Date: 12/18/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: 2020-2895 313-317 Camino Alire SUP

Case Mgr: Donna Wynant



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:

Must be completed by:

<ol style="list-style-type: none">1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2015 Section 503.2.1)2. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2015 section 503.1.1)	Prior to planning commission.
---	-------------------------------

Technical Corrections*:

Must be completed by:

<ol style="list-style-type: none">3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)4. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)7. Shall comply with Section D102.1 Access and Loading (75,000 lbs).8. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC	At the time of any new construction or remodel.
---	---

<p>requirements shall be provided. (Appendix D Table D103.4)</p> <ol style="list-style-type: none">9. Shall comply with IFC 2015 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.10. Shall comply with IFC 2015 Section D103.5 Fire apparatus access road gates.11. Shall comply with IFC 2015, Appendix D, Aerial Fire Apparatus Access Roads.12. Shall meet the IFC code requirements 2015 edition or the most current edition the governing body has adopted at the time of permitting.	
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***Must made prior to recording and/or permit issuance**

Development Review Team Comment Form

Date: 12/7/2020

Staff person: Jason M. Kluck

Dept/Div: Land Use Dept./Building Division – ADA Site Review

Case: Case #2020-2895 Hot Pie Special Use Permit
313 Camino Alire

Case Mgr: Donna Wynant



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:

Must be completed by:

<ol style="list-style-type: none"> 1. Design Work shall comply with ICC ANSI A117.1-2009, Chapters 1-5 and Chapter 7 as required, and applicable Federal and State codes and statutes. (See Requirements & Conditions below for additional information). 2. Provide ADA detail/specifications for site fencing gate latches as required. 3. Incorporate dimensions into construction plans for all features required for ADA accessibility. These may be on shown on an enlarged plan and as typical. 	<p>Prior to construction permit application</p>
--	---

Technical Corrections*:

Must be completed by:

<ol style="list-style-type: none"> 1. Per meeting with applicant and design professional on 12/4/20, an onsite accessible path of travel route shall be established between the proposed new use, area of primary function and the existing southerly most ADA parking space. 2. Provide clearly marked/signed accessible path of travel route between the PROW and the existing southerly most door, or provide a clearly marked/signed path of travel between the new primary function and PROW along another route, including all required modifications for ADA accessibility. 	<p>Prior to construction permit application</p>
--	---

Accessible path(s) of travel route shall be provided from the Public Right-of-Way and accessible parking aisle(s) to accessible building entrance(s) and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. Ensure accessible route(s) from the Public Right-of-Way and accessible parking space aisle(s) to building entrance(s) are provided and maintained. Provide detectable warning surfaces at curb ramps and transitions to driveway crossings along the accessible paths of travel as applicable.

IBC 1104.1 Site arrival points: At least one (firm, stable, slip resistant) accessible route within the site shall be provided from: public transportation stops, accessible parking, accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance served.

Businesses must comply with the provisions of the ADA Standards to the "maximum extent feasible" with a building alteration. The costs for the added ADA work is considered disproportionate if it is over 20% of the costs of the project. Improvements should be prioritized up to the 20% limit: entrance; route to the primary function area; at least one unisex ADA restroom or one restroom for each sex serving the area; drinking fountains serving the area; other.

3. Provide detectable warning strips at driveway crossings along the proposed accessible path of travel route(s).
4. Provide ADA accessible parking space striping and signage plans and details demonstrating compliance with the 2015 NM Accessible Parking Checklist and referenced codes.
5. Indicate ADA accessible parking signage locations on Site/Grading & Drainage plans.
6. Confirm existing bicycle racks comply with the requirements set forth in SFCC Chapter 14, (Subsection 14-8.6(E) along with Appendix Exhibit D, bicycle rack standards and dimensions for size, clearance and location.
7. Provide Design Professional Seal and signature with date signed on all drawing sheets.

*Must made prior to recording and/or permit issuance

General ADA Site Compliance Requirements as applicable:

Accessibility feature design within the Site shall comply with NMDOT Pedestrian Access Route Details (Serial 608) or demonstrate compliance with applicable ADA regulations by other means as provided in the permitted Construction Documents.

All walk surfaces along the accessible path of travel shall be firm, stable and slip resistant and shall comply with Section 302, floor surface, 303.4 Ramps, 401 Accessible routes, 403 Walking surfaces, 405 ramps. At curb ramp landings and other transitions leading directly into the vehicular way along the accessible path of travel route(s), provide detectable warning surfaces immediately prior to entry into the vehicular way, road/drive crossings and cross walks.

All walk surfaces along the accessible path of travel shall not exceed 1:20 (5%) running slopes without handrail(s) in accordance with current ANSI 117.1 standards 505 & 2015 IBC 1014. Cross slopes shall not exceed 2% staff recommends 1% to 1.5% as a target cross slope. Walkways shall provide 5' diameter turning space every 200 linear feet of run. It is preferred to have marked crossings where the accessible route crosses vehicular traffic lanes.

Ramps within the site shall have 1:12 (8.33%) running slope and 1:48 (2%) cross slope max. With a max. rise of 30" and with 5' clear length landings where straight. Changes in direction shall comply with 304.3. Landing typical slope is 1.5% and shall not exceed 2% running and cross slope.

Curb Ramps shall have the required 5' clear length landing and turning space. Changes in direction shall comply with 304.3. Curb Ramps within the site shall have a target running slope of 7% or less typical and 1:12 (8.33%) maximum. Curb Ramp landing target slope is 1.5% and shall not exceed 2% running and cross slope maximum in any direction.

Accessible parking spaces and access aisles shall not exceed 2% slope in any direction. 1%-1.5% is the preferred target slope.

ADA parking signage shall comply with the New Mexico Accessible Parking Checklist, latest publication. Accessible Signage Detail - Signage with required language per the NM Accessible Parking Checklist is required at ALL ADA Parking spaces. Parking signage height shall be 84" above the floor of the parking space, measured to the bottom of the R7-8 sign in the Public right-of-way, accessible path of travel, pedestrian way or path of the means of egress. Locate Van Accessible Parking signs immediately below the reserved parking sign at wall mounted or other locations not in the pedestrian way. At Van Accessible signs located in the pedestrian way, the R7-8A Van Accessible sign shall be mounted at 84" to bottom of the sign. Wall mounted signs and signs not mounted in the public way shall be 60" (84" is preferred) minimum above the floor of the parking space, measured to the bottom of the sign.

ADA parking space and aisle striping shall be installed as depicted on AS501-C6 and per the 2015 NM Accessible Parking Checklist, Section 9 (NMBC-1111 Section 1.4 through 1.4.3) the ADA parking space access aisle shall be clearly marked by diagonal pavement striping. "NO PARKING" lettering shall be stenciled in 1 foot high min. and 2 inches wide min. strokes, and located at the drive end of the striped access aisle. The International Symbol of Accessibility (ISA) shall be stenciled at all parking spaces, centered on the space and aligned with the drive end of the parking space striping. All pavement striping and markings shall be stenciled with pavement paint; blue on concrete paving or white on asphalt paving.

Ensure ADA Accessible parking spaces are located in close physical proximity to any adjacent accessible entrances or accessible housing units (60% of all entrances shall be accessible on new construction), with the shortest path of travel available from the parking area to the unit(s) and accessible entrances. Ensure accessible routes from Accessible parking space aisle(s) to building entrance are provided/maintained.

Wheel stops are encouraged at all ADA accessible parking spaces to help ensure required clearance along the accessible path of travel is maintained.

