



# AGENDA

MEETING OF  
THE BOARD OF  
ADJUSTMENT  
JUNE 01, 2021 AT 6:00 PM  
ATTEND VIRTUALLY

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## 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 in excess of those permitted in the current Public Health Order, and the need to incorporate technology and practices to re-institute in-person meetings consistent with the limitations established by the Order, 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=UIhueHUwd2VLUG5JM1c4RURFZ1NKdz09> 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.



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JUNE 01, 2021 AT 6:00 PM  
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- 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 contact Noah Berke (505-490-5930, [nlberke@santafenm.gov](mailto: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. APPROVAL OF MINUTES:**

1. February 16, 2021

**E. APPROVAL OF FINDINGS/CONCLUSIONS**

**F. OLD BUSINESS**

**G. NEW BUSINESS**

1. **Case #2021-3516. Tract A-1, Emblem Road Aquaponics Special Use Permit.** Nate Downey, Agent, for Lettuce, Etc., LLC, Owner; Charles Gilcrease, Property Owner, requests approval of a special use permit for a greenhouse and commercial aquaponics operation greater than 750 square feet. The project is comprised of approximately 8,730 square feet of new development for a greenhouse, office, garage, fish room and packaging facility. The property is located on Emblem Road, west of Office Court Drive, and south of Wagon Road Self Storage and is zoned I-1 (Light Industrial). The property is also approximately 2.49 acres. (Donna Wynant, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325)



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- H. STAFF COMMUNICATIONS
- I. 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  
February 16, 2021

Item	Motion/Description	Page
Call to Order	Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 11:06 a.m. via virtual meeting	1
Roll Call	A quorum was established with roll call.	1
Pledge of Allegiance		1
Approval of the Agenda	Approved	1
Approval of the Minutes from January 19, 2021	Approved as amended	1
Approval of Findings/Conclusions Case #2020-2894 #3 Placita Rafaela Setback/Stepback Variance	Approved	2
Old Business	None	2
New Business	None	2
Staff Communications 1. Ethics and Open Government Training	Discussion Only	2-3
Matters from the Board	None	4
Adjourn	With all business conducted for the Board of Adjustment, the meeting was adjourned at 12:00 p.m.	4

Board of Adjustment  
Via Virtual Meeting  
Tuesday February 16, 2021

**A. CALL TO ORDER**

Gary Friedman, Chair of the Board of Adjustment called the meeting to order at 11:06 a.m. via virtual meeting due to the current health restrictions. A quorum was established with roll call.

**ROLL CALL**

**Present:**

Gary Friedman, Chair  
Rachel Winston, Vice Chair  
Coleen Dearing, Secretary  
Donna Reynolds  
Doug Maahs  
Daniel Painter  
Grant Alexander

**Absent:**

**Staff and Others Present:**

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

**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:** Secretary Dearing moved to approve the agenda as presented with a second from Member Reynolds.

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

**D. REVIEW AND APPROVAL OF MINUTES FROM January 19, 2021**

*Corrections/Changes:*

Page 5, second paragraph. The home was built in 1992 and the second story was built in 1970.

*Change to:*

The home was built in 1932 and the second story was added in 1973.

**MOTION:** Member Maahs moved to approve the minutes as amended, with a second from Member Painter.

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

Chair Friedman entered the meeting.

**E. APPROVAL OF FINDINGS/CONCLUSIONS**

1. Case #2020-2894 #3 Placita Rafaela Setback/Stepback Variance(s)

**MOTION:** Member Painter moved to approve the Findings of Facts and Conclusions of Law for Case #2020-2894 with a second from Chair Friedman.

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

**F. OLD BUSINESS**

None.

**G. NEW BUSINESS**

None.

**H. STAFF COMMUNICATIONS**

Ethics and Open Government Training (Sally Paez, City Attorney)

Ms. Paez explained part of her duties she has to train the Board on the City's Open Government and Ethics Training.

The training was presented as a slideshow presentation. The overview was given on Open Meetings Act (OMA) and Inspection of Public Records Act (IPRA) and Ethics.

The rules for an open meeting is that anytime there is a quorum, to discuss public business or take action by voting the meeting must be open and available for the public to make comment. Ms. Paez explained a rolling quorum and suggested members be aware of it.

Ms. Paez explained how they notify the public and present an agenda of the meetings they have. Minutes are required and do not need to be detailed as long as the date time, place and who was present and a record of how each member voted. There are exceptions for closed meetings. Ms. Paez explained OMA allows for meetings to be reconvened if there are complications or situations where they would like to continue with a meeting.

Ms. Paez explained remote attendance and the virtual attendance. The Attorney General provided guidance which all City Boards and Commissions follow.

Ms. Paez discussed the Inspection of Public Records Act (IPRA). Any documents in any format is kept as a record for the City. This statute has some exceptions. Emails and text messages can also be considered a public record.

Ms. Paez explained the City's IPRA procedure. If a board member gets a request there is a process as well. Ms. Paez explained the violations surrounding IPRA requests.

Ms. Paez discussed ethics and the City policy. Board members are not to decide on a case if they have a conflict of interest. Ms. Paez explained improper gifts.

Ms. Paez explained quasi-judicial acts which is what their cases are considered. The city code precludes the Board from inspecting the property sites. However, they can speak to City staff about cases.

Ms. Paez discussed disclosure and recusal for example if they get an email on a case. They should recuse themselves if they cannot be impartial. If they have an issue with the appearance of impropriety they can always discuss with her.

Ms. Paez explained they should always utilize Roberts Rule of Order for meetings to make decisions. They can put a motion on the floor and then debate. Each member can speak twice to ensure they are professional. Ms. Paez discussed secondary motions and time to end debate.

Ms. Paez explained voting and when the Chair is able to vote.

Member Alexander asked who they represent.

Ms. Paez explained how the members cannot speak as a private citizen at another Land Use Boards. If it is something else at another committee, they can speak on their own behalf with no City interest.

Ms. Winston asked how they can notify applicants if they wish to correct a decision. Ms. Paez explained they can make a motion or ask that it be placed on a future agenda.

Chair Friedman asked if it would be published and notified on an agenda.

Ms. Paez discussed point of order in meetings. They can always have Ms. Paez check her book.

Mr. Berke asked that Ms. Paez to brief the board on the media inquiries.

Ms. Paez explained a rule that the Chair can speak on behalf of the Board. There is a new Public Information Officer (PIO) at the City and she recommends they coordinate with staff and the PIO first.

Mr. Berke suggests they do not take media inquiries on a case before the Board makes a decision.

Secretary Dearing stated as a realtor they are required to take similar training however this training was more .

Secretary Dearing asked if Mr. Berke was going to send a contact sheet with terms listed. Mr. Berke was fine tuning it and will send it this afternoon.

**I. MATTERS FROM THE BOARD**

None.

**J. ADJOURN**

With all business conducted for the Board of Adjustment, the meeting was adjourned at 12:00 p.m.

**SIGNATURES**

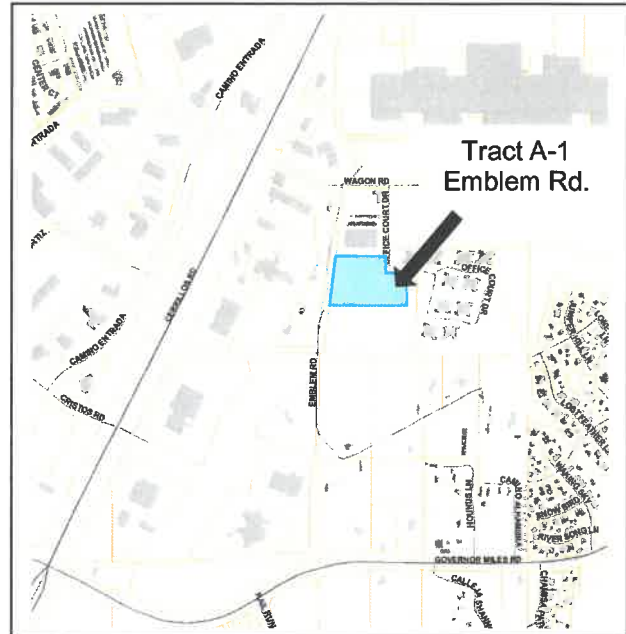
\_\_\_\_\_  
**Gary Friedman, CHAIR**

  
\_\_\_\_\_  
**Linda Vigil, Stenographer**



# Land Use Department Board of Adjustment Staff Report

Case No: 2021-3516  
Hearing Date: June 1, 2021  
Applicant: Nate Downey  
Request: Special Use Permit  
Location: 0 Emblem Road  
Case Mgr.: Donna Wynant, AICP  
Zoning: I-1 (Light Industrial)  
Overlay: None  
Pre-app Mtg: February 25, 2021  
ENN Mtg: April 8, 2021  
Proposal: Special Use Permit for approximately 8,730 sq. ft. greenhouse, etc. for a commercial aquaponics operation.



**Case #2021-3516. Tract A-1, Emblem Road, Special Use Permit.** Nate Downey, Agent, for Lettuce, Etc., LLC, Owner; Charles Gilcrease, Property Owner, requests approval of a special use permit for a greenhouse and commercial aquaponics operation greater than 750 square feet. The project is comprised of approximately 8,730 square feet of new development for a greenhouse, office, garage, fish room and packaging facility. The property is located on Emblem Road, west of Office Court Drive, and south of Wagon Road Self Storage facility, and is zoned I-1 (Light Industrial). (Donna Wynant, Case Manager, [djwynant@santafenm.gov](mailto: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 #2021-3516, subject to the technical corrections recommended by staff.
- Approve or deny the Findings of Fact and Conclusions of Law for Case #2021-3516 as shown in Exhibit A.

**II. CONDITIONS OF APPROVAL:**

There are no Conditions of Approval from the DRT. Staff recommends approval subject to the Technical Corrections. Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes to comply with technical corrections, and submit the corrected plat in Mylar. The “technical corrections” that must be made to the plat prior to recordation are found in Exhibit A.

**III. EXECUTIVE SUMMARY:**

Nate Downey, Agent, for Lettuce, Etc., LLC, Owner, is requesting a Special Use Permit for greenhouse and commercial aquaponics operation greater than 750 square feet. The property is located on Tract A-1 Emblem Road (which appears as “0” Emblem Road on the GIS map) and is zoned I-1 (Light Industrial). The Applicant proposes to create a greenhouse and commercial aquaponics operation comprised of approximately 8,730 square feet of new development for a greenhouse, office, garage, fish room and packaging facility. Subsection 14-6.2(H)(2) allows agricultural uses for commercial purposes and Subsection 14-6.2(H)(8) allows aquaponics as provided in Table 14-6.1-1 in the I-1 (Light Industrial) district subject to a Special Use Permit.

