



# Agenda

CITY CLERK'S OFFICE

DATE 4/18/14 TIME 3:30pm

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**SUMMARY COMMITTEE**  
**Thursday, May 5, 2016 - 11:00am**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. **ROLL CALL**
- B. **APPROVAL OF AGENDA**
- C. **APPROVAL OF MINUTES**

April 7, 2016

- D. **OLD BUSINESS**
- E. **NEW BUSINESS**

1. **Case #2016-36. 417 East Palace Avenue Lot Split.** JenkinsGavin Design and Development, agent for Palace Avenue Office Suites, LLC, requests approval of a lot split to divide approximately 0.78 acres into two lots (+/-0.66 acres and +/-0.12 acres). The property is zoned BCD (Business Capitol District) East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)

- F. **STAFF COMMUNICATIONS**
- G. **MATTERS FROM THE COMMITTEE**
- H. **ADJOURNMENT**

**NOTES:**

- 1) Procedures in front of the Summary Committee are governed by Roberts Rules of Order. Postponed cases are postponed 1) to a specific date, or 2) indefinitely until specific conditions have been resolved, or 3) to a specific date with the provisions that specific conditions be resolved prior to that date. Postponed cases can be removed from postponement by a motion and vote of the Summary Committee.
- 2) Due to time constraints not all issues may be heard and may be rescheduled to the next scheduled Summary Committee meeting. This agenda is subject to change at the discretion of the Summary Committee.
- 3) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. In "quasi-judicial" hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and be subject to cross examination. Witnesses have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.

**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**

**SUMMARY INDEX  
CITY OF SANTA FÉ  
SUMMARY COMMITTEE  
May 5, 2016**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGES</b>
A. ROLL CALL	Quorum	1
B. APPROVAL OF AGENDA	Approved as published	1
C. APPROVAL OF MINUTES - April 7, 2016	Approved as presented	1
D. OLD BUSINESS	None	
E. NEW BUSINESS		
1. <u>Case #2016-036</u> 417 East Palace Avenue Lot Split	Approved with conditions	1-3
F. STAFF COMMUNICATIONS	None	3
G. MATTERS FROM THE COMMITTEE	Discussion	3-4
H. ADJOURNMENT	Adjourned at 11:15 a.m.	4

**MINUTES OF THE MEETING  
OF THE CITY OF SANTA FÉ  
SUMMARY COMMITTEE  
May 5, 2016**

A regular meeting of the City of Santa Fé Summary Committee was called to order by Brian Gutierrez, Chair, on the above date at approximately 11:00 a.m. in the City Council Conference Room, City Hall, Santa Fé, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Brian Gutierrez, Chair  
Sarah Propst, Commissioner

**MEMBERS EXCUSED:**

Vince Kadlubek, Commissioner

**OTHERS PRESENT:**

Greg Smith, Current Land Use Director  
Dan Esquibel, Current Land Use Senior Planner  
Carl Boaz, Stenographer

There was a quorum of the membership in attendance for the conducting of official business.

**B. APPROVAL OF AGENDA**

Commissioner Propst moved to approve the agenda as published. Chair Gutierrez seconded the motion and it passed by unanimous voice vote.

**C. APPROVAL OF MINUTES – April 7, 2016**

Commissioner Propst moved to approve the minutes of April 7, 2016 as presented. Chair Gutierrez seconded the motion and it passed by unanimous voice vote.

**D. OLD BUSINESS**

There was no Old Business.

**E. NEW BUSINESS**

- 1, Case #2016-36, 417 East Palace Avenue Lot Split. JenkinsGavin Design and Development, agent for Palace Avenue Office Suites, LLC, requests approval of a lot split to divide approximately

0.78 acres into two lots ( $\pm 0.66$  acres and  $\pm 0.12$  acres). The property is zoned BCD (Business Capitol District) East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)

### Staff Report

Mr. Esquibel presented the staff report for this case. A copy of his report is attached herewith to these minutes as Exhibit 1. Please refer to Exhibit 1 for details concerning the staff report.

He explained that the previous approval has expired because the applicant did not file it. It was heard by the Planning Commission as a serial subdivision. This applicant came in and because it was in a five-year time frame, it had to come to a full subdivision plat. The applicant failed to file the approved subdivision plat. Now it is going through the summary process as a division of 0.78 acre into two lots. It is in the BCD and this subdistrict requires a 10% open space at the front.