Vertical clearance: Provide and maintain 80" of vertical clearance for the full width of all sidewalks/pedestrian routes. Rails or other barriers shall be provided where the vertical clearance is less than 80". The leading edge of such rails or barrier shall be located 27" max. above the floor. (307.4) Provide and maintain 98" vertical clearance at van parking spaces and access aisles, and accessible routes. (502.6) At Passenger Loading Zones, provide and maintain 114" min. vertical clearance at the exterior vehicular route and access aisles serving the vehicle pull-up space. (503.5)

At time of construction, the Contractor shall ensure ADA compliance for construction of ADA accessible features and appurtenances, as detailed in, and in addition to, the approved construction permit documents as required. Improvements shall comply with ICC ANSI A117.1-2009 Chapters 1-5 and Chapter 7, 2015 New Mexico Accessible Parking Checklist, MUTCD, NMDOT Pedestrian Access Standards and PROWAG, NM State Statute and Administrative Code and DOJ regulations as applicable.

WYNANT, DONNA J.

From: LUCERO, ERIC J.
Sent: Monday, December 14, 2020 1:45 PM
To: WYNANT, DONNA J.
Subject: DRT Comments

Good afternoon Donna,

In regards to cases:

Case #2020-2895. 313 Camino Alire, Special Use Permit. Andrea Abedi and Hilary Kilpatric, Agents, for Hot Pie, LLC, Owner, requests approval of a special use permit for a Commissary Kitchen at 313 Camino Alire. The property is zoned C-1 (Office and Related Commercial) and is approximately 1.42 acres.

Case #2020-2924. Vista de La Sierra Final Subdivision Plat. JenkinsGavin, Inc., Agent, for Branch Family Holdings, LLC, Owner, requests a final subdivision plat for a 393 single family residential lot subdivision. The property located at 3800 Governor Miles Road, is approximately 94.07 acres and is zoned R-5 (Residential- five dwelling units per acre).

I have no comments at this time.

Happy Holidays!

Eric J Lucero
Operations Manager
City of Santa Fe
Environmental Services Division

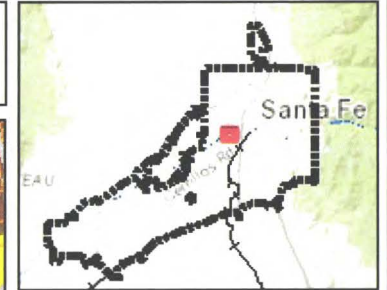
City of Santa Fe, New Mexico

Board of Adjustment

Exhibit C

Maps and Photos

1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Google Street Views



Legend

- City Limits
- Address Points
- Building Footprint
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- + Rail Road

Future Land Use

- 1 dwelling per acre
- 1-3 dwellings per acre
- 3-7 dwellings per acre
- 7-9 dwellings per acre
- 7-12 dwellings per acre
- 12-29 dwellings per acre
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Open Space
- Parks



1: 5,115

This map is a user generated static output from an Internet mapping site and is for 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

Notes
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Legend

- City Limits
- Address Points
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- Rail Road

1: 2,257



376.2 0 188.08 376.2 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for 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

Notes

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313 Camino Alire



View of 313 Camino Alire from the North. Driveway to the left of the building will be the exit from the property.



View of 313 Camino Alire from the south. Overflow parking lot is in the foreground. Driveway just beyond the parking lot is the one-way entrance into the property.

City of Santa Fe, New Mexico

Board of Adjustment

Exhibit D

Early Neighborhood Notification

1. Attendance List
2. ENN Guidelines
3. Meeting Notes



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

<i>Project Name</i>	313 Camino Alire Special Use Permit
<i>Project Location</i>	313 Camino Alire
<i>Project Description</i>	Special Use Permit to allow a Commissary Kitchen in the C-1 (Office and Related Commercial district).
<i>Applicant / Owner</i>	Hot Pie, LLC
<i>Agent</i>	Andrea Abedi and Hilary Kilpatric
<i>Pre-App Meeting Date</i>	October 22, 2020
<i>ENN Meeting Date</i>	November 12, 2020
<i>ENN Meeting Location</i>	November 12, 2020
<i>Application Type</i>	Special Use Permit
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	Six neighbors were in attendance.

Notes/Comments:

Andrea Abedi and Hilary Kilpatric started the zoom meeting at 5:30 and introduced themselves. Donna Wynant, case manager, then introduced herself and pointed out the timeframe on the request and when it would go to the Board of Adjustment for a public hearing. Ms. Kilpatric gave a power point presentation, and discussed the circulation pattern around the building and the 40 parking spaces and 8 bike rack spaces on-site. Parking will be limited to those using the kitchen and not open to the public.

Those in attendance included a couple of tenants in the DragonStone building, a resident in the area and an entrepreneur, all of whom were very excited about the proposed use and welcomed them to the neighborhood

Hot Pie, LLC

1622 Camino Porvenir, Santa Fe, NM 87505

Early Neighborhood Notification Meeting – 313-317 Camino Alire

When: November 12, 2020

Time: 5:30 pm

Where: Zoom online meeting

Please join this meeting from your computer, tablet or smart phone

Link: <https://us02web.zoom.us/j/83752016841?pwd=K0txa3ZZbkh5TmIJbVFxUVhFcGVoUT09>

Meeting ID: 837 5201 6841

Password: 118726

List of Attendees:

- Andrew Lopez
- Nina Yozell-Epstein
- Chris Clavio
- Jennifer Bakevich
- Bryan Bakevich
- Mark Mercado



ENN GUIDELINES

Applicant Information

Project Name:	<u>Hot Pie, LLC</u>		
Name:	<u>Abedi, Andrea</u>	<u>Kilpatric, Hilary</u>	
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Address:	<u>1622 Camino Porvenir</u>		
	<i>Street Address</i>	<i>Suite/Unit #</i>	
	<u>Santa Fe</u>	<u>NM</u>	<u>87505</u>
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Phone:	<u>(5054288485) Andrea Abedi</u>	<u>andrea@andreaabedi.com</u>	
	<u>(5056993644) Hilary Kilpatric</u>	<u>hilary505@gmail.com</u>	
		E-mail Address:	

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 existing structure on the property will not be enlarged in order to maintain their current scale and to keep intact the residential character of the neighborhood. However, some improvements such as additional landscaping, painting, parking improvements and other minor architectural improvements to the building may be made to enhance to overall aesthetics of the exterior building. We will install additional lighting outside existing structure by the entrances and exits, which will enhance safety and security of the area.

No adverse effects to the surrounding neighborhoods are to be expected

- (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.*

All existing landscaping & other property improvements will remain
No adverse effects on the physical environment are anticipated

- (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.*

Though the area is not a historic district, we are helping to preserve an old building that has been a fixture in the neighborhood as the Pinon Hills hospital, the Desert Academy school, and more recently as rezoned for office, a variety of businesses that have fit the building and neighborhood well.

Case Number:
2020-002895--PLBD

(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 surrounding area is mixed zoning of residential and commercial (C-1) and (C-2) light commercial. Northeast at the Camino Alire - Agua Fria intersection is zoned C-1. Payne's Nursery at 304 Camino Alire is grandfathered for commercial use and East is the Alameda Middle School athletic fields. South to the athletic fields is residential.

Commissary Kitchens are included in section 14-6.1(C) SFCC 1987 as a permitted use in C-1 zoning districts with a special use permit. The definition of a commissary kitchen can be found in section 14-12.1 SFCC 1987. This Special Use permit will not affect zoning requirements to surrounding areas and is consistent with neighborhood land use.

(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.*

All parking required for C-1 uses can be accommodated internally
Access to the facility by the disabled, elderly & bicycles is provided

All users will enter the building using a Northeast inbound traffic flow and exit Southeast towards Alameda St following a one-way traffic pattern to reduce any potential traffic impacts. Additionally, use of the kitchen is limited to clientele who are renting the kitchen. The space will not be open to the public, therefor limiting any impact on traffic.

(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 proposed commercial use will have a positive economic impact on the City. The kitchen will provide a space for entrepreneurs to flourish and grow their ideas into small businesses. The kitchen will also create jobs for an operations manager, janitors, administrative personnel and more. Additionally, by providing a safe and affordable space for small business to cook, this kitchen will support small businesses to create additional jobs in the City. The kitchen will support economic development and financial stability

Additionally, the business will contribute to keeping the supply chain local by providing a central location for farmers and the food community to meet and exchange products.