The proposed greenhouse and commercial aquaponics operation requiring a Special Use Permit meets all development standards and would not create or increase any non-conformities with Chapter 14. The proposed use of the property is compatible with the surrounding uses south of Wagon Road which are primarily zoned I-1 (Light Industrial) and C-2 (General Commercial). Surrounding land use is comprised of storage units, office development, a hotel, and various retail businesses fronting onto Cerrillos Road. Any residential uses in the area are located mostly south of the arroyo, and will not be negatively impacted by the proposed use on the subject property. The residential property directly across Emblem Road is visually screened and enclosed by a wall around the property.

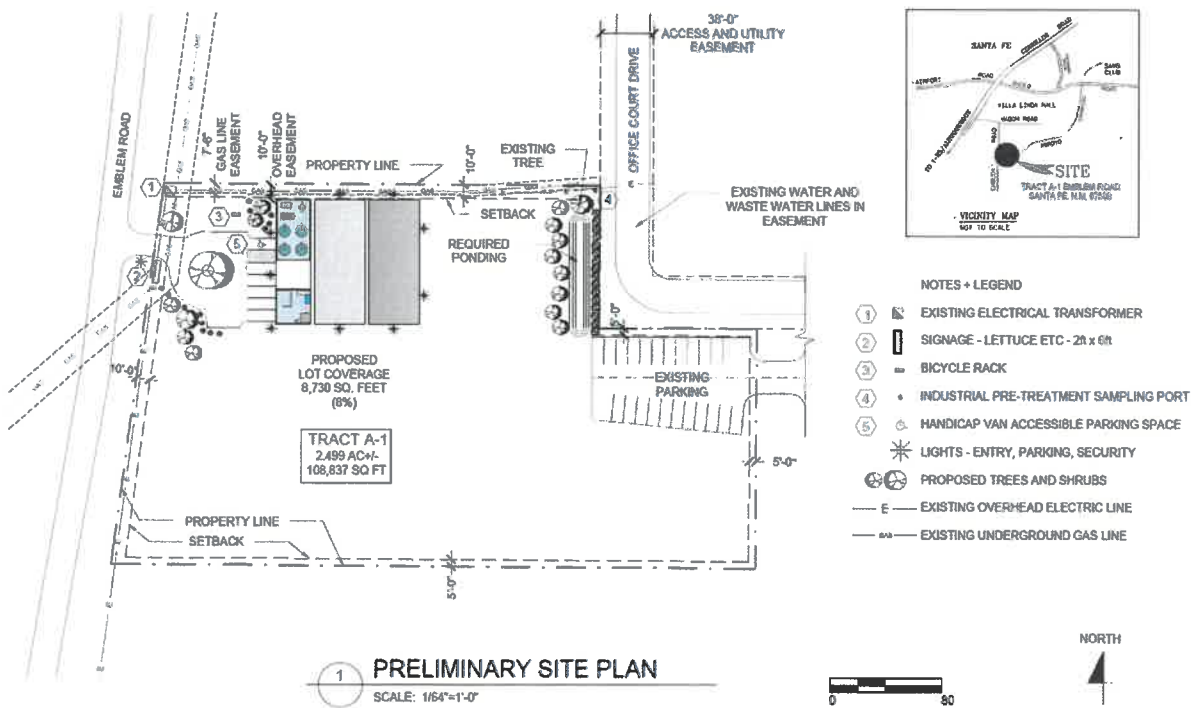
**IV. PROJECT DESCRIPTION AND ANALYSIS**

**Site and Use of Structure**

Currently the property is vacant and if approved for a special use permit, the Applicant proposes to develop the property in compliance with all applicable Chapter 14 regulations. Subsection 14-6.2(H)(8) states that aquaponics “operations must comply with applicable Federal and State regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms.”

**V. EXISTING CONDITIONS:**

Direction	Property Address	Zoning
North	2 Emblem Rd. (Santa Fe Mini U Storage, LLC)	I-1 (Light Industrial)
East	4001 Office Court Drive (an office business park)	I-1(PUD) (Light Industrial, Planned Unit Development)
South	0 Emblem Road (Vacant land between proposed development and the Arroyo Chamiso)	I-1 (Light Industrial)
West	11 Emblem Road (Single family home)	C-2(PUD) (General Commercial, Planned Unit Development)



## **VI. PROJECT ANALYSIS**

### **Traffic and Access**

Access to the project site will be via the northwest corner of the property at Emblem Road, a 50 foot wide private gravel road. A 28 foot radius turnaround will allow the required fire truck access and circulation to the five parking spaces and one van accessible parking space along with a bike rack to accommodate the three employees expected to run the facility, and any visitors. However, the Applicant explains in his letter of Application (see Exhibit E) that customers will not be invited to pick up their produce at the facility, which is a highly controlled facility in order to guard against any possible introduction of insects or disease. Very little traffic will be generated by the facility since the public will not come to the site. Produce will be delivered by the applicant's solar powered van to various locations throughout the community.

The Applicant has indicated that the existing 23 space gravel parking lot on the east side of the property, will remain leased to businesses in the Office Court business park for the foreseeable future. The parking lot is accessed via Office Court Drive, a 50 foot wide private hard surfaced road.

### **Water and Sewer**

The water and sewer lines in the area (see Exhibit C: City Utilities Map) will be extended to serve the site.

### **Landscape, Parking and Lighting Plan**

The Applicant states in his letter of Application:

*"The vast majority of the lot consists of two reasonably flat and gradually sloped areas. These two "levels" are almost entirely bifurcated by one steep change in elevation (that appears to be made by humans) running east-west. Riddled with multiple head-cuts, numerous rills, and significant gully erosion in several places, this steep slope certainly contributes to sediment loads in the nearby—but not neighboring—Arroyo Chamiso. Although dirt moving will occur prior to construction, it is highly unlikely that dirt from the site will be exported. Instead, cut and fill measures will be taken to bring the steep, eroding slope closer to the site's angle of repose.*

*Upon completion of the project, repair of the slope will include native plantings and seeding (sowing Plants of the Southwest's Dryland Blend, Sandy Soil Stabilizer, and High Plains Juniper Wildflower Mix with binder/tackifier), mulch, and water for establishing a stable, native groundcover.*

*Two forms of runoff caused by construction will be captured and directed to the roots of new plant material on site. Roof runoff will be directed to ponding associated with trees, shrubs, and vines along the east fence adjacent to Office Court Drive. Runoff from the driveway, parking spaces, etc. will be directed to ponding associated with plant material on the west side of the property which will be designed, primarily, to screen the facility from Emblem Road."*

### **Fire Department**

An existing fire hydrant is located to the east of the site, within the Office Court Drive right-of-way. However, the applicant has indicated that he may have a hydrant installed at the northwest corner of the subject property where a water line crosses Emblem Road, prior to construction permit application.

**VII. 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 The following documents the status of the approval criterial:

**Status of Approval Criteria for a Special Use Permits**

<b>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;</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
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.	

<b>Criterion 2: that granting the special use permit and approving the plan will not adversely affect the public interest; and</b>	<b>Criterion Met:</b> (Yes/No/N/A) <b>YES</b>
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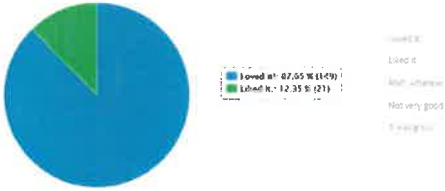
**Applicant’s Response:**

*“Granting a special use permit will not adversely affect the public interest, and the proposed facility is not only in keeping with its immediate neighbor to the north, a storage facility, but it will also even have less of an impact than that structure. Lettuce’s buildings will be shorter, narrower, and have greater setbacks, and without the need for large retaining walls, Lettuce will be an improvement by:*

1. *Cleaning the property of debris and removing signs of homelessness (blankets, tarps, and furniture) and substance abuse (empty and broken alcohol bottles),*
2. *Reversing the lot’s current erosive state,*
3. *Improving neighborhood views with diverse native and/or appropriate plant material,*
4. *Working with the Santa Fe Community College to provide internships for students,*
5. *Growing a healthy form or nourishment for the local population,*
6. *Growing a healthy form or nourishment with relatively low water usage,*
7. *Growing a healthy form of nourishment with unmatched flavor,*

**Unmatched Flavor**

After eating it, what do you and your household think of its flavor?



Response	Percentage	Count
Liked it	87.55%	1149
Liked it	12.35%	21
Disliked		
Not interested		
Not very good		
No answer		

*This data comes from a 2020 market-research study via Santa Fe Community College and 225 households*

8. *Working with local nonprofits to get significant quantities of produce to hungry people living nearby,*
9. *Proving the concept of a farm-to-home delivery model that will keep money local rather than sending it to Wall Street and the owners of stock in Albertsons, Smiths, Whole Foods, etc.*

10. Promoting Santa Fe as a hub of “green” creativity that it is. After Lettuce is successful here, it intends to build similar facilities in the mountain-west region and beyond.
11. Preventing a less desirable project to be built on the empty lot,
12. Generating no significant wastes,
13. Using very little water to produce high-quality food,
14. Building neighborhood connections with its neighbor-to-neighbor marketing plan,
15. Discouraging visitors to come to the farm (and delivering to them instead),
16. Contributing to the local economy and its diversification by performing “import replacement” as per the goals of the city’s Economic Development Department,
17. Increasing security in the vicinity with security cameras at the Emblem Road entrance and appropriate security fencing,
18. Conforming to the goals of the city’s **General Plan (1999)** and to the findings of the **Land Use and Urban Design Plan (2017)**, and
19. Providing the city with an example of an agricultural use that includes a greenhouse and aquaponics, so that with less effort the city’s land use code can be amended to permit projects like this without a special use permit. When everything from a sex shop to on-site propane sales can skip this step, but a lettuce-growing operation must spend additional time, effort, and money, then change should be made with alacrity. Why? There is a real need for and serious public sentiment behind improving our level of food security in Santa Fe and New Mexico.

**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 in accordance with Subsection 14-6.2(H) “Agricultural Uses”. The proposed special use permit complies with minimum standards of Chapter 14 SFCC and would not adversely affect the public interest.

**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.**

**Criterion Met:**  
(Yes/No/N/A)  
**YES**

**Applicant’s Response:**

(See response above which includes how the use and the associated buildings are compatible with other abutting and surrounding properties.)

**Staff Response:**

Staff concurs with Applicant’s response. The proposed use of the property at Tract A-1 Emblem Road as a greenhouse and commercial aquaponics operation is compatible with and adaptable to the adjacent Wagon Road Self Storage facility to the north, the office business park to the east, the three residential properties across Emblem Road to the west and the vacant industrially zoned land to the south.

**VIII. EARLY NEIGHBORHOOD NOTIFICATION**

An ENN was held for the Special Use Permit April 8, 2021. The one neighbor in attendance who lived at the end of Emblem Road was in support of the proposal.

## **IX. EXPIRATION**

Special Use Permits may expire as per Subsections 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 June 1, 2024.

## **X. ABANDONMENT**

Agricultural uses allowed under a special use permit have abandonment of use provisions per Subsection 14-6.2(H)(15): "If an agricultural use ceases for any reason for three hundred sixty-five (365) consecutive days without the prior written approval of the land use director, the use shall be deemed to be abandoned." This provision is mentioned here as it applies to agricultural uses, although more likely would apply to land and farm structures that are abandoned that must be returned to their original state rather than an indoor farm operation in an existing tenant space.

