

# City of Santa Fe, New Mexico

# memo

**DATE:** April 13, 2015 for the May 5, 2015 Meeting

**TO:** Board of Adjustment

**VIA:** Lisa Martinez, Director, Land Use Department  
Greg Smith, AICP, Director, Current Planning Division

**FROM:** Zach Thomas, Senior Planner, Current Planning Division

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**Case #2015-29. 1017 Canyon Road Special Use Permit.** Lorn Tryk Architects, agent for Barbara Ann Fix, requests approval of a Special Use Permit to use an existing residence as an office within the RAC (Residential Arts and Crafts) zoning district. The property is located at 1017 Canyon Road. (Zach Thomas, Case Manager)

## I. RECOMMENDATION

The Land Use Department recommends **APPROVAL** subject to the condition of approval as outlined in this report.

## II. SUMMARY & ANALYSIS

The application is for a Special Use Permit to use an existing residence as an office. The property is zoned R-5 (Residential – 5 units per acre).

The existing 3,200 square foot lot is currently developed with a 1,040 square foot residence. The proposed office will be used by the Forest Trust, a non-profit operated by a husband and wife. No changes are proposed to the existing building other than those necessary to comply with all building codes (including Americans with Disability Act (ADA)) associated with commercial structures.

### **Parking and Loading**

Parking for the proposed office would be provided by the two existing off-street parking spaces located with the existing driveway. SFCC §14-8.6(B)(1)(a) states “that the Public Works Director may approve parking lots serving one or two dwelling units and comprising four or fewer parking spaces designed to allow vehicles to back onto a street classified as a subcollector or lane...”. This standard clearly precludes use of “back-out” spaces for new

construction. However, the existing parking configuration has been reviewed by the Traffic Engineering Division, which provided the following statement:

*“The existing parking spaces that back out onto Canyon Road do not concern us as this segment of Canyon Road is classified as a residential street; not an arterial nor an urban major collector road and therefore is not subject to restrictions in regards to backing out of driveways”.*

The Traffic Engineering Department further concluded that the office use would generate a similar or lesser amount of traffic than that of a residence and therefore would not create an impact greater than the existing residence.

The Development Code requires parking spaces for offices to be provided at a ratio of 1 space per 350 square feet of net leasable area. The proposed office would require three off-street parking spaces. While the existing driveway only provides two spaces, SFCC § 14-3.15 allows land use boards the authority to approval minor quantitative deviations from the standards in the Development Code, including standards for the number of required off-street parking spaces. In this case, the Board of Adjustment would approve a reduction of one off-street parking space.

On-street parking is available in close proximity to provide guest parking. Additionally, a condition of approval is proposed to limit the office use to a maximum of three employees to avoid parking conflicts with adjacent residential properties.

The Early Neighborhood Notification (ENN) meeting was held on March 18, 2015. Two members of the public attended in addition to five people associated with the applicant (The Forest Trust). There were limited questions about the special use permits process and concerns about the narrowness of Canyon Road, especially during tourist season. No objections specifically related to the proposed use of the residence as an office were raised.

### **III. SPECIAL USE PERMIT APPROVAL CRITERIA**

#### **Section 14-3.7(C) Approval Criteria**

14-3.6(D) lists the following approval criteria and conditions for Special Use Permits:

(1) Necessary Findings

To grant a Special Use Permit, a land use board shall make the following findings:

- (a) That the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit
- (b) That granting the special use permit does not adversely affect the public interest, and
- (c) That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other

properties in the vicinity of the premises under consideration.

**Applicant Response to Criterion (b):** *The impact of having the Trust office occupy the residence presents equal or less impact on the neighborhood than does the existing use as a residence.*

**Staff Response to Criterion (b):** *The use of the structure as an office would not create impacts that would adversely affect the public. A condition of approval is proposed limiting the office use to a maximum of three employees on premise at any given time to ensure that impact do not exceed that of a residence.*

**Applicant Response to Criterion (c):** *The proposed use of the residence as an office is completely compatible with neighboring structures and uses.*

**Staff Response to Criterion (c):** *The proposed office use will not create any noise, dust or odors. Any traffic generated would be of similar or lessor intensity than a residence. As such, no impacts to abutting properties would occur.*

#### **IV. CONDITIONS OF APPROVAL**

The Land Use Department recommends the following condition of approval:

- 1) Any office located at 1017 Canyon Road shall be limited to a maximum of three employees on the premises at any given time.

#### **V. ATTACHMENTS:**

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Comments, John Romero

EXHIBIT C: Aerial Photo

EXHIBIT D: ENN Meeting Notes, March 18, 2015

EXHIBIT E: Applicant Submittals

1. Application Letter
2. Site Plan

# **City of Santa Fe, New Mexico**

## **Board of Adjustment**

### **Exhibit A**

#### **Conditions of Approval**

**1017 Canyon Road Special Use Permit—Conditions of Approval**

Planning Commission

Case #2015-29 – 1017 Canyon Road Special Use Permit

<b>Conditions</b>	<b>Department</b>	<b>Staff</b>
Any office located at 1017 Canyon Road shall be limited to a maximum of three employees on the premises at any given time.	Land Use	Current Planning

**City of Santa Fe, New Mexico**

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**Exhibit B**

**Development Review Team Memoranda**

**THOMAS, ZACHARY E.**

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**From:** KASSENS, SANDRA M.  
**Sent:** Tuesday, April 14, 2015 11:57 AM  
**To:** THOMAS, ZACHARY E.  
**Cc:** ROMERO, JOHN J  
**Subject:** 1017 Canyon Road SUP

Zach,

The Traffic Engineering Division has no comments on the request for a Special Use Permit for 1017 Canyon Road, case # 2015-29. The existing parking spaces that back out onto Canyon Road do not concern us as this segment of Canyon Road is classified as a residential street; not an arterial nor an urban major collector road and therefore is not subject to restrictions in regards to backing out of driveways.