(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.*

The use of the property under a proposed marketing plan is targeted for creating affordable kitchen rental spaces for small local business who are unable to afford brick and mortar restaurant space in the City.

This will not affect the availability of affordable housing or housing choices for Santa Fe residents.

(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.*

No adverse impacts to the City systems or services are expected. The use of the building will create a stronger community presence which will help deter any unsafe activity.

It will not have an impact on fire safety because the building complies with fire safety codes and in 2015 completed an update and modification of the sprinkler systems to ensure compliance.

(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 building will comply with all water system regulations and modifications will be made to ensure water conservation. Water conservation will be achieved via an on-site rain catchment system for irrigating landscaping and site drainage will be detained on site and all new equipment will be purchased with water and energy conservation in mind including the use of low flow faucets and energy efficient dishwashers.

(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.*

The proposed special use permit promotes mixed use in the area. Mixed use can enhance the vitality and perceived security of an area by increasing activity. It attracts pedestrians and helps revitalize community life by making streets and public spaces places where people meet.

(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.*

We believe the proposed special permit promotes a compact urban form and is an appropriate development since all city infrastructure already exists. The planned usage is in accordance with the City General Plan from 1999 and all updates to this plan.

(l) ADDITIONAL COMMENTS (optional)

Trash management will comply with City codes using the services of the City of Santa Fe for trash and recycling collection. The trash will be collected in large dumpsters with lids to ensure that smells do not affect the neighborhood. Organic waste will be composted through the Reunity Resources composting program.

The grease trap for the kitchen will be serviced and flushed weekly by AA Plumbing to ensure proper functioning and sanitation.

We will install security systems in the building to ensure safety including motion sensor security lights. The extended hours of operation will promote safety through a neighborhood watch system with safe activity throughout the day and evening. We will also have a nighttime security guard to promote neighborhood safety. The use of the building is restricted to members only and not open to general public.

The planned hours of operation are 3am-12midnight. The hours from 9pm-Midnight and 3am-7am will not be hours of intense use. We will respect the Santa Fe noise ordinance 10-2 by complying with the nighttime guidelines, during the hours of 9pm-7am. Having constant movement will also help to serve as neighborhood watch with increased security

The use of the building is compatible with City code and the surrounding area which is made up of homes, schools, Payne's North nursery, etc. and though the area is not a historic district, we are helping to preserve an old building that has been a fixture in the neighborhood as the Pinon Hills hospital, the Desert Academy school, and more recently as rezoned for office, a variety of businesses that have fit the building and neighborhood well.

We are a community-based organization where respect for people and property is of the highest value. All clientele will comply with these guidelines in order to be allowed to use the kitchen.

City of Santa Fe, New Mexico

Board of Adjustment

Exhibit E

Applicant Submittals

1. Letter of application
2. Special Use Permit Application
3. Legal Lot of Record
4. Ordinance No. 2020-24 (Amended Permitted Use Table to include Commissary Kitchens as a permitted use requiring a Special Use Permit in C-1 Zoning Districts)
5. DRT review comments submitted when the property was rezoned to C-1 in 2014
6. Site Plan/Parking Modifications (11" x 17")
7. Building's Floor Plan (11" x 17")

Hot Pie, LLC
1622 Camino Porvenir, Santa Fe, NM 87505

November 20, 2020

Noah Berke, Planner Manager
Current Planning Division
City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM 87501

**RE: 313 – 317 Camino Alire
Special Use Permit Application**

Dear Noah Berke,

This letter is submitted on behalf of Hot Pie, LLC, in application for a Special Use Permit for the development of a commissary kitchen for consideration by the Board of Adjustment at their meeting on January 5, 2021. The 1.38 acres subject property is located at 313- 317 Camino Alire located Northeast at Camino Alire - Agua Fria intersection. The property is zoned C-1 and is located diagonally across from Payne's Nursery.

Project Description

As depicted in the attached site plan, a commissary (commercial) kitchen is proposed for this property. A Special Use Permit for a commissary kitchen is required since the property is zoned C-1 and within 200 feet of a residential area. Camino Alire, Agua Fria & West Alameda are all mixed-use areas. The existing structure on the property will not be enlarged in order to maintain their current scale and to keep intact the residential and mixed-use character of the neighborhood. In fact, this type of mixed-use can enhance the vitality and perceived security of an area with the extra activity creating an informal neighborhood watch to deter suspicious activity.

The proposed commercial kitchen is consistent with the commercial development that has taken place in the neighborhood for many years. The neighborhood is made up of Payne's Nursery, Offices, Single family homes, Apartments, Alameda Junior High Athletic Fields & Bicentennial Pool. Through this proposed use, we are helping to preserve an old building that has been a fixture in the neighborhood by bringing it up to modern standards with high end equipment and landscaping the courtyard. The building was previously Pinon Hills hospital in 1984, the Desert Academy school in 2000, and more recently as rezoned in 2014 for office use. It is occupied a variety of businesses that have fit the building and neighborhood well.

Commissary Kitchens are included in section 14-6.1(C) SFCC 1987 as a permitted use in C-1 zoning districts with a special use permit. The definition of a commissary kitchen can be found in section 14-12.1 SFCC 1987. This Special Use permit will not affect zoning requirements to surrounding areas and is consistent with neighborhood land use.

Case Number:
2020-002895—PLBD

Hot Pie, LLC

1622 Camino Porvenir, Santa Fe, NM 87505

Please refer to the full code for the definition of a commissary kitchen and permitted use in C-1 zoning in appendix A of Ordinance 202-24.

Access and Parking

We will adhere to a one-way traffic pattern for users of the commissary kitchen. Users will enter the Camino Alire from the direction of Agua Fria Street. All users will enter the building from the Southeast using an inbound traffic flow and exit toward the Northeast towards Alameda St. Following a one-way traffic pattern will reduce any potential traffic impacts on Camino Alire. Additionally, the commissary kitchen is only open to use by its clientele, which is limited by number at any given time. The fact that it is not open to the public will limit any impacts on traffic in the neighborhood.

With the upgrades to the existing building, we will have 40 parking spaces, where only 33 are required by the use code. We will also have (2) 8-bike racks accommodating a total of 16 bicycles.

For additional information please review the Development Review Team Memo from the rezoning of the property in 2014, located in appendix C.

Special Use Permit Criteria

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

Granting the Special Use Permit will not adversely affect the public interest. The proposed Commercial Kitchen is an extremely low-impact use of the C-1 zoning, light commercial. The Special Use Permit will allow the improvement of an existing building. This will help preserve an old building that has been a fixture in the neighborhood for many years, thereby contributing to keep intact the character of the neighborhood. Granting the special use permit will not negatively affect the surrounding properties in terms of noise, pollution, traffic, smells, or parking. Additionally this special use permit will contribute to the mixed-use character of the neighborhood and bring vitality and life back to the area.

The use requested in the special use permit is compatible with and adaptable to buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration. This special use permit will not change the structure of the existing building and the proposed use is compatible with previous uses of the building as Pinon Hills (1984), Desert Academy (2000), and DragonStone Studios (2014).

Early Notification Meeting

An Early Neighborhood Notification meeting was held on November 12, 2020. We presented a power-point presentation defining a commissary kitchen, who will use it, and what the commercial kitchen will offer its users. We also discussed the parking and traffic patterns. The meeting was

Hot Pie, LLC

1622 Camino Porvenir, Santa Fe, NM 87505

attended by 6 members of the neighborhood and they all spoke in support of the proposed Special Use Permit.

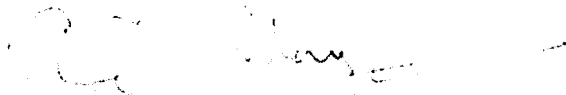
Please refer to the list of attendees in appendix B.