## **ATTACHMENTS:**

### **EXHIBIT A:**

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law

### **EXHIBIT B: Development Review Team Memoranda**

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

### **EXHIBIT C: Maps and Photos**

1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Street View Photos & Bird's Eye View

### **EXHIBIT D: Early Neighborhood Notification**

1. Guidelines & Request for Staff Attendance
2. Meeting Notes 4/8/2021

### **EXHIBIT E: Applicant Materials**

1. Application Submittals
2. Legal Lot of Record

**APPROVED BY:**

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

# City of Santa Fe, New Mexico

## Board of Adjustment

### Exhibit A

Technical Corrections  
&

Draft Findings of Fact/Conclusions of Law

# Technical Corrections

## Tract A-1 Emblem Road

### Special Use Permit

#### DRT Comments

#### Dept. or Division

1	Plans must comply with the 14-8.2 Terrain and Stormwater Management section of the City Code.	Technical Review Division: Dee Beingessner
2	A financial guarantee for quasi-public infrastructure may be required prior to permitting.	Technical Review Division: Dee Beingessner
3	Drainage Maintenance Facilities Note shall be placed on the Development Plan or construction plans	Technical Review Division: Dee Beingessner
4	Dust Control Note Shall be placed on the Development Plan or construction plans (see attached)	Technical Review Division: Dee Beingessner
5	Gunnison's Prairie dog note shall be placed on the Development Plan or construction plans (see attached)	Technical Review Division: Dee Beingessner
6	Include Pond Measuring device in proposed pond (example included below)	Technical Review Division: Dee Beingessner
7	This Development shall comply with the most current requirements of the American with Disabilities Act (ADA). Place a note on the Plan to reflect this condition	Technical Review Division: Dee Beingessner
8	Other comments will be provided on these plans at the time of the building permit and changes may be required during permitting process	Technical Review Division: Dee Beingessner
9	See attached memo from Dee Beingessner for additional detailed comments regarding: <ul style="list-style-type: none"> <li>• Drainage Facilities Maintenance Note</li> <li>• Gunnison's Prairie Dog Note</li> <li>• Dust Control Note</li> </ul>	Technical Review Division: Dee Beingessner
10	Sanitary sewer is available to serve this property. The Wastewater Division has no objection to approval of the special use permit.	Public Utilities/Wastewater: Stan Holland
11	I don't have any comments on this case (2021-3516).	River and Watershed Project Administrator, Zoe Isaacson
12	Water harvesting plan is required.	Landscape Review: Lawrence Rivera
13	Provide a professional landscape plan with details and planting list.	Landscape Review: Lawrence Rivera
14	Provide a professional landscape irrigation plan with details.	Landscape Review: Lawrence Rivera

# Technical Corrections

## Tract A-1 Emblem Road

### Special Use Permit

DRT Comments	Dept. or Division	
15	Provide an outdoor lighting plan with photometric data per 14-8.9(C) COSF code.	Landscape Review: Lawrence Rivera
16	The facility needs trash service or possibly an organics program? I didn't see any designated area for dumpster collection.	Solid Waste: Eric Lucero
17	The type of water use will be under Commercial Plant nursery and will need to cover 0.56 AFY per 10,000 sq. ft. (\$9,296 + 9.8% Contingency) of water offsets for this site.	Water Division: Patricio Pacheco
18	I have no comments for this case.	Traffic Division Javier Rosado
19	<ul style="list-style-type: none"> <li>• 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)</li> <li>• 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)</li> <li>• Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.</li> <li>• Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2015 section 503.1.1 )</li> <li>• 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.</li> <li>• 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.</li> <li>• Shall have water supply that meets fire flow requirements</li> <li>• as per IFC (Appendix B)</li> <li>• Shall comply with Section D102.1 Access and Loading (75,000 lbs.)</li> <li>• 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)</li> <li>• Shall comply with IFC 2015 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.</li> <li>• Shall comply with IFC 2015 Section D103.5 Fire apparatus access road gates.</li> <li>• Shall comply with IFC 2015, Appendix D, Aerial Fire</li> </ul>	Fire Prevention: Geronimo Griego

# Technical Corrections

## Tract A-1 Emblem Road

### Special Use Permit

#### DRT Comments

#### Dept. or Division

	DRT Comments	Dept. or Division
	<p>Apparatus Access Roads.</p> <ul style="list-style-type: none"><li>• Shall comply with Section D106 Multiple-Family Residential Developments.</li><li>• Shall meet the IFC code requirements 2015 edition or the most current edition the governing body has adopted at the time of permitting.</li></ul>	
20	Must comply with applicable Federal and State regulations for water use and discharge, and for the possession, propagation, culture, sale and disposition of living marine organisms, per 14-	Land Use Dept: Donna Wynant

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

**Case #2021-3516**

Tract A-1, Emblem Road Special Use Permit

**Applicant's Name** – Lettuce, Etc., LLC

**Agent's Name** – Nate Downey

THIS MATTER came before the Board of Adjustment (Board) for hearing on June 1, 2021, upon the application (Application) of Nate Downey for Lettuce, Etc., LLC, owner (Applicant). The Applicant seeks a special use permit to allow an Aquaponics operation greater than 750 square feet (Project). The Project is comprised of approximately 8,730 square feet of new development for a greenhouse, office, garage, fish room, and packaging facility. The property is located at Tract A-1 Emblem Road, west of Office Court Drive, and south of Wagon Road Self Storage facility, and is zoned I-1 (Light Industrial).

After conducting a public hearing and having heard from staff and all interested persons, the Commission 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 Section 14-6 (Permitted Uses) and in accordance with applicable provisions of Chapter 14.
3. Under SFCC Table 14-6.1-1, an aquaponics farm greater than 750 square feet is a permitted use in an I-1 district with 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. An ENN meeting was held on April 8, 2021 by way of a Zoom virtual format.
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 and City staff; there was one member of the public in attendance who raised questions regarding the Aquaponics farm, what would be grown, and how and to whom it would be distributed.

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 of approval 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. SFCC Section 14-3.6(D)(1) sets out certain findings that the Board must make to grant a special use permit.
13. 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 an aquaponics farm over 750 square feet in the I-1 district.
14. Pursuant to SFCC Section 14-3.6(D)(1)(b), the Board finds that granting a special use permit for an aquaponics farm will not adversely affect the public interest.
15. Pursuant to SFCC Section 14-3.6(D)(1)(c), the Board finds that the Project is compatible with and adaptable to the other properties in the vicinity. The proposed aquaponics farm is located immediately next to the Wagon Road Storage, the Office Court business park, and across from a single family home. The proposed use of the project site is compatible with the surrounding uses.
16. 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.
17. The Board finds that the conditions of approval 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.
18. The Applicant has agreed to comply with the 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 special use permit requested for the Project.
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 of approval and technical corrections set forth in the Staff Report and exhibits.

**WHEREFORE, IT IS ORDERED ON THE 1ST DAY OF JUNE 2021 BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE:**

1. The Application for a special use permit is approved, subject to the 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:

\_\_\_\_\_  
Kristine Bustos-Milhelcic  
City Clerk

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Sally A. Paez  
Assistant City Attorney

\_\_\_\_\_  
Date:

# City of Santa Fe, New Mexico

## Board of Adjustment

### Exhibit B

#### DRT Memos

1. Wastewater Division Memorandum, Stan Holland, P.E.
2. Water Engineering Division email, Patricio Pacheco
3. Landscape Memorandum, Lawrence Rivera
4. Technical Review email, Dee Beingessner
5. Fire Dept. Memorandum, Geronimo Griego
6. Solid Waste email, Eric Lucero
7. Traffic Engineering email, Javier Rosado
8. River and Watershed, Zoe Isaacson

**From:** HOLLAND, TOWNSEND S. <tsholland@santafenm.gov>  
**Sent:** Monday, May 10, 2021 3:57 PM  
**To:** WYNANT, DONNA J. <djwynant@santafenm.gov>  
**Subject:** Case 2021-3516

Donna

Sanitary sewer is available to serve this property. The Wastewater Division has no objection to approval of the special use permit

1. **Case #2021-3516. Tract A-1, Emblem Road Aquaponics Special Use Permit.** Nate Downey, Agent, for Lettuce, Etc., LLC, Owner; Charles Gilcrease, Property Owner, requests approval of a special use permit for a greenhouse and commercial aquaponics operation greater than 750 square feet. The project is comprised of approximately 8,730 square feet of new development for a greenhouse, office, garage, fish room and packaging facility. The property is located on Emblem Road, west of Office Court Drive, and south of Wagon Road Self Storage and is zoned I-1 (Light Industrial). The property is also approximately 2.49 acres. (Donna Wynant, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325) [\\file-svr-1\Public\\$\Land Use Department\2021-3516 0 Emblem Road SUP](#)

T. Stanley Holland, P.E.  
Wastewater Management Division  
73 Paseo Real  
Santa Fe, NM 87507  
505-955-4637  
[tsholland@santafenm.gov](mailto:tsholland@santafenm.gov)

---

**From:** PACHECO, PATRICIO M. <[pmpacheco@santafenm.gov](mailto:pmpacheco@santafenm.gov)>  
**Sent:** Monday, May 10, 2021 4:31 PM  
**To:** WYNANT, DONNA J. <[djwynant@santafenm.gov](mailto:djwynant@santafenm.gov)>;  
**Subject:** Re: DRT final comments

Good Afternoon, below are my comments for this site:

**Case #2021-3516. Tract A-1, Emblem Road Aquaponics Special Use Permit.**

The type of water use will be under Commercial Plant nursery and will need to cover 0.56 AFY per 10,000 sqft (\$9,296 + 9.8% Contingency) of water offsets for this site.

Thanks,

Patricio Pacheco  
Water Resources & Conservation  
City of Santa Fe - Water Division  
(505) 955-4221  
[pmpacheco@santafenm.gov](mailto:pmpacheco@santafenm.gov)



1.

# Development Review Team

## Comment Form

Date: 5/10/2021

Staff person: Lawrence Rivera

Dept/Div: Land Use/Terrain Management – Landscape/Irrigation Review

Case: Case #2021-3516. Tract A-1, Emblem Road Aquaponics Special Use Permit.

