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

Case # 2026-013291
Property Address – 2395 Richards Ave. Santa Fe, New Mexico 87507
Agent's Name – Woven Architecture LLC, Barbara Felix
Owner/Applicant's Name – City of Santa Fe, Sandra Emory, Community Services Director

THIS MATTER came before the Board of Adjustment ("Board") for public hearing on November 3rd, 2026.

BACKGROUND

Woven Architecture LLC, Agent for City of Santa Fe Community Services Department, Sandra Emory, Applicant, requests a Micro Community use comprised of 6,485 Square Feet of sleeping shelters, restrooms, community buildings, and offices on a +/- 2.001-acre parcel. The property is zoned R-1 (1 dwelling unit per acre) and within the Suburban Archeological Review District.

FINDINGS OF FACT

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

1. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Santa Fe City Code ("SFCC") requirements and provided the Board with a written report of findings ("Staff Report"), which evaluates the factors relevant to the Application.
2. City Staff Recommendation: Staff recommended that the Board approve the Conditional Use Approval subject to conditions of approval and technical corrections recommended by staff and the Development Review Team as listed in Attachment A of the Staff Report.
3. The Planning and Land Use Director issued a determination memo interpreting Chapter 14 such that a "Micro Community" use falls under the "Boarding, dormitory, monastery, or convent" use within the "Group Living" use category. *Planning and Land Use Department Determination Memo 2026-02* (Aug. 11, 2026); *see also* SFCC 14-5.2(B)(2)(II) (allowing the Director to determine whether an unlisted use is materially similar to a listed use and treating the unlisted use accordingly).
4. The proposed Application for a Micro Community use is therefore treated equivalent to an application for a "Boarding, dormitory, monastery, or convent" use.
5. The Property is located in a R-1 District and must receive conditional use approval in order to conduct a "Boarding, dormitory, monastery, or convent" use. *See Planning and Land Use Department Determination Memo 2026-02* (Aug. 11, 2026); SFCC 14-5.2 Table 5-1, *Summary Table of Allowed Uses*.
6. The Application is therefore subject to the requirements set forth in SFCC Section 14-2.1(F)(2), *Conditional Use Approval.*
7. Under SFCC Section 14-2.1(F)(2), conditional use approvals are intended to allow flexibility in providing for, regulating, or preventing specified uses with various districts

so they are compatible with existing or desired land use patterns. Conditional use approval is required for certain uses so that potential detrimental effects may be reduced or avoided and conflicts in land use may be prevented.

8. Under SFCC Section 14-2.1(F)(2), when a use in Table 5-1, *Summary Table of Allowed Uses*, has a "C" in a cell, that indicates that the use may be established in the associated zoning district only if reviewed and approved for a conditional use permit under the procedure in City Code.
9. Under SFCC Section 14-2.1(F)(2), those procedures include an Early Neighborhood Notification Meeting (14-2.1(F)(2)(III)(a)), the submission of an application that indicates the section of Chapter 14 under which the approval is sought and the grounds on which it is requested (14-2.1(F)(2)(III)(b)), the review of the application and preparation of a Staff Report by the Land Use Department (14-2.1(F)(2)(III)(c)), a public hearing (14-2.1(F)(2)(III)(d), and approval of the application and a site plan at the hearing (14-2.1(F)(2)(III)(e).
10. The Applicant completed an Early Neighborhood Notification Meeting on August 27, 2026. The meeting included presentations by the Applicant's team and questions and comments from neighbors and interested persons. 24 members of the public attended.
11. After submission of the Application, Staff prepared a Staff Report. This was submitted to the Board in advance of the public hearing.
12. The Board has the authority to hear applications for conditional use approvals under SFCC 14-2.1 Table 2-1, *Summary Table of Review Procedures.*
13. The Board heard the Application at a public hearing on November 3rd, 2026. The hearing included a presentation from Staff and testimony and evidence from the Applicant.
14. To approve a conditional use request, the Board must make the following findings: (1) that the Board has the authority under the section of Chapter 14 described in the Application to grant a conditional use approval; (2) that granting the conditional use approval does not adversely affect the public interest; and (3) that the use and any associated buildings are compatible with and adaptable to buildings, structures, and uses or the abutting property and other properties in the vicinity of the premises under consideration. *See* SFCC 14-2.1(F)(2)(IV)(a).
15. The Application outlines section 14-2.1(F)(2) as giving the Board the authority to grant the conditional use approval. The Board agrees, as SFCC 14-2.1 Table 2-1, *Summary Table of Review Procedures* references section 14-2.1(F)(2) as the relevant Conditional Use Approval and authorizes the Board of Adjustment's action on such approvals.
16. Based on the information set forth in the Staff Report and exhibits and the testimony and evidence presented at the hearing, the Board finds that the conditional use approval to allow a Micro Community use at the Property does not adversely affect the public interest.
17. Based on the information set forth in the Staff Report and exhibits and the testimony and evidence presented at the hearing, the Board finds that the Micro Community use and any associated buildings are compatible with and adaptable to buildings, structures, and uses of the abutting properties and other properties in the vicinity of the Property.
18. The Board may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the General Plan. *See* SFCC 14-2.1(F)(2)(IV)(b).

19. The Board finds that the conditions and technical corrections specified in Attachment A of the Staff Report are necessary to accomplish the proper development of the area and to implement the policies of the General Plan.
20. A conditional use approval is granted for a specific use and intensity. Any request to change to a new or different use that requires a conditional use approval, as designated in Table 5-1, *Summary Table of Allowed Uses*, requires a new application, review, and hearing. A new application, review, and hearing are also required for any significant expansion or intensification of an approved conditional use. *See* SFCC 14-2.1(F)(2)(III)(f)(1).

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The applicable procedural requirements for the Application have been met.
3. The Board concludes that the criteria for conditional use approval have been met.
4. The Board grants the Applicant's request for conditional use approval to conduct the Micro Community use at the Property, subject to the conditions and technical corrections in Attachment A of the Staff Report.
5. The Board concurrently approves the site plan that was provided with the Application as sufficient to document that the type and extent of development proposed can be accomplished in conformance with applicable development standards.

IT IS SO ORDERED ON THIS 3rd DAY of NOVEMBER, 2026, BY THE BOARD OF ADJUSTMENT OF THE CITY OF SANTA FE. THE APPROVAL SHALL EXPIRE IN ACCORDANCE WITH SFCC 14-2.1(F)(2)(III)(f) UNLESS DEVELOPMENT OF THE PROPERTY HAS BEEN INITIATED WITHIN THREE YEARS.

_____ _____
Gary Friedman Date
Board of Adjustment Chair

FILED:

_____ _____
Geralyn F. Cardenas Date
City Clerk

APPROVED AS TO FORM:

_____ _____
Natalie Cauley Date
Assistant City Attorney