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

- Special Use Permit Application
- Letter of Application
- Statement Addressing Approval Criteria
- Legal lot of record
- Site Plan
- Leasing Space / Use Plan
- Land Use Ordinance 2020-24
- ENN Guidelines
- ENN List of Attendees
- Development Review Team Memo from the 2014 Rezoning of the Building
- Fees in the amount of \$380.00: Special Use Permit fee - \$350.00, and 1 public notice poster \$30.00

Your assistance with this request is greatly appreciated. Please do not hesitate to contact Andrea Abedi (505)428.8485, or Hilary Kilpatric (505)699.3644 should you have any further questions.

Sincerely,



Andrea Abedi & Hilary Kilpatric



(date stamp)

**SPECIAL USE PERMIT
APPLICATION
14-3.6**

Parcel Information

Address: 313-317 Camino Alire Property Size: 1.38 acres
Proposed Use: Commercial Kitchen
Zoning: C1 Preapplication Conference Date: 10.22.20
ENN Meeting Date: 11.12.20 UPC Code Number: 1-053-098-029-526
1-063-099-036-003

Property Owner Information

Name: Faceless Man LLC
Address: 10990 Wilshire Blvd Floor 8
Los Angeles CA 90024
City State ZIP Code
Phone: 505.428.8485 Andrea Abedi E-mail Address: Andrea@andreaabedi.com Hilary505@gmail.com
505.699.3644 Hilary Kilpatric

Applicant/Agent Information (if different from owner)

Company Name: Hot Pie LLC
Name: Andrea Abedi Hilary Kilpatric
Address: 1622 Camino Porvenir
Santa Fe NM 87505
City State ZIP Code
Phone: 505.428.8485 Andrea Abedi E-mail Address: Andrea@andreaabedi.com Hilary505@gmail.com
505.699.3644 Hilary Kilpatric

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: 313-317 Camino Alire
I/We authorize ANDREA ABEDI + HILARY KILPATRIC to act as my/our agent to execute this application
Signed: [Signature] Date: 11.19.20
Signed: _____ Date: _____

Case Number: 2020-002895—PLBD

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 type="checkbox"/> Letter of Application (intent, location, acreage)	<input type="checkbox"/> Statement addressing approval criteria (see below)	<input type="checkbox"/> Legal Lot of Record, Legal Description	<input type="checkbox"/> Site Plan (see below)	<input type="checkbox"/> Landscape, Parking and Lighting Plan Signage Specifications (as required)
<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 type="checkbox"/> Sewer and Water Plan (if required)	<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 14-3.8(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: Hilary [Signature] Date: 11/20/20

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) 955-8585 with any questions.

Lot Consolidation Survey Plat
Prepared for
Faceless Man, LLC

Lying and being situate within Lots # 5, 6, 7, 8 and 9 of the Nicholas Aire et al plat, Projected Section 26, Township
17 North, Range 9 East, N.M.P.M. within the City of Santa Fe, County of Santa Fe, State of New Mexico

759011

Total Area = 1.42 Acres ±

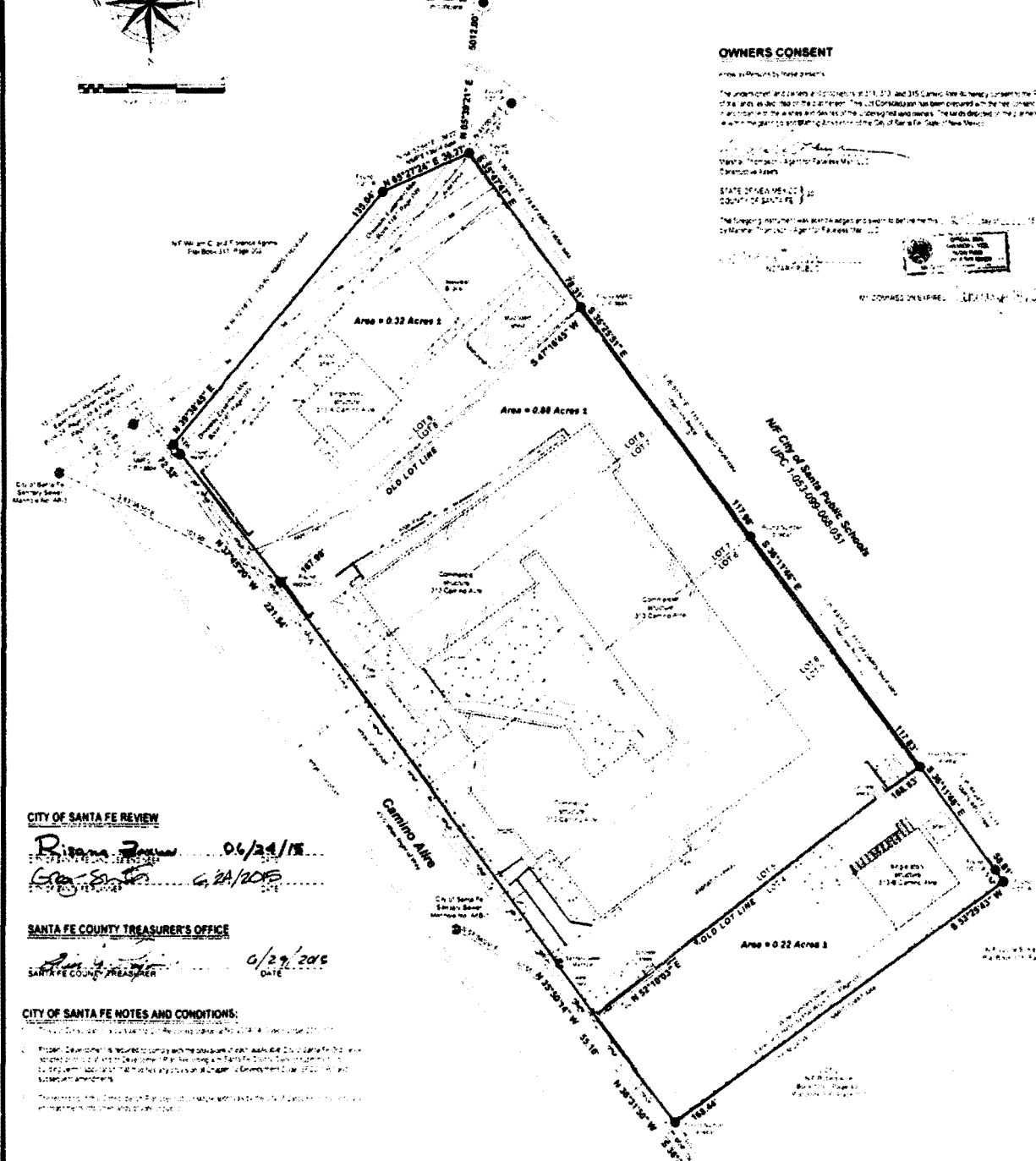
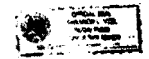


OWNERS CONSENT

I, the undersigned, do hereby consent to the preparation and recording of this Survey Plat. The Lot Consolidation has been prepared in accordance with the laws and rules of the Surveyors and Engineers Board of the State of New Mexico.

STATE OF NEW MEXICO
COUNTY OF SANTA FE

The foregoing instrument was acknowledged to be the act and deed of the undersigned by the undersigned before me on this 29th day of June, 2015.



CITY OF SANTA FE REVIEW

Ribana Zayas 06/24/15
Greg Senter 6/24/2015

SANTA FE COUNTY TREASURER'S OFFICE

Greg Senter 6/29/2015
SANTA FE COUNTY TREASURER

CITY OF SANTA FE NOTES AND CONDITIONS:

1. The City of Santa Fe has reviewed this plat and has no objection to its recording.
2. The City of Santa Fe has reviewed this plat and has no objection to its recording.
3. The City of Santa Fe has reviewed this plat and has no objection to its recording.

FEMA INFORMATION:

The lands as depicted on this plat herein are rated Zone "X" as per FEMA maps and are determined to be outside the 0.2% annual chance floodplain. See FEMA Panel #: 330049C 0412 D Effective date December 4, 2012.