Case Mgr: Donna J. Wynant



---

Review by this division/department of the **3/18/2020 plan set** has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:

Must be completed by:

Conditions of Approval:	Must be completed by:

Technical Corrections\*:

Must be completed by:

Technical Corrections*:	Must be completed by:
1. Water harvesting plan is required.	Prior to permit review
2. Provide a professional landscape plan with details and planting list.	Prior to permit review
3. Provide a professional landscape irrigation plan with details.	Prior to permit review
4. Provide an outdoor lighting plan with photometric data per 14-8.9(C) COSF code.	Prior to permit review
5.	
6.	
7.	
8.	
9.	
10	

\*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: 4/6/21  
 Staff person: Dee Beingessner  
 Dept/Div: Land Use/Terrain Management  
 Case: **Case #2021-3339. 1189 Parkway Drive Admin Dev Plan Amendment**  
 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 Plans must comply with the 14-8.2 Terrain and Stormwater Management section of the City Code.	Prior to permits issued for additional impervious surface
2 A financial guarantee for quasi-public infrastructure may be required prior to permitting.	Prior to permitting

Technical Corrections*:	Must be completed by:
1 Drainage Maintenance Facilities Note shall be placed on the Development Plan or construction plans	Prior to recordation or permitting
1 Dust Control Note Shall be placed on the Development Plan or construction plans (see attached)	Prior to recordation or permitting
2 Gunnison's Prairie dog note shall be placed on the Development Plan or construction plans (see attached)	Prior to recordation or permitting
4 Include Pond Measuring device in proposed pond (example included below)	Prior to permitting
3 This Development shall comply with the most current requirements of the American with Disabilities Act (ADA). Place a note on the Plan to reflect this condition	Prior to permitting
4 Other comments will be provided on these plans at the time of the building permit and changes may be required during permitting process	Prior to permitting

\*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): (see following pages for notes required)

## **DRAINAGE FACILITIES MAINTENANCE NOTE**

ALL DRAINAGE FACILITIES SHALL BE MAINTAINED BY ALL PROPERTY OWNERS. THE PROPERTY OWNERS SHALL ALSO HAVE THE RESPONSIBILITY FOR MAINTENANCE OF THE PUBLIC DRAINAGE EASEMENT AS PER ARTICLE 14-8.2(K) OF THE SANTA FE CITY CODE.

INSPECTIONS SHALL BE CONDUCTED BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO OR OTHER QUALIFIED PERSON. INSPECTIONS SHALL BE CONDUCTED ON THE DRAINAGE FACILITIES IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

ON OR ABOUT MARCH 15, ON OR ABOUT SEPTEMBER 15, AND AFTER EACH STORM EVENT OF 1-INCH OR GREATER. MAINTENANCE OF THE DRAINAGE FACILITIES SHALL BE CONDUCTED AND DOCUMENTED BY THE ENGINEER AND THE OWNER. THE OWNER SHALL MAINTAIN A FILE OF THE INSPECTIONS AND REMEDIAL ACTION CONDUCTED ON THE DRAINAGE FACILITIES.

WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE ENGINEER'S RECOMMENDATIONS, AND SHALL INCLUDE, BUT IS NOT LIMITED TO THE FOLLOWING:

A. FLUSH ALL CULVERTS, DROP INLETS AND DRAINAGE PIPES TO REMOVE SEDIMENT AND VEGETATION THAT PREVENTS OR HINDERS THE FLOW OF STORM WATER IN THE DRAINAGE STRUCTURE(S).

B. REMOVE SEDIMENT IN PONDS THAT IS GREATER THAN 6-INCHES IN DEPTH, AND IF NECESSARY, RESEED WITH NATIVE GRASSES AND INSTALL FILTER FABRIC AND 3 TO 4 INCH COBBLE AS DIRECTED BY THE ENGINEER.

C. INSPECT FOR SEDIMENTATION IN ALL SWALES, DITCHES, DRAINAGE PONDS AND REMOVE AND STABILIZE AS NECESSARY.

D. INSPECT FOR SOIL EROSION AT ALL DRAINAGE PONDS, CUT AND FILL SLOPES, AND REPAIR OR STABILIZE ACCORDINGLY.

E. INSPECT THE STRUCTURAL INTEGRITY OF DRAINAGE PONDS, SLOPES, RIP-RAP, GABIONS, DROP INLETS, CULVERTS, ENERGY DISSIPATORS, AND RETAINING WALLS, ROCK PLATING, EROSION CONTROL MATS OR BLANKETS, AND REPAIR OR STABILIZE ACCORDINGLY.

F. ALL BASINS/PONDS SHALL DRAIN WITHIN 24 HOURS OF A STORM EVENT AS PER ARTICLE 14-8.2(D)(4)(c)(ii).

## **GUNNISON'S PRAIRIE DOG NOTE**

THE PROJECT SHALL COMPLY WITH THE PROVISIONS OF THE GUNNISON'S PRAIRIE DOG ORDINANCE (ARTICLE 14-8.12).

## **DUST CONTROL NOTE**

All on-site soil disturbing construction activities shall be addressed and provide measures to mitigate or control dust from being transported offsite and polluting neighboring properties.

Any person, owner, contractor or operator who conducts earthmoving and/or dust generating activities is responsible for implementing Best Management Practices (BMPs) in order to mitigate off-property transport of fugitive dust emissions.

A plan, or storm water prevention plan (SWPPP) when applicable, listing the Best Management Practices (BMPs), shall be provided to the City Engineer, or their designee for review and approval. The approved BMPs shall be applied to the graded and/or disturbed soil in order to stabilize the site.

The initial BMP shall address how the Contractor will minimize the amount of disturbed soil, and how the Contractor will stabilize the disturbed surface area exposed to wind or vehicle traffic during construction.

Some BMPs shall include:

- The reduction of vehicle speeds: establish a maximum speed limit or install traffic calming devices to reduce speeds to a rate to mitigate off-property transport of dust entrained by vehicles.
- The minimization of drop height: Drivers and operators shall unload truck beds and loader or excavator buckets slowly, and minimize drop height of materials to the lowest height possible, including screening operations.
- High winds restriction: temporarily halt work activities during high wind events greater than 30 mph if operations would result in off-property transport.
- Restrict access: restrict access to the work area to only authorized vehicles and personnel.

In the event the above practices are ineffective to prevent off property transport, the owner or operator shall use at one or more of the following Best Management Practices (BMPs):

- Wet suppression: apply water to disturbed soil surfaces, backfill materials, screenings, and other dust generating operations as necessary and appropriate considering current weather conditions, and prevent water used for dust control from entering any public right-of-way, storm water drainage facility, or watercourse.
- Wind barrier: construct a fence or other type of wind barrier to prevent wind erosion of the graded or disturbed surface.
- Vegetation: plant vegetation appropriate for retaining soils or creating a wind break.
- Surface roughening: stabilize an active construction area during periods of inactivity or when vegetation cannot be immediately established.
- Cover: install cover materials such as tackifiers, erosion control blankets, gravel, vegetation (when appropriate), cold-millings, etc. during periods of inactivity and properly anchor the cover.
- Soil retention: stabilize disturbed or exposed soil surface areas that will be inactive for more than 30 days or while vegetation is being established.

## **ENGINEER'S STORMWATER INFRASTRUCTURE CERTIFICATION**

I, the undersigned professional engineer in the State of New Mexico, do hereby certify that the record information shown hereon is based on actual field measurements and visual inspections performed by myself or under my direct supervision. I further certify that the record condition as of \_\_\_\_\_ is in substantial compliance with the approved grading and drainage plan prepared by \_\_\_\_\_, dated \_\_\_\_\_.

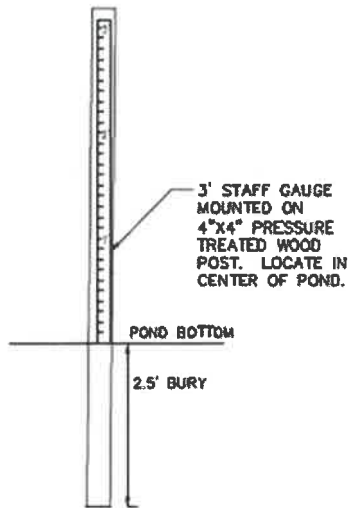
---

Signature

NMPE # \_\_\_\_\_

Date

**Example for pond measurement post**



**POST & STAFF GAUGE**  
NTS

# Development Review Team

## Comment Form

Date: 5/25/21

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: **2021-3516. Tract A-1 Emblem Road, 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:  
by:

Must be completed

	Prior to Construction Permit Application
--	--

Technical Corrections\*:

Must be completed by:

<ol style="list-style-type: none"><li>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)</li><li>2. 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)</li><li>3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.</li><li>4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2015 section 503.1.1 )</li><li>5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.</li><li>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.</li><li>7. Shall have water supply that meets fire flow requirements</li><li>8. as per IFC (Appendix B)</li></ol>	At the time of any new construction or remodel.
--	---

- |   |  |
|---|--|
| <ol style="list-style-type: none"><li>9. Shall comply with Section D102.1 Access and Loading (75,000 lbs.)</li><li>10. 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)</li><li>11. Shall comply with IFC 2015 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.</li><li>12. Shall comply with IFC 2015 Section D103.5 Fire apparatus access road gates.</li><li>13. Shall comply with IFC 2015, Appendix D, Aerial Fire Apparatus Access Roads.</li><li>14. Shall comply with Section D106 Multiple-Family Residential Developments.</li><li>15. Shall meet the IFC code requirements 2015 edition or the most current edition the governing body has adopted at the time of permitting.</li></ol> |  |
|---|--|

\*Must made prior to recording and/or permit issuance

**From:** LUCERO, ERIC J. <ejlucero@santafenm.gov>  
**Sent:** Monday, May 10, 2021 4:41 PM  
**To:** WYNANT, DONNA J. <djwynant@santafenm.gov>  
**Subject:** RE: DRT final comments

Good afternoon Donna,

The only comments I have is would the facility need trash service or possibly an organics program? I didn't see any designated area for dumpster collection.

Thanks,

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

---

**From:** ROSADO, JAVIER H. <jhrosado@santafenm.gov>  
**Sent:** Monday, May 10, 2021 4:53 PM  
**To:** WYNANT, DONNA J. <djwynant@santafenm.gov>  
**Subject:** RE: Task Request: DRT final comments

Good afternoon Geraldine,

I don't have any comments on this case (2021-3516).

Thanks

Javier Rosado  
City of Santa Fe  
Public Works  
Engineering Division Director  
[Jhrosado@santafenm.gov](mailto:Jhrosado@santafenm.gov)  
Office - 505-955-6638  
Mobile – 787-459-7659

**From:** ISAACSON, ZOE R. <zrisaacson@santafenm.gov>  
**Sent:** Monday, May 10, 2021 4:47 PM  
**To:** GURULE, GERALDINE A. <gagurule@santafenm.gov>  
**Cc:** BERKE, NOAH L. <nberke@santafenm.gov>; WYNANT, DONNA J. <djwynant@santafenm.gov>  
**Subject:** Re: DRT final comments

Hi Geraldine,  
I have no comments for this case.  
Thanks, Zoe

**Zoe Isaacson**  
**River and Watershed Project Administrator**  
**office: 505.955.6853**  
**mobile: 505.204.6985**

# City of Santa Fe, New Mexico

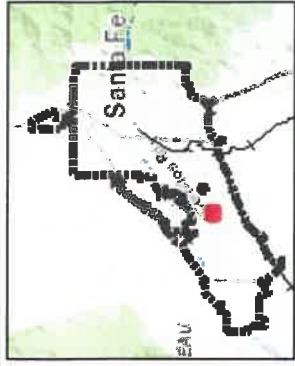
## Board of Adjustment

### Exhibit C

#### Maps and Photos

1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Street View Photos and Bird's Eye Views

# Tract A-1, Emblem Road- Future Land Use Map



**Legend**

- City Limits
- Address Points
- Building Footprint
- Roads
- Major Roads
- Santa Fe County Parcels
- 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

**Notes**

© Latitude Geographics Group Ltd.