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

*Phone: 505-955-6697*

**City of Santa Fe, New Mexico**

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**Exhibit C**

**Aerial Photo**

1017 Canyon Road



# **City of Santa Fe, New Mexico**

## **Board of Adjustment**

### **Exhibit D**

**ENN Meeting Notes, March 18, 2015**



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

<i>Project Name</i>	1017 Canyon Road Special Use Permit
<i>Project Location</i>	1017 Canyon Road
<i>Project Description</i>	Use permit to use a residence as an office
<i>Applicant / Owner</i>	The Forest Trust
<i>Agent</i>	Lorn Tryk
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	3/18/15
<i>ENN Meeting Location</i>	La Fonda Hotel
<i>Application Type</i>	Special Use Permit
<i>Land Use Staff</i>	Zach Thomas
<i>Attendance</i>	7 applicant, property owner and public

### **Notes/Comments:**

The meeting started around 5:35 with Mr. Thomas giving a brief introduction about the purpose of the ENN meeting.

Lorn Tryk described the Use Permit process and why they are asking for the Use Permit (Use of a residence as an office)

Mr. Tryk introduced the property owner Barbara Fix and the potential buyers of the property, the Forest Trust.

Mr. Tryk explained that the Forest Trust is a land trust and described the types of land managed by the organization. He further explained that the Trust has a maximum of 3 employees, they work less than 8-5 and only meets the public by appointment.

Mr. Tryk explained how the activity of an office is opposite as that of a residence.

Ms. Fix explained the history of the property and how she acquired it and how she renovated it as well as described her past tenants.

Ms. Fix said she wants to sell the property and sale is contingent upon getting the SUP.

The SUP will provide continuity with tenants at the property because the Forest Trust will be there a long time.

Question – What is the SUP tied too...The business or the property?

Mr. Tryk – explained that SUPs are tied to the property and run with the land.

Mr. Thomas further explained that SUP are tied to the use and that an office of similar intensity could use the building in the future.

Mr. Tryk explained that no changes to the building are planned... maybe a window location would be changed. He further explained the type of neighborhood outreach they did.

Mr. Tryk read his responses to the ENN Guidelines.

Neighbor spoke – Expressed concern about the width and condition of Canyon Road stating that it is already unsafe and that there is already a lot of truck traffic. He suggested to make this section so the road one-way. He further stated that the “no parking” in front of the building should be changed to allow parking. Pedestrian safety is an issue when the tourists are in town.

Making the street one-way would improve pedestrian safety.

There was a general discussion about parking on Canyon Road and the building.

A Forest Trust board member (Elliot McDowell) explained that parking would not be an issue because they would not need more than two spaces.

Eytan Krasilovsky an employee of a Forest trust subsidiary further explained that parking is not an issue because of the low intensity nature of the office.

The meeting ended at approximately 6:30.

# **City of Santa Fe, New Mexico**

## **Board of Adjustment**

### **Exhibit E**

**Applicant Submittals**

# LORN TRYK ARCHITECTS, P.C.

Mr. Zach Thomas  
Land Use Senior Planner  
City of Santa Fe  
P.O.Box 909  
Santa Fe, NM 87505

March 30, 2015

Re: Request for Special Use Permit  
1017 Canyon Road

Dear Zach,

Enclosed is our application for a Special Use Permit for 1017 Canyon Road. The zoning is RAC.

The intent of the Special Use Permit is to allow the use of the existing residence as an office for the Forest Trust. Office is listed in the City Code as a permitted use with a Special Use Permit.

The existing lot is approximately 3200 sf. The existing residence is approximately 1040 gross square feet, with approximately 850 net leasable square feet.

The Forest Trust is a business that is operated by Henry Carey and his wife, plus a single part time employee. Visitors are occasional, and are by invitation only.

There are two existing parking spaces, which the Trust sees as being totally adequate to their needs. There is on-street parallel parking available as well.

The hours of operation of the Trust are normally 9:00 to 5:00. There are no activities that are noisy or that will create dust, bright lights or other nuisances.

There are no plans to expand the residence in any way, or to add any accessory structures. There are no plans to change the existing residence.

Thank you for your consideration. Please call me with any questions or concerns.

Sincerely,



Lorn C Tryk, Architect

Cc: Henry Carey, Forest Trust  
Barbara Ann Fix, Property Owner

206 McKenzie St., Suite F-2, Santa Fe, New Mexico 87501  
505-982-5340 mail@ltryk.com Fax:505-982-5393