UPC Code and Area

- 1-053-099-021-013 - 311 Camino Aire-Area = 0.32 Acs
- 1-053-098-029-525 - 313 Camino Aire-Area = 0.88 Acs
- 1-053-098-036-513 - 317 Camino Aire-Area = 0.22 Acs

COUNTY OF SANTA FE
STATE OF NEW MEXICO

WITNESSETH THAT THIS INSTRUMENT WAS PREPARED BY THE UNDERSIGNED SURVEYOR AND ENGINEER FOR RECORD ON THIS 29th day of June, 2015. AD BY: 11600 P.O. BOX 11600, SANTA FE, NM 87505. DOCUMENT NO. 1768197, IN THE OFFICE OF THE COUNTY CLERK OF SANTA FE COUNTY, STATE OF NEW MEXICO.



SURVEYORS CERTIFICATE

I, the undersigned, a Registered New Mexico Professional Surveyor or Engineer, certify that this Survey Plat was prepared and filed in accordance with the laws and rules of the Surveyors and Engineers Board of the State of New Mexico. This survey and its boundaries on the plat depicted hereon were established using found monuments and documents of record. This survey is not a land Division or Subdivision as per the New Mexico Subdivision Act. This survey meets the minimum requirements set forth by the New Mexico Board of Licensure for Professional Surveyors, Engineers.

Greg Senter 6/29/2015
SURVEYOR



LAND SURVEYING COMPANY, L.L.C.

PREPARED BY: Greg Senter, Surveyor
DATE: June 29, 2015
PROJECT: LOT CONSOLIDATION SURVEY PLAT, FACELESS MAN, LLC
SANTA FE COUNTY CLERK INDEX INFORMATION

Case Number:
2020-002895—PLBD

1 of 2 ORIGINALS

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CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2020-24

AN ORDINANCE

AMENDING THE TABLE OF PERMITTED USES IN SECTION 14-6.1(C) SFCC 1987 TO INCLUDE COMMISSARY KITCHENS AS A PERMITTED USE REQUIRING A SPECIAL USE PERMIT IN C-1 ZONING DISTRICTS; AND AMENDING SECTION 14-12.1 TO ADD THE DEFINITION OF COMMISSARY KITCHENS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Table 14-6.1-1 of the Land Development Code (being Ord. No. 2012-37, § 2, as amended) is amended to add the following permitted uses:

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

Case Number:
2020-002895—PLBD

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CATEGORY Specific Use	RR	R-1 - R-6	R-7 - R-9	R7-1	RC-5, RC-8	R-10 - R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I-1	I-2	BIP	SC-1	SC-2	SC-3	MU ***	Use- Specific Regs
COMMERCIAL																						
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment								S 310	S ¹		p*			p	p	p		p*	p*	p*	p ²	
Bar, cocktail lounge, nightclub, with outdoor entertainment								S 310	S ¹		p*			p*	p*	p*		p*	p*	p*	p* 2	
Restaurant – full service, with or without incidental alcohol service								S 310	S ¹		p			p	p	p	S	p	p	p	p	
Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area								S 310	S ¹		p*			p*	p	p		p*	p*	p*	p* 2	
Restaurant – Fast service/take- out, no drive-through drive-up								S 310		p ⁴	p	p ⁴		p	p	p	S	p	p	p	p	
Restaurant – with drive- through/drive-up											p*			p*	p*	p*	S	p*	p*	p*	p* 2	
Commissary kitchen										p*												

1 Section 2. Section 14-12.1 of SFCC 1987 (being Ord. No. 2011-37, § 15 as
2 amended) is amended to add the following definitions:

3 **14-12.1 DEFINITIONS**

4 **COMMISSARY KITCHEN**

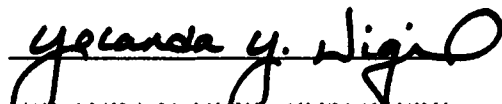
5 A food preparation facility leased by or licensed to food service providers or food product
6 manufacturers for commercial production of meals and food products; loading and unloading of
7 supplies, ingredients, food, and products produced at the facility; and for related services,
8 including, but not limited to, storage of food and ingredients, education and training, the
9 promotion of food service providers, food manufacturers, and food and products produced by
10 them; leasing of food preparation equipment for use off-site; consumption of food and beverages
11 at the facility not open to the general public; and sale and promotion of food products produced at
12 the facility.

13 PASSED, APPROVED, and ADOPTED this 30th day of September, 2020

14
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16 

ALAN WEBBER, MAYOR

17 ATTEST:

18 
19 _____
YOLANDA Y. VIGIL, CITY CLERK

20 APPROVED AS TO FORM:

21 
22 _____
23 ERIN K. McSHERRY CITY ATTORNEY

24 *Bill No. 2020-22*

25 *Legislation 2020/Ordinances/2020-24 Commissary Kitchens*

Hot Pie, LLC

1622 Camino Porvenir, Santa Fe, NM 87505

December 3, 2020

Lawrence Rivera, Land Use Compliance Manager
Technical Review Division
Planning & Land Use Department
City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM 87501

Dear Lawrence Rivera,

Thank you for meeting with us at 313-317 Camino Alire, Santa Fe, NM 87505 to discuss landscaping needs for the building as we move forward with the Special Use Permit and building remodel.

As we discussed on your visit to the site, a landscape and irrigation system is existing, but requires maintenance to acquire City of Santa Fe minimum standards. A list of maintenance items was compiled. Maintenance Items are required: weeding, silt removal from planters, plant and tree pruning, refresh gravel and add mulch to planters, and irrigation repairs.

Thank you for your assistance with this matter. Please do not hesitate to contact Andrea Abedi (505)428.8485, or Hilary Kilpatric (505)699.3644 should you have any further questions.

Sincerely,



Andrea Abedi & Hilary Kilpatric

Hot Pie, LLC

1622 Camino Porvenir, Santa Fe, NM 87505

November 20, 2020

Noah Berke, Planner Manager
Current Planning Division
City of Santa Fe
200 Lincoln Ave.
Santa Fe, NM 87501

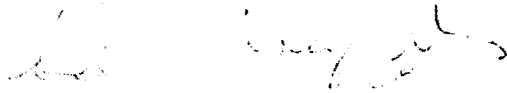
Dear Noah Berke and Development Review Team,

The following documents were created by the Development Review Team in 2014 when the building was rezoned from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial).

We are including these documents in our application as they address areas of concern such as the General Plan, Waste Water, Traffic Impact, the International Fire Code, Water Service, and Refuse. The use of this building is compatible with C-1 zoning and the use requested with the Special Use Permit will not have a significant impact on these areas.

Your assistance with this request is greatly appreciated. Please do not hesitate to contact Andrea Abedi (505)428.8485, or Hilary Kilpatric (505)699.3644 should you have any further questions.

Sincerely,



Andrea Abedi & Hilary Kilpatric

City of Santa Fe, New Mexico

memo

DATE: January 15, 2014
TO: Donna Wynant, AICP, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior */If£. }*
SUBJECT: Final Comments for Cases #2013-130 and 2013-131, 313-317 Camino
Alire General Plan Amendment and Rezoning

Below are conditions of approval for the 313-317 Camino Alire General Plan Amendment and Rezoning request. These comments are based on documentation and plans that were submitted to staff:

At time of permit, the applicant show compliance with all applicable sections of the Site and Landscape Design Standards as set forth in Article 14-8.4 of the Land Development Code.

City of Santa Fe, New Mexico

memo

DATE: January 6, 2014
TO: Donna Wynant, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
Case #2013-128 & 130 - 311-317 Camino Alire Rezoning and General Plan
SUBJECT: Amendment

The subject property is accessible to the City sanitary sewer system.

There are no further conditions to be addressed by the applicant.

EXHIBIT

City of Santa Fe, New Mexico

memo

DATE: January 16, 2014
TO: Donna Wynant, Planning and Land Use Department
VIA: John Romero, Traffic Engineering Division Director
FROM: Sandra Kassens, Traffic Engineering Division Director

SUBJECT: 313 -317 Camino Alire General Plan Amendment and Rezoning. Cases#
2013-130 and 131.