752.3 0 376.17 752.3 Feet

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.

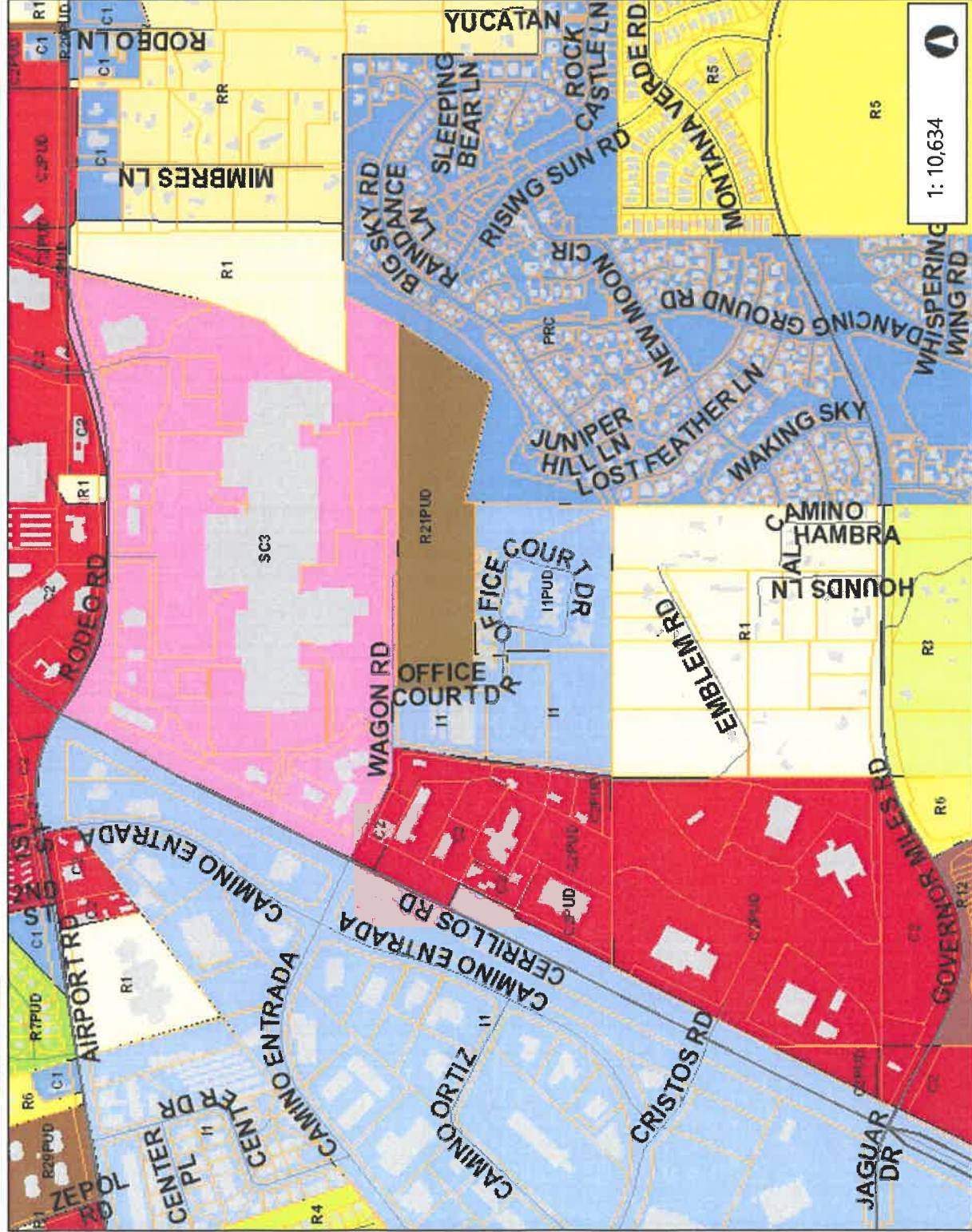
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere



**Santa Fe**  
Mapping the City Different

Tract A-1, Emblem Road- Zoning Map



Scale: 1:10,634



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**



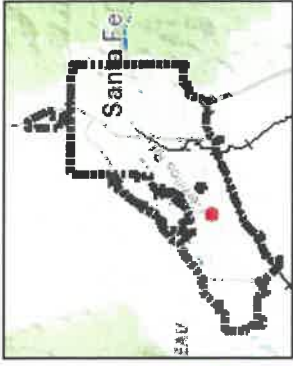
Legend	
	City Limits
	Address Points
	Building Footprint
	Roads
	Major Roads
	Santa Fe County Parcels
Zoning	
	RR Rural Residential
	R1, (PUD) Single - Family 1du/ac
	R2, (DT), (PUD),(AC) Single - Famili
	R3, (PUD) Single - Family 3du/ac
	R4 Single - Family 4du/ac
	R5, (DT), (PUD), (AC), R6, (PUD) S
	R7, (I), (PUD), R8 Single - Family 7
	RC5, RC5AC Compound 5du/ac
	RC8, RC8AC Compound 8du/ac
	R10, (PUD) Multiple - Family 10du/ac
	R12, (PUD) Multiple - Family 12du/ac
	R21, (PUD) Multiple - Family 21du/ac
	R29, (PUD),(AC) Multiple - Family 2
	RAC Residential Arts & Crafts
	MHP Mobile Home Park
	C1, (PUD) Office and Related Com
	C2, (PUD) General Commercial
	C4 Limited Office and Retail
	HZ Hospital Zone

**Notes**  
© Latitude Geographics Group Ltd.



Mapping the City Different

City Utilities Map



1:2,257

376.2 Feet

188.08

0

376.2

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere

Legend

- City Limits
- Address Points
- Roads
- Major Roads
- Santa Fe County Parcels
- Santa Fe River
- Fire Hydrants
- Water Pipe Distribution
- Santa Fe Reservoirs
- Santa Fe Municipal Water She
- Wastewater Manholes
- Private Sewer Pipes
- Low Pressure System
- Trunk Lines
- Wastewater Collection Pipe
- Rail Road

Notes

© Latitude Geographics Group Ltd.

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

## Street Views and Bird's Eye of Site



*Figure 1: Bird's Eye View looking from south to the north towards the subject site.*



*Figure 2: View looking SE towards property from Emblem Road.*

# Street Views and Bird's Eye of Site



Figure 3: View looking SW towards property from Office Court Drive



Figure 4: View of existing parking lot on the east portion of the subject site, accessed from Office Court Drive.

# City of Santa Fe, New Mexico

## Board of Adjustment

### Exhibit D

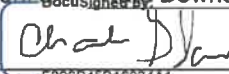
#### **Early Neighborhood Notification Materials**

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



**Request for Staff Attendance**

**EARLY NEIGHBORHOOD  
NOTIFICATION MEETING**

Project Information	
Project Name:	<u>Lettuce, Etc</u>
Address:	<u>0 Emblem Road, Santa Fe, NM, 87507</u> Parcel Size: <u>2.49 acres</u>
Zoning:	<u>Industrial (I1)</u> Future Land Use: <u>Food-Growing Greenhouse</u>
Preapplication Conference Date:	<u>February, 25, 2021</u>
Detailed Project Description:	<b>A 9,000 sq ft indoor aquaponics farm and greenhouse that will grow lettuce, cooking greens, basil, chives, mint, and other produce as well as whole tilapia for the people of Santa Fe—especially nearby residents. If successful, additional structures with similar features would be built (producing more of the same type of healthy food).</b>
Property Owner Information	
Name:	<u>Charles Gilcrease, President, GIL-MEN Investments</u>
Address:	<u>PO Box 4584, Santa Fe, NM, 87502</u>
Phone:	<u>505.470.2775</u> E-mail Address: <u>cmgilcrease@gmail.com</u>
Applicant/Agent Information (if different from owner):	
Name:	<u>Nate Downey</u>
Address:	<u>1000 Cordova Place, #458, Santa Fe, NM, 87505</u>
Phone:	<u>505.690.7939</u> E-mail Address: <u>nathanadamsdowney@gmail.com</u>
Agent Authorization (if applicable):	
I am/We are the owner(s) and record title holder(s) of the property located at: <u>0 Emblem Road</u>	
I/We authorize <u>Nate Downey</u> to act as my/our agent to execute this application.	
Signed: 	Date: <u>3/18/2021</u>
Signed:	Date:

Proposed ENN Meeting Dates:		
<b>Provide 2 options:</b>	<b>Preferred Option</b>	<b>Alternative</b>

DATE:	Thursday, April 8, 2021	Wednesday, April 7, 2021
TIME:	5:30pm	5:30pm
LOCATION:	ZOOM	ZOOM



## ENN GUIDELINES

### Applicant Information

Project Name: Lettuce, Etc

Name: Downey Nate  
Last First M.I.

Address: 1000 Cordova Place Suite 458  
Street Address Suite/Unit #

Santa Fe NM 87505  
City State ZIP Code

Phone: ( 505 ) 690.7939 E-mail Address: nathanadamsdowney@gmail.com

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

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

With significant landscaping between Emblem Road and a beige, one-story building (for the office, indoor work areas, fish-production room, storage, garage) along the structure's west side and an east side fence (along Office Court Drive) draped in grape vines and planted with golden currant bushes, big sage, and three-leaf sumac, the structure will be relatively difficult for most people to see. When they do see the structure (with its greater than necessary setbacks), it will blend in nicely with nearby homes and offices, improve the current view of the stark and flat warehouse next door, or perhaps even comfort people who consider the very real importance of locally grown food. The greenhouse will have 12' side walls and a low-profile, arched roof. Given that 65' is allowable, the building will have a relatively low profile.

**(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.*

Aquaponics is a closed-loop ecosystem that generates no farm waste, no smell, and no hazardous materials. It also uses no toxic herbicides or fertilizers. Our systems are full of water, so risk of fire and fire damage are low. City water will be constantly recycled through our system, so our water use will also be very low considering we are growing food in the desert. No trees will be removed. No parks or public open space, rivers, arroyos, floodplains, or rock outcroppings will be blocked. All easements will be provided according to city ordinance, and all setbacks will be adhered to. We do not even intend to move the existing fencing, but we do intend to bolster it and add to it.

**(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.*

N/A

**(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.*

This commercial venture will not invite customers to the farm. We will deliver to their homes and/or places of business from the farm--leaving and returning (on delivery routes) only once or twice a day. It is difficult to imagine a project generating less "density." The plan is to grow and deliver a lot of lettuce with as little labor as possible. As per its light-industrial (I1) zoning, housing for a caretaker will likely be built at a later date.