ISSUE:

David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office Use. In addition, they also request rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on January 2, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Traffic Engineering Division concurs with the recommendations of the Traffic Impact Analysis (TIA) prepared for David Schutz & Desert Academy by Walker Engineering, dated November 5, 2013; that this development will have a minimum impact on the City of Santa Fe road system and that the roadway network will have sufficient capacity to accommodate this development.

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

EXHIBIT *BA*

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memo

DATE: January 9, 2014
TO: Donna Wynant , Case Manager
FROM: Reynaldo Gonzales, Fire Marshal
SUBJECT: Case #2013-317 313-317 Camino Alire

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

Prior to Zoning R-5 to C-1 These requirements must be able to be met with any new construction as per IFC:

1. Shall comply with IFC requirements.
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 IFC requirements.

WYNANT, DONNA J.

From: WILSON, KEITH P.
Sent: Monday, January 06, 2014 11:02 AM
To: WYNANT, DONNA J.
Cc: MARTINEZ, ERIC B.(ebmartinez@ci.santa-fe.nm.us); BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: Case #2013-130 and #2013-130

1. **Case #2013-130, 313-317 Camino Alire General Plan Amendment.** David Schutz, agent for Desert Academy, requests approval of a General Plan Future Land Use map amendment to change the designation of 1.38± acres of land from Residential Low Density (3-7 dwelling units per acre) to Office Use. The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager\\file-svr-1\Public\$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning)
2. **Case #2013-131, 313-317 Camino Alire Rezoning.** David Schutz, agent for Desert Academy, requests rezoning of 1.38± acres of land from R-5 (Residential, 5 dwelling units per acre) to C-1 (Office and Related Commercial). The property is the former Desert Academy campus, and is located on the east side of Camino Alire between Agua Fria and Alto Street. (Donna Wynant, Case Manager\\file-svr-1\Public\$\Land Use\2013-130 & 131 Desert Academy Gen Plan Amend & Rezoning)

Dona:

I do not have any comments on the requested General Plan Amendment or Rezoning for Case #2013-130 and #2013-131, 313-317 Camino Alire.

I do have the following comments on the Conceptual Site Plan.

- No pedestrian access is shown from the adjoining street. On-site Pedestrian Walkways should connect to the adjoining sidewalk on Camino Alire.
- The design and location of the Bicycle Parking facilities shown on the Site Development Plan should be reviewed to ensure they meet the requirements outlined in Chapter 14 and guidance provided in the MPO Bicycle Master Plan.

Let me know if you have any questions.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization

Mailing: P.O. Box 909
Santa Fe, NM 87504-0909

Office: 500 Market St, Suite 200 (Above REI Store)
Santa Fe, NM

Map: <http://tinyurl.com/l6keieg>

Directions & Parking: <http://www.railyardsantafe.com/north-railyard/>

Phone: 505-955-6706

Email: kowilson@santafenm.gov

Please Visit Our Website at: www.santafempo.org

EXHIBIT **b** **G**

City of Santa Fe
memo

DATE: January 15, 2014
TO: Donna Wynant, Land Use Planner, Land Use Department
FROM: Antonio Trujillo, Water Division Engineer
SUBJECT: Case #2013-130.131. 313-317 Camino Alire General Plan Amendment and Rezoning

There are no issues with water service for the subject case. A main extension may be required to meet fire protection. Fire protection requirements are addressed by the Fire Department.

WYNANT, DONNA J.

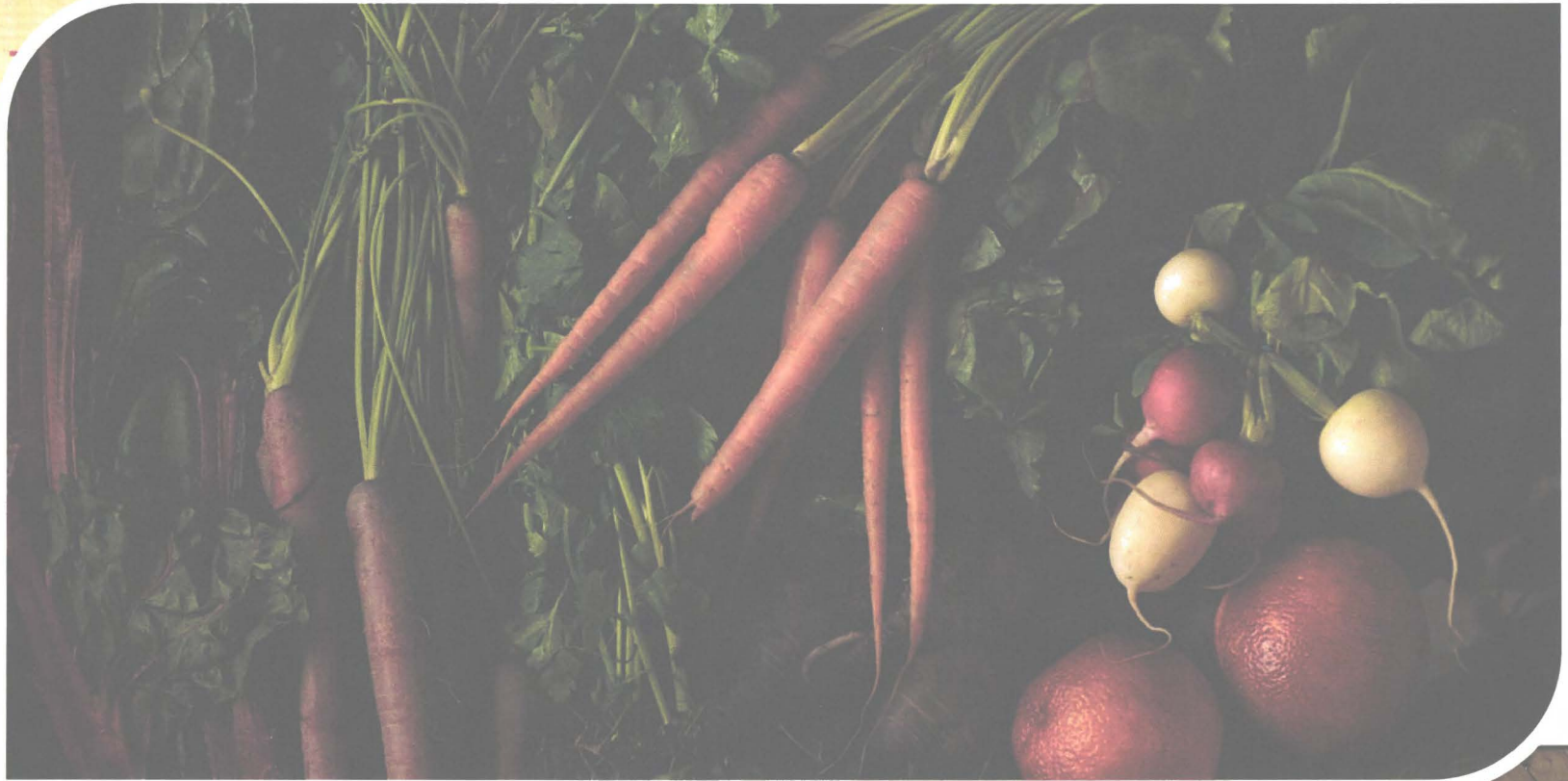
From: MARCO, RANDALL V.
Sent: Friday, January 03, 2014 7:56 AM
To: WYNANT, DONNA J.
Subject: Case 2013-130; 2013-131

Donna,

At the current location for refuse service only rear loading might work depending on the depth allotted. As an option 96 gallon containers would work. More detail is needed to make a proper assessment of refuse and recycling requirements.

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

COMMISARY (COMMUNITY) KITCHENS



WHAT IS A COMMISSARY KITCHEN?

- A certified kitchen where people can prepare food products for distribution to the public.
- Commercial kitchens are designed for food production and food safety.

THE NEED

- Santa Fe is a city with food entrepreneurs who lack a proper facility (commissary or commercial kitchen) to prepare food for resale.
- The closest viable options are in Taos (Taos Economic Development Center) and Albuquerque (The Mixing Bowl).
- Create a resource for those who wish to scale, expand, and properly start food businesses in accordance with health department regulations.

EXAMPLES OF COMMUNITY BENEFITS

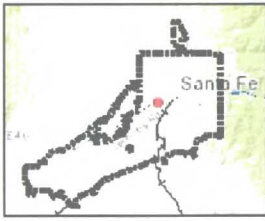
- Create jobs within the community
- Encourage the supply chain to stay local
- Encourage local innovation and entrepreneurship in Santa Fe's food community
- Create a food community where businesses can collaborate and exchange ideas and advice
- Serve as a link between local farmers and local food entrepreneurs

SAMPLE CUSTOMER PROFILES

1. Entrepreneurs and businesses creating and selling packaged food products.
2. Private Chefs cooking for events and regular customers.
3. Caterers cooking for events.
4. Food truck owners for food prep and sanitary storage of their products.
5. Farmers to distribute their products in a centralized location.

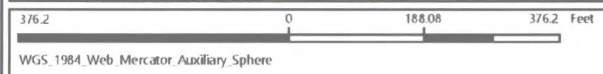
SPECIAL USE PERMIT

- Site is zoned C-1 and the code includes allowing commissary kitchens but requires a special use permit for this use. Commissary Kitchens are included in section 14-6.1(C) SFCC 1987 as a permitted use in C-1 zoning districts with a special use permit. The definition of a commissary kitchen can be found in section 14-12.1 SFCC 1987. This Special Use permit will not affect zoning requirements to surrounding areas and is consistent with neighborhood land use.



- Legend**
-  City Limits
 -  Address Points
 -  Roads
 -  Major Roads
 -  Santa Fe County Parcels
 -  Santa Fe River
 -  Rail Road

1: 2,257 

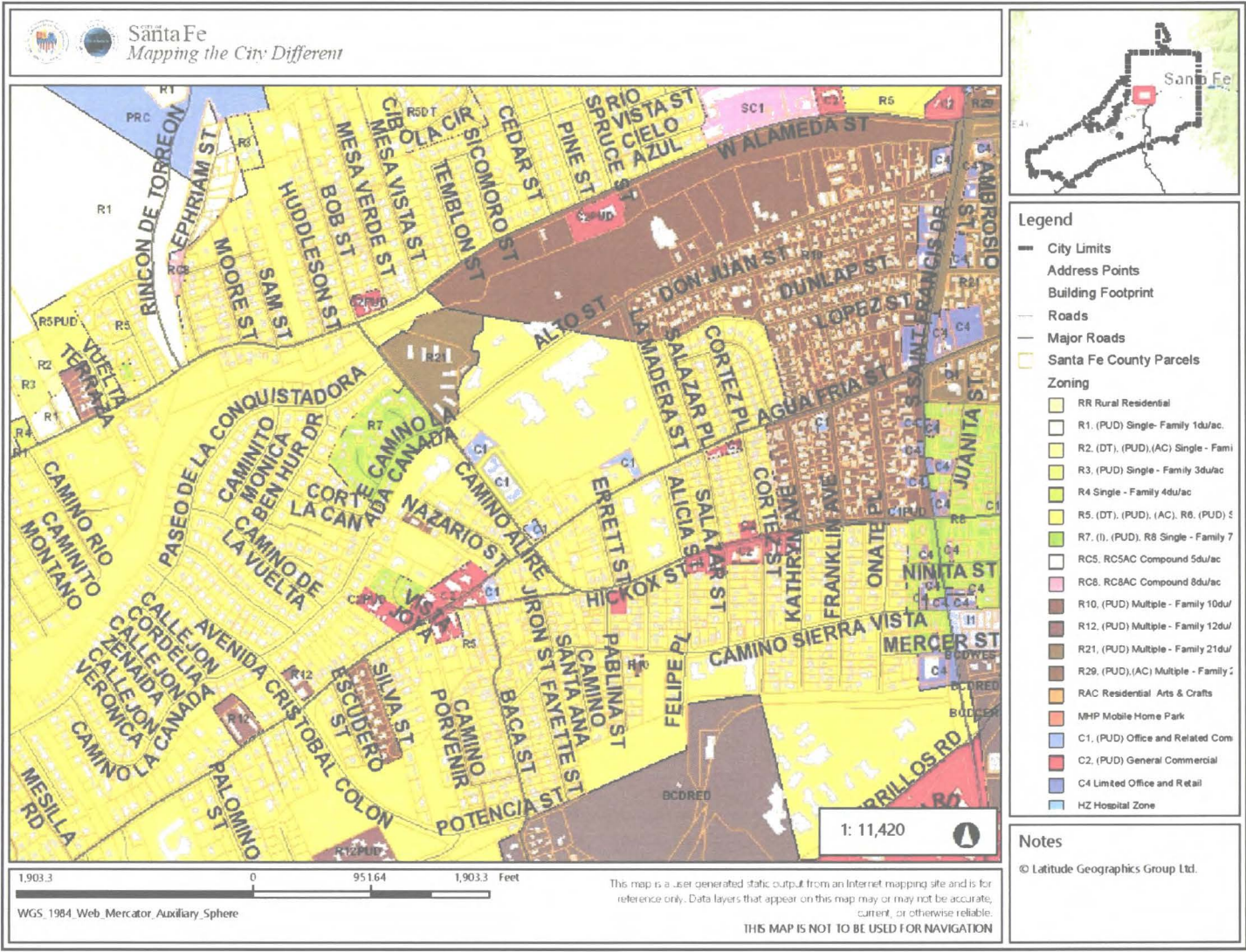


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

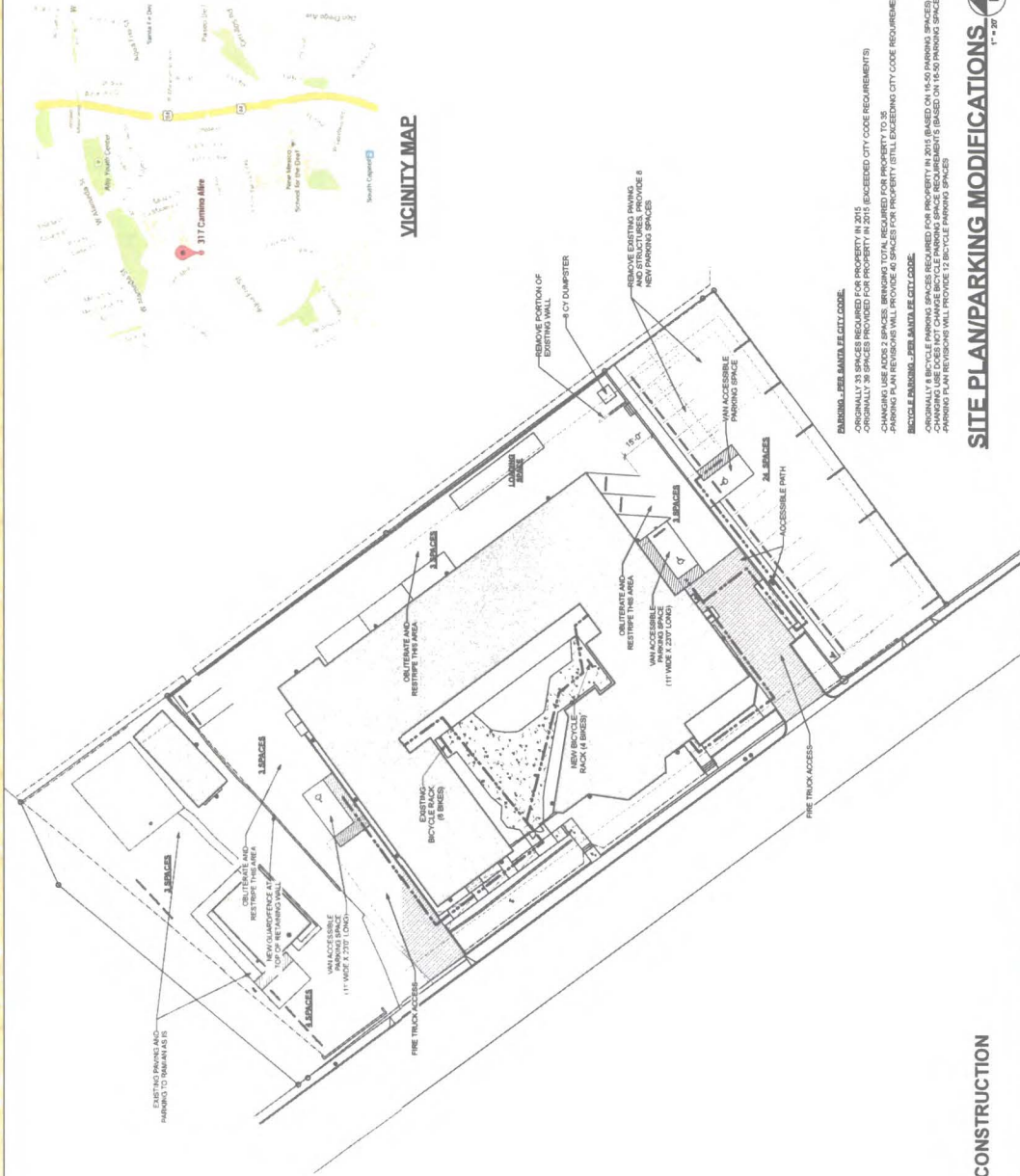
© Latitude Geographics Group Ltd.