**(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.*

Lettuce, Etc will not be open to the public on a regular basis, so traffic will typically be limited to about three employees (but usually only two at a time) during phase one. It is rare for any commercial project to generate less traffic. We will have ample room for whatever parking is required, and we intend to honor the existing parking-lot lease arrangement with the neighbor across Office Court Drive.

**(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.*

As Rich Brown and Liz Camacho expressed during the October 2019 food summit sponsored by the City of Santa Fe, one of the best things you can do for an economy is to grow healthy food locally—especially if you sell it locally. It's difficult to imagine a project that would be better for our local economy.

**(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.*

With the possibility of one small housing unit on the property (for the farm caretaker to be built at a later date), we will provide 100% affordable housing if we provide any.

**(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.*

With security cameras and fencing installed, we will improve the general security situation for the neighborhood.

**(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.*

Construction should be quick, use nearby infrastructure, and waste no water. At a later date, we intend to harvest rainwater in cisterns with the goal of creating a surface-water free and aquifer-independent form of agriculture (with the hope that the human race can finally figure out how to live on this planet in a sustainable fashion). Initially, we intend to use runoff from the greenhouse and packaging facility to ensure that our significant quantity (more than required) of perennial flowering plants, native shrubs, vigorous vines, and well-chosen tree species thrive. Nate Downey has been a permaculture landscape contractor in Santa Fe since 1992, so he is committed to ensuring that all plant material associated with the project thrives.

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

It's difficult to imagine a use that would be more mixed than a small "urban farm," and it is difficult to imagine a better way to create opportunities for community integration and social balance than growing, selling, and delivering healthy food at a competitive price one--neighborhood at a time. We also intend to work with local food-focused nonprofits in order to ensure that residents within nearby communities are beneficiaries of our operations.

**(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.*

I hope it starts to inspire our community to improve the City General Plan. The current plan is okay, but it should be updated. Sadly, there is very little land available that distinctly zoned for urban agriculture in Santa Fe. This is due to the fact that the prevalence and necessity of greenhouses was not anticipated in 1999. With respect to promoting "a compact urban form through infill development," it's difficult to imagine something that makes a city more compacted and infilled than food grown 700 feet from the city's largest mall.

**(l) ADDITIONAL COMMENTS (optional)**

Thank you for reading this. I would be happy to answer any questions you may have.

I look forward to being a good neighbor.

--Nate Downey

505.690.7939

[nathanadamsdowney@gmail.com](mailto:nathanadamsdowney@gmail.com)

[www.lettuceetc.com](http://www.lettuceetc.com)



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

<i>Project Name</i>	Aquaponics Facility
<i>Project Location</i>	Tract A-1, Emblem Road, South of Wagon Road Storage facility
<i>Project Description</i>	Greenhouse, office, garage, fish room and packaging facility.
<i>Applicant / Owner</i>	Charles Gilcrease, Property Owner
<i>Agent</i>	Nate Downey for Lettuce, Etc. LLC
<i>Pre-App Meeting Date</i>	February 25, 2021
<i>ENN Meeting Date</i>	April 8, 2021
<i>ENN Meeting Location</i>	Virtual meeting on Zoom
<i>Application Type</i>	Special Use Permit
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	One neighbor

### **Notes/Comments:**

Meeting started at 5:30 pm with the Applicant, Nate Downey, introducing himself and his proposal. City staff Donna Wynant introduced herself with a brief overview of the process. Mr. Downey gave a very thorough presentation of his proposal and explained how his aquaponics facility will operate. One neighbor, who lives at the south end of Emblem Road was in attendance and asked questions about how the facility would operate, traffic to be generated and how the product would be distributed. He expressed his support for the project.

Meeting adjourned at 6:00 pm.

# City of Santa Fe, New Mexico

## Board of Adjustment Exhibit E

### **Applicant Submittals**

1. Application Submittals
2. Legal Lot of Record



(date stamp)

SPECIAL USE PERMIT APPLICATION 14-3.6

Parcel Information

Address: 0 Emblem Road Property Size: 2.49 acres
Proposed Use: Urban Agriculture
Zoning: Light Industrial (I1) Preapplication Conference Date: Thursday, February 25, 2021
ENN Meeting Date: Thursday, April 8, 2021 UPC Code Number:

Property Owner Information

Name: Charles Gilcrease
Address: PO BOX 4584 Santa Fe NM 87502
Phone: 505.470.2775 E-mail Address: cmgilcrease@gmail.com

Applicant/Agent Information (if different from owner)

Company Name: Lettuce, Etc LLC
Name: Nate Downey
Address: 1104 Don Gaspar Avenue Santa Fe NM 87505
Phone: 505.690.7939 E-mail Address: nathanadamsdowney@gmail.com

Correspondence Directed to: Owner X Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: 0 Emblem Road

I/We authorize Nate Downey to act as my/our agent to execute this application.

Signed: [Signature] Date: 3/18/2021

Signed: Date:

**Submittal Checklist**

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

<input checked="" type="checkbox"/>	Letter of Application (intent, location, acreage)	<input checked="" type="checkbox"/>	Statement addressing approval criteria (see below)	<input checked="" type="checkbox"/>	Legal Lot of Record, Legal Description	<input checked="" type="checkbox"/>	Site Plan (see below)	<input checked="" type="checkbox"/>	Landscape, Parking and Lighting Plan, Signage Specifications (as required)
<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 14-3.6(D) SFCC 1987)**

Attach a separate letter stating:

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

**Signature**

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

Signature: Nate Downey Date: 4.19.21

To be completed by LUD staff:

Board of Adjustment       Planning Commission      Staff Initial \_\_\_\_\_

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

**Nate Downey  
Lettuce, ETC LLC  
1000 Cordova Pl, #458  
Santa Fe, NM 87505**

April 19, 2021

Noah Berke, Planner Manager  
Planning Division  
City of Santa Fe  
200 Lincoln Avenue  
Santa Fe, NM 87501

**RE: Special use permit application for a greenhouse and commercial aquaponics operation greater than 750 sq. ft. on tract A-1, a light-industrial parcel, between Emblem Road and Office Court Drive**

Dear Noah:

This letter is submitted on behalf of Lettuce, Etc, LLC, hereafter "Lettuce," a limited liability corporation registered with the state of New Mexico and licensed by the City of Santa Fe. Lettuce is applying for a special use permit to construct a greenhouse and aquaponics facility on 2.49 acres within the light-industrial (I-1) zone. As per section 14-3.6 of city code, the Board of Adjustment may grant special use permits in these situations. Having had a properly advertised ENN at which 100% of neighbors in attendance expressed full support, raised no concerns, and suggested no modifications after a 10-minute presentation,<sup>1</sup> please accept this request that the board approve Lettuce's application on Tuesday, June 1, 2021.

**In the Zones: *Between Busy and Calm***

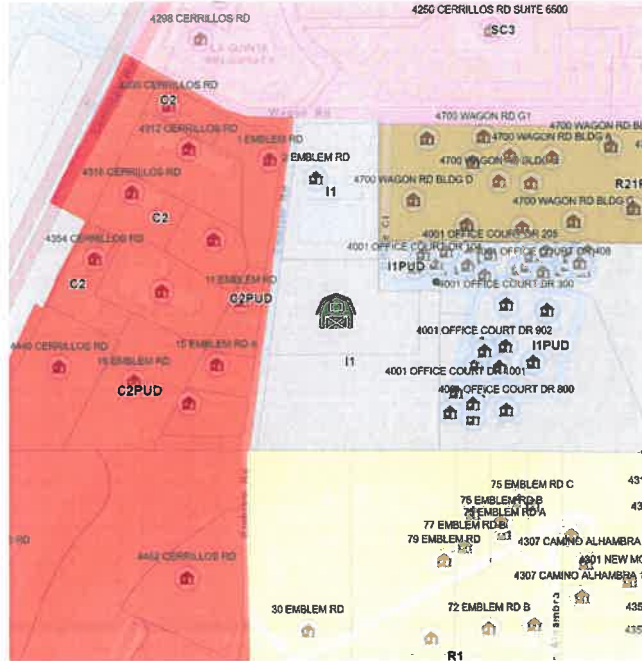
Located near one of Santa Fe's busiest intersections (Cerrillos and Airport/Rodeo) but sandwiched between two calm, dead-end streets, tract A-1 is on an edge between busy and calm. Both Emblem Road and Office Court Drive dead end quickly to the south and east, but heading north (after passing Mini U Storage in the I-1 zone) both feed into Wagon Road, Santa Fe Place's busy back route.

Directly across Emblem Road to the west of tract A-1, properties are zoned C-2. Emblem also serves tract A-1's neighbor to the south (a parcel of vacant land zoned I-1) and then crosses the wide Arroyo Chamiso as it enters an R-1 zone serving about eight properties. Views to the north from these properties seem not to be in the direction of tract A-1 probably because the mall and La Quinta Inn have been the focal points of that viewshed for over 35 years.

Office Court Drive serves 10 small office buildings—each about the size of the structure Lettuce intends to build and all in the I-1 zone. Conveniently, one tenant is the USDA. Although Lettuce looks forward to inviting them to behold the future of agriculture, it intends to use Emblem drive as its access, so its effect on those offices will be negligible. (Please see localized zoning map below.)

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<sup>1</sup> One neighbor who lived at the end of Emblem Road was the only Zoom participant other than staff and me.



Tract A-1 is designated above by a green barn.

**Project Description: Compatible with the City's 1999 and 2017 Plans and Priorities**

Within a building footprint of approximately 8,730 sq ft, Lettuce intends to build a farm with a 72' x 90' greenhouse and a 25' x 90' office, garage, fish room, and packaging facility. The property is currently undeveloped and is a magnet for litter, trash, junk, graffiti, and signs of homeless encampment.



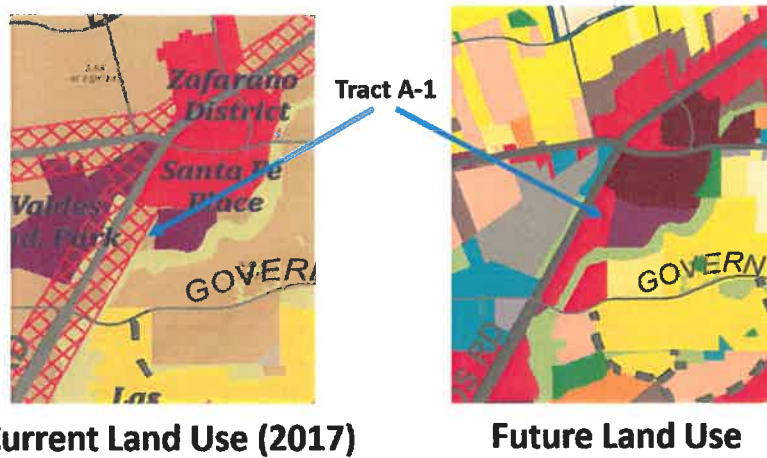
**Signs of substance abuse, gang activity, and homelessness abound on site**

Lettuce intends to grow lettuces, greens, herbs, and fish, in an ecological and socially conscious manner in keeping with the goals of Santa Fe's **General Plan**. In the plan's first two tables, the needs to improve

“economic/employment opportunities”<sup>2</sup> and reduce “social divisiveness”<sup>3</sup> are demonstrated as high priorities for constituents. This project addresses these issues.