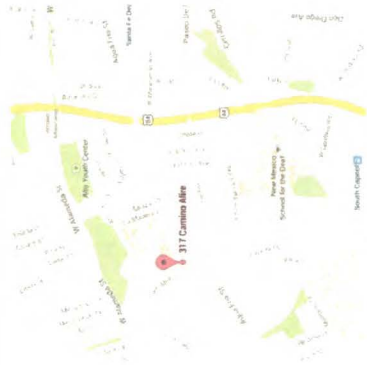
MARK L MORTIER - ARCHITECT LLC
 1936 CERROS COLORADOS, SANTA FE, NM 87501
 (505) 231-5989
 markmortier@gmail.com
 markmortierarchitect.com

HOT PIE KITCHEN REMODELING
313 CAMINO ALIREE
SANTA FE, NEW MEXICO

10/26/2020



VICINITY MAP



- PARKING PERMITS AND CITY CODE:**
- CHANGING USE ADDS 2 SPACES. BRINGING TOTAL REQUIRED FOR PROPERTY TO 35
 - ORIGINALY 30 SPACES PROVIDED FOR PROPERTY IN 2015 (BASED ON CITY CODE REQUIREMENTS)
 - CHANGING USE ADDS 2 SPACES. BRINGING TOTAL REQUIRED FOR PROPERTY TO 35
 - PARKING PLAN REVIEWERS WILL PROVIDE 40 SPACES FOR PROPERTY STILL EXCEEDING CITY CODE REQUIREMENTS
- BICYCLE PARKING PERMITS AND CITY CODE:**
- ORIGINALY 8 BICYCLE PARKING SPACES REQUIRED FOR PROPERTY IN 2015 (BASED ON 14:50 PARKING SPACES)
 - CHANGING USE DOES NOT CHANGE BICYCLE PARKING REQUIREMENTS (BASED ON 14:50 PARKING SPACES)
 - CHANGING USE DOES NOT CHANGE BICYCLE PARKING REQUIREMENTS (BASED ON 14:50 PARKING SPACES)
 - CHANGING USE DOES NOT CHANGE BICYCLE PARKING REQUIREMENTS (BASED ON 14:50 PARKING SPACES)

SITE PLAN/PARKING MODIFICATIONS

NOT FOR CONSTRUCTION

ENN GUIDELINES COMPLETED

- Effect on appearance of the neighborhood – using existing structure.
- Not historic site
- Mixed Use area – Payne’s Nursery
- Parking – 40 spaces and 12 bike racks – ADA compliant – on the property – will not affect neighbors – traffic one way pattern.
- Limited to clientele who are renting kitchen – not open to the public.
- Economic impact – creates jobs which support economic growth and stability for City.

ASSET TO THE NEIGHBORHOOD

- Promotes continued mixed use in the area.
- Mixed use can enhance the vitality and perceived security of an area – Informal Neighborhood Watch
- Add beauty through small aesthetic changes – landscaping
- Promote values of respect and inclusivity

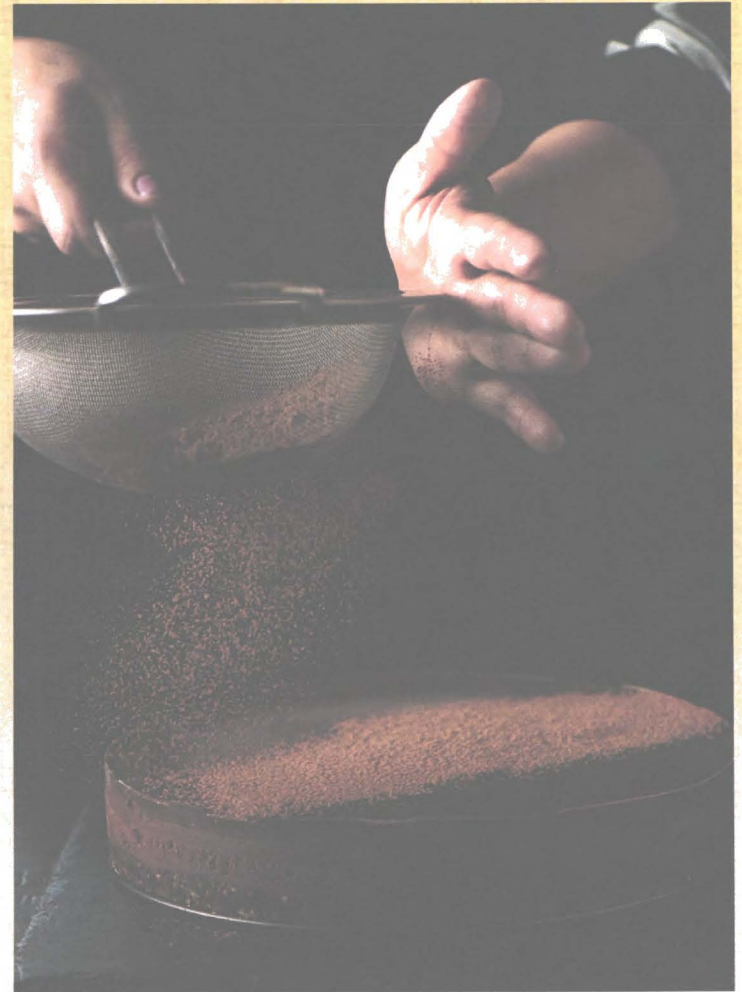
THANK YOU FOR YOUR
TIME AND SUPPORT!

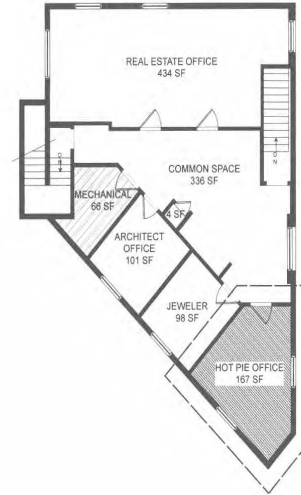
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Case Number: 2020-002895-PLBD

PROPOSED LEASING FLOOR PLAN

1/8" = 1'-0"



MODIFICATIONS TO BUILDING AND SITE
313 CAMINO ALIRE
SANTA FE, NM

12/20/2020

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