Meanwhile, the movements to buy local, support regional farmers, conserve water, reduce our carbon footprint, become more sustainable, and foster friendlier neighborhoods are all movements that have picked up steam in the 22 years since plan was drafted. While tackling these priorities, Lettuce will also address the geographical and demographic shifts (southward and aging) described in the city’s **Land Use and Urban Design Plan (2017)** which was “intended to help prepare an update to the City of Santa Fe’s 1999 **General Plan**,”<sup>4</sup> and even points specifically to the elimination of a “neighborhood area” seemingly associates with tract A-1 in favor of an expanding “retail center” from the west and “employment center” from the east.

## From the City’s *Land Use and Urban Design Plan*



**Neighborhood Area**  
*Neighborhoods represent the city’s “private realm” where Santa Feans live and rely on stability and constancy for their own sense of well-being. (Includes some areas of non-residential use) Infill development should be sensitive to and compatible with the surrounding neighborhood.*

**Employment Center**  
*Employment centers provide many of the non-retail jobs outside of downtown and may re-develop with higher building densities and include housing. These centers are located along the city’s major corridors that serve as transportation arteries and transit routes connecting economic activity in the city.*

**Retail Center**  
*Retail centers, like employment centers, are located along major corridors and may re-develop at greater densities with a mix of uses that could include housing.*

**Residential**

- 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

**Commercial, Institutional & Industrial**

- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional

**Parks & Open Space**

- Open Space
- Parks

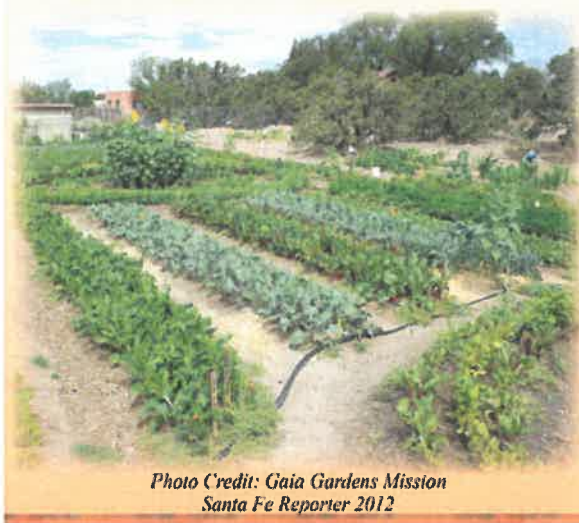
• • • Future Road  
 — R/R

From the 2017 Current Map Legend

The Future Map Legend

<sup>2</sup> City of Santa Fe General Plan 1999, Table 1.1.  
<sup>3</sup> City of Santa Fe General Plan 1999, Table 1.2.  
<sup>4</sup> City of Santa Fe Land Use and Urban Design Plan (2017), p. 1.

- **Local Food Production** – Local agriculture is already under pressure from water rights transfers to growing urban development. The Santa Fe City /County Advisory Council on Food Policy has recommended a policy to promote greater food security for Santa Fe.



*Photo Credit: Gaia Gardens Mission  
Santa Fe Reporter 2012*

Although there are few references to food in any of the city’s plans, it is helpful to see the recommendation “to promote greater food security for Santa Fe.” Unfortunately, the farm at left (promoted in the 2017 plan) did not comply with city land use code. The farmer moved to the Pecos River Valley, and the city was unfairly perceived as being against local food.

### **Some Serious Benefits: *Better than Sex Shops***

Using very little water and generating no significant waste, this urban farm will grow and deliver tasty, healthy, local, fresh, affordable, and highly ecological food directly to nearby homes. With employees trained and vetted by Santa Fe Community College’s world-renowned aquaponics faculty, the farm will bring fulfilling, good-paying, skilled, and science-oriented jobs to the Santa Fe community. Cooperating with local nonprofits, Lettuce will also work to get Lettuce’s products to hungry people living in surrounding—often food-insecure—neighborhoods.

Perhaps better than any other small venture within city limits, Lettuce will be realizing the goals expressed by city staff at the 2019 Santa Fe Food Summit<sup>5</sup> and on its current webpage. By growing food locally and by distributing it to locals, as then Economic Development Director Rich Brown encouraged summit participants to do, Lettuce will “transform our city and diversify our economy.” As one of the only farms in the city, Lettuce’s diversity contribution comes naturally, but it also comes from how Lettuce will distribute its produce—with a farm-to-home delivery model that keeps money local.

Meanwhile, as Liz Camacho, also with the Economic Development Department, explained to the summit, “a modest effort can have huge potential...and make us much more self-reliant.” She also said the city is currently not very self-reliant, and the problem is that we import much more than we export. Food, she concluded, “is one of the top sectors for us” because it’s among the most-basic means of “import replacement.” The City of Santa Fe’s website puts this another way, “the tighter the link

<sup>5</sup> Please go to the ten-minute section between 39 minutes and 49 minutes at this video link to the event: <https://www.youtube.com/watch?v=QDkISWuknWU>

between a community's food and agricultural entrepreneurs and their support systems, the more economically vibrant that community will be."<sup>6</sup>



*Rich Brown and Liz Camacho welcome the crowd at the Santa Fe Convention Center as panelists applaud.*

The nutrient content and health benefits of vegetables are well known, and evidence shows that leafy greens are no exception.<sup>7</sup> Add this to the fact that the produce will be delivered within a few hours—as opposed to several days or weeks—of harvest, and it is hard to imagine lettuce varieties bought from a grocery store providing equal nutrition.<sup>8</sup> Lettuce's distribution system also alleviates some of the stress people associate with time spent in the produce aisle (especially during the pandemic). Lettuce's marketing plan, which encourages neighborhood connections, is by definition community building.

With respect to adjacent neighborhoods, Lettuce's operations and distribution-model will enhance /improve them. Rather than having any light-industrial-zone competitors of Ferrell Gas, Subway, UPS, Santa Fe Motor Sports, All Aboard America, Santa Fe Laundry, The Restore, Santa Fe Recovery Center, Brian's Auto Detail, or any of various industries in the nearby I-1 that would not need a special use permit, the people who live on Emblem Road and work on Office Court Drive will have a neighbor that generates negligible traffic, noise, odors, or undesirable activities. Note that another "light industrial" use with no need to apply for a special use permit is the sex-industry, which is known to attract illicit, illegal, and dangerous activities.<sup>9</sup>

In contrast, with numerous security cameras, an alarm system (with warning signs for any potential intruders), and adequate night-sky-sensitive security-lights, Lettuce will likely bring a sense of greater

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<sup>6</sup> [https://www.santafenm.gov/santa\\_fe\\_food\\_industries](https://www.santafenm.gov/santa_fe_food_industries)

<sup>7</sup> <https://scitechdaily.com/new-research-finds-green-leafy-vegetables-essential-for-muscle-strength/>

<sup>8</sup> <https://www.livestrong.com/article/447449-how-do-fruits-and-vegetables-lose-their-nutrients-after-picking/>

<sup>9</sup> [https://www.santafenewmexican.com/news/local\\_news/cheeks-future-in-jeopardy-over-owner-s-failure-to-pay-shooting-victim/article\\_16d33d74-bbb1-5a54-99c7-a53d407b925c.html](https://www.santafenewmexican.com/news/local_news/cheeks-future-in-jeopardy-over-owner-s-failure-to-pay-shooting-victim/article_16d33d74-bbb1-5a54-99c7-a53d407b925c.html)

calm to the neighborhood that has not existed since before the mall. Given that the light-industrial zone allows for the tallest structures within city limits (65'), it is also important to note that the side walls of the greenhouse and associated facilities will be 12' above grade or 20% of the allowable height on the lot. They will also be set back from roads at a distance far greater than that which is required in the code.

### **Operations Management: A Recirculating System with No Waste Issues**

On a twice-a-day basis, GMO-free, made-in-America feed will be fed to Nile tilapia (*oreochromis niloticus*)<sup>10</sup> living in 7' diameter tanks. The fish excrete wastes. The highly diluted wastes are run through a biofilter consisting of naturally occurring bacteria that convert wastes into plant nutrients. This water is then directed to the roots of plants. The plants float on rafts with their roots dangling in the water until harvest time. As the plants remove nutrients from the water, they clean it, such that the water can be recirculated back to the fish.



Unlike hydroponics, which typically juggles significant quantities of wastewater, aquaponics creates a closed-loop ecosystem that treads lightly on the land and “loses” the vast majority of its water “losses” to plants themselves. Crops can be damaged by a variety of vectors, but it is important to realize that the ecosystem created will not survive if toxic chemicals are used to kill insects, mildews, or other pathogens.

No hazardous materials will be created or used by the system precisely because the presence of these materials will quickly kill everything on the farm—the fish, the plants, and/or the bacteria. If any of these populations are missing, the farm will not function, and it is the bacteria in particular that is highly susceptible to damage caused by chemical pesticides. Meanwhile, chemical herbicides and fertilizers are never needed in an aquaponics system like the one Lettuce will build.

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<sup>10</sup> Lettuce uses Nile tilapia because they 1) are vegetarian, 2) appreciate living in tight quarters, and 3) prefer the warm-water temperatures that Lettuce’s produce will require for healthy, robust growth.

It is also worth noting that fish are cold blooded and harbor none of the *e. Coli* and salmonella that make people sick. Lettuce recalls are caused by wastes from warm-blooded animals that seep into water supplies from neighboring ranches, get splashed onto leaves of lettuce before the manures have been given enough time to breakdown, and/or are touched by unwashed human hands. Since Lettuce will not use any manures from warm-blooded animals and since employees will always wash their hands before putting on sanitary gloves for work, Lettuce's lettuce will have an extremely low probability of being recalled.

**Distribution Plan: No Visitors = No Traffic**

At dawn, rafts full of plants and roots are taken to a room where the roots are cut off and placed in an enclosed vermiculture bin.<sup>11</sup> Crops will be put into thin disposable bags and then into reusable, insulated bags containing a small frozen ice-pack. These bags will be loaded into a small vehicle and driven to a particular neighborhood where customers are scheduled to receive their delivery.



**INCLUDES FREE DELIVERY IN OUR 2011  
SOLAR-ELECTRIC VAN!**

*This means Lettuce will NOT invite customers to come to the farm to pick up their produce, and it will actively discourage them from doing so.* Able to view live-camera footage on Lettuce's website (as well as the informative/educational videos Lettuce also intends to share), this footage will show work processes in real time. The cameras will have a marketing component for sure, but Lettuce's main goal will be to keep people from visiting us at the farm. The more visitors Lettuce has, the greater the chance that one of them will accidentally bring in an insect or other vector such as powdery mildew. These can ruin crops and destroy revenue streams, so Lettuce needs to take this fact seriously. In addition, visitors would only interrupt work flows and reduce Lettuce's efficiency and/or productivity.

**Terrain Management: Erosion Control = Terrain Improvement**

The vast majority of the lot consists of two reasonably flat and gradually sloped areas. These two "levels" are almost entirely bifurcated by one steep change in elevation (that appears to be made by humans) running east-west. Riddled with multiple head-cuts, numerous rills, and significant gully

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<sup>11</sup>In this simple system, worms eat the roots (and any parts of the plants that are not consumed by customers) and leave behind humates. Lettuce may sell this product as an organic fertilizer or use it on the landscape associated with the farm. Regardless, the quantity of beneficial humates Lettuce produces will be small.

erosion in several places, this steep slope certainly contributes to sediment loads in the nearby—but not neighboring—Arroyo Chamiso. Although dirt moving will occur prior to construction, it is highly unlikely that dirt from the site will be exported. Instead, cut and fill measures will be taken to bring the steep, eroding slope closer to the site’s angle of repose.

Upon completion of the project, repair of the slope will include native plantings and seeding (sowing Plants of the Southwest’s Dryland Blend, Sandy Soil Stabilizer, and High Plains Juniper Wildflower Mix with binder/tackifier), mulch, and water for establishing a stable, native groundcover.



An arroyo created by runoff from the upper level with Mini U Storage (also Santa Fe Wine Storage) in background.

Two forms of runoff caused by construction will be captured and directed to the roots of new plant material on site. Roof runoff will be directed to ponding associated with trees, shrubs, and vines along the east fence adjacent to Office Court Drive. Runoff from the driveway, parking spaces, etc. will be directed to ponding associated with plant material on the west side of the property which will be designed, primarily, to screen the facility from Emblem Road.

As an ecological landscape designer/contractor in Santa Fe since 1993 (who wrote **Roof-Reliant Landscaping** [2008] a peer-reviewed textbook for the New Mexico Office of the State Engineer and who holds drainage-control contractor and irrigation contractor licenses with the New Mexico Construction Industries Division, #361350), I have a proven track record for improving the sites. Compared to its current state of degradation, tract A-1 will be greatly improved if Lettuce is provided the opportunity to do so.

#### **Access and Parking: *Easy and Plentiful***

Access to the project will be via the northwest corner of the property at Emblem Road. As per instructions at the pre-application meeting, Lettuce will provide a 28’ radius firetruck turnaround and ample parking for the three employees that Lettuce expects will be needed to run the facility. One van accessible parking space will be reserved for visitors with physical handicaps, and a bike rack will be

included for me and anyone else. An existing parking lot will remain leased to neighbors for the foreseeable future. Please refer to the attached preliminary plan for details.

**Archaeology: Study Not Required**

My understanding is that this is not required since the building footprint is less than 10,000 sq ft.

**Special Use Permit Approval Criteria**

Special use permit approval criteria from Santa Fe Land Development Code is addressed at length above and, more succinctly, below. Two sections seem most relevant:

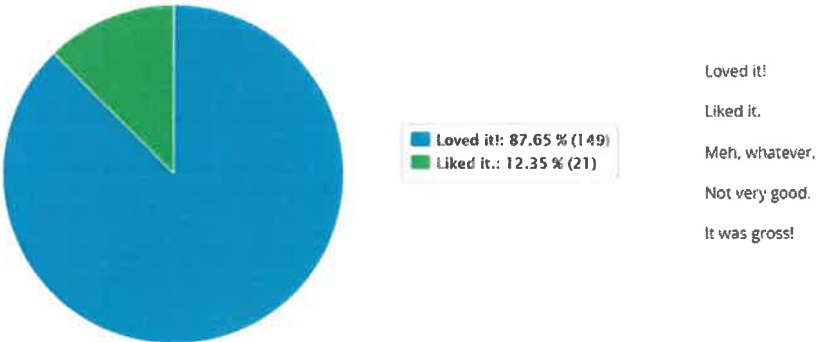
*§14-3.6(D)(1)(b) – That granting a special use permit does not adversely affect the public interest.*  
*§14-3.6(D)(1)(c) – That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.*

Granting a special use permit will not adversely affect the public interest, and the proposed facility is not only in keeping with its immediate neighbor to the north, a storage facility, but it will also even have less of an impact than that structure. Lettuce’s buildings will be shorter, narrower, and have greater setbacks, and without the need for large retaining walls, Lettuce will be an improvement by:

1. Cleaning the property of debris and removing signs of homelessness (blankets, tarps, and furniture) and substance abuse (empty and broken alcohol bottles),
2. Reversing the lot’s current erosive state,
3. Improving neighborhood views with diverse native and/or appropriate plant material,
4. Working with the Santa Fe Community College to provide internships for students,
5. Growing a healthy form or nourishment for the local population,
6. Growing a healthy form or nourishment with relatively low water usage,
7. Growing a healthy form of nourishment with unmatched flavor,

## Unmatched Flavor

**After eating it, what do you and your household think of its flavor?**



*This data comes from a 2020 market-research study via Santa Fe Community College and 225 households*

8. Working with local nonprofits to get significant quantities of produce to hungry people living nearby,
9. Proving the concept of a farm-to-home delivery model that will keep money local rather than sending it to Wall Street and the owners of stock in Albertsons, Smiths, Whole Foods, etc.
10. Promoting Santa Fe as a hub of “green” creativity that it is. After Lettuce is successful here, it intends to build similar facilities in the mountain-west region and beyond.
11. Preventing a less desirable project to be built on the empty lot,
12. Generating no significant wastes,
13. Using very little water to produce high-quality food,
14. Building neighborhood connections with its neighbor-to-neighbor marketing plan,
15. Discouraging visitors to come to the farm (and delivering to them instead),
16. Contributing to the local economy and its diversification by performing “import replacement” as per the goals of the city’s Economic Development Department,
17. Increasing security in the vicinity with security cameras at the Emblem Road entrance and appropriate security fencing,
18. Conforming to the goals of the city’s **General Plan (1999)** and to the findings of the **Land Use and Urban Design Plan (2017)**, and
19. Providing the city with an example of an agricultural use that includes a greenhouse and aquaponics, so that with less effort the city’s land use code can be amended to permit projects like this without a special use permit. When everything from a sex shop to on-site propane sales can skip this step, but a lettuce-growing operation must spend additional time, effort, and money, then change should be made with alacrity. Why? There is a real need for and serious public sentiment behind improving our level of food security in Santa Fe and New Mexico.

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

- Official Application (ENN Guidelines)
- Legal Lot of Record (Plat Bk 173 Pg 16)
- Preliminary Site Plan by Da Silva Architecture
- An associated email indicating the legal description of the property

Your assistance with this request is greatly appreciated. Please do not hesitate to contact me should you have any questions or require additional information.

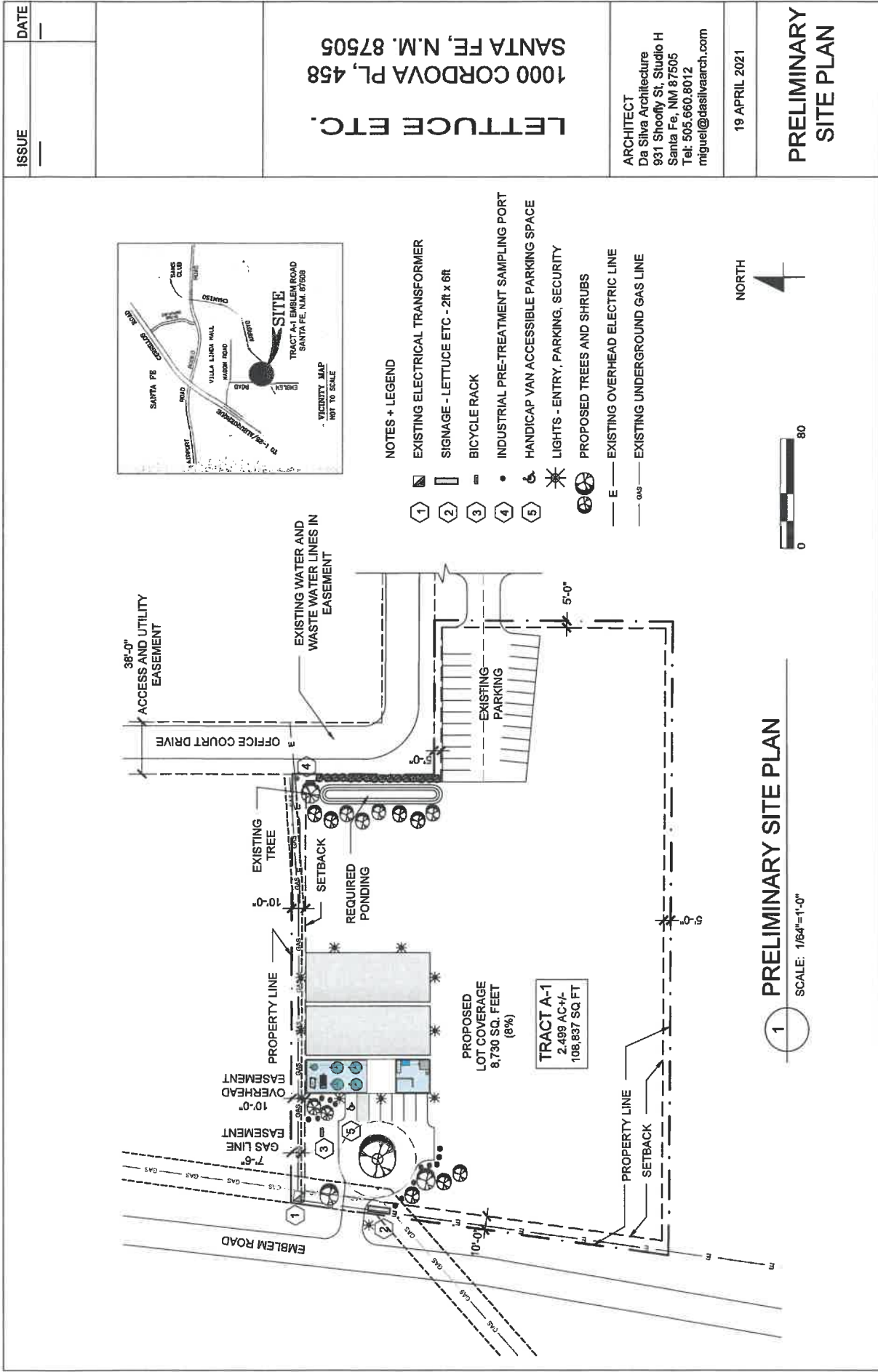
Thank you for your consideration.

Sincerely,

Nate Downey  
President/CEO  
Lettuce, Etc LLC







**LETTUCE ETC.**  
1000 CORDOVA PL, 458  
SANTA FE, N.M. 87505

**PRELIMINARY SITE PLAN**