It is oddly configured as an arrow. They had to configure it that way because of that open space requirement at the front of the property. They will lease from the adjacent lot because they didn't have enough room. The BCD allows for off-street parking to develop it with a minimum 5-year lease. Here they have parking in perpetuity so they don't have to worry about the lease. Beyond that this is a basic subdivision. They have accommodated the parking and the lot size meets the requirements for BCD. Some subdistricts require setbacks and others don't. There are none in this subdistrict. There is no requirement concerning lot coverage.

### Questions to Staff

There were no questions to Staff.

### Applicant's Presentation

Present and sworn was Ms. Hillary Welles, 130 Grant Avenue, Suite 101, who said the applicant, Mr. Tommy Gardner is also here. Ms. Welles explained that they did go through both the preliminary and final process and her client misunderstood the filing requirement. So we want to get it finished. We agree with all staff conditions.

### Public Hearing

There were no speakers from the public regarding this case and the public hearings was closed.

### Questions to the Applicant

Commissioner Propst said these two proposed lots form a compound with parking and drainage. So

she asked why they need this unusual split.

Ms. Welles clarified that because it is a condo and due to the financial downturn, they will dissolve the condominiums and separate the business interests of these two properties.

Commissioner Propst asked who will maintain the use of the parking spaces located on Tract 1-A in perpetuity. She asked if it will create issues in the future with the other owner.

Present and sworn was Mr. Tom Gardner, 417 East Palace Avenue, who said it has a legal document between the two parties filed of record. So, as one owner, he could not sell the property without parking agreement. It is a recorded document, not just a friendly agreement.

Commissioner Propst asked if it is therefore his responsibility to maintain it if new gravel was needed.

Mr. Gardner said no and explained that there is a maintenance agreement for who pays for what and we have to abide for that.

Chair Gutierrez noted that in 2010, This went through the Planning Commission as a variance and asked if that doesn't affect anything today, despite not being recorded.

Mr. Esquibel clarified that the variance didn't pertain to this tract but to A-1. This lot doesn't have any variance and the proposal does meet all requirements.

Regarding the easement, most of them do have maintenance agreements when they are not accessed off a public road. It is not uncommon to have them.

Chair Gutierrez added that in the past, they recorded the parking agreement and it will be on this plat.

#### Action of the Committee

Commissioner Propst moved in Case #2016-36 at 417 East Palace Avenue Lot Split, to approval the split subject to all staff conditions. Chair Gutierrez seconded the motion and it passed by unanimous voice vote.

#### **F. STAFF COMMUNICATIONS**

There were no Staff communications.

#### **G. MATTERS FROM THE COMMITTEE**

Commissioner Propst said she had asked Mr. Esquibel to follow up and he did. She thanked him for responding so quickly.


## H. ADJOURNMENT

Having completed the agenda and with no further business coming before the Summary Committee, the meeting was adjourned at 11:15 a.m.

Approved by:

  
\_\_\_\_\_  
Brian Gutierrez, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz for Carl G. Boaz, Inc.

Summary Committee  
May 5, 2016

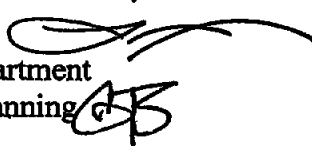
**EXHIBIT 1**


# City of Santa Fe, New Mexico

# memo

**DATE:** May 28, 2016 for the May 05, 2016 Meeting

**TO:** Summary Committee

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

**FROM:** Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division 

**Case# 2016-36, 417 East Palace Avenue Lot Split.** JenkinsGavin Design and Development, agent for Palace Avenue Office Suites, LLC, requests approval of a lot split to divide approximately 0.78 acres into two lots (+/-0.66 acres and +/-0.12 acres). The property is zoned BCD (Business Capitol District) East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)

## RECOMMENDATION

The Land Use Department recommends Approval with the Conditions of Approval as outlined in this report.

### 1 BACKGROUND & SUMMARY

On May 11, 2011, the Planning Commission approved a two lot subdivision (lot split) with a variance to setbacks, creating Tract 1 (.78+ acres) and Tract 2 (.11+ Acres). On February 7, 2013, the Commission approved a second lot split to further subdivide Tract 1 (Tract 1-A - .66+ acres and Tract 1-B -.12+ Acres). The applicant failed to record the final plat for the second split, and that approval expired.

The first lot split was considered by the Planning Commission rather than by the Summary Committee because it included a variance. The second split went to the Commission as a "serial subdivision," since it occurred less than five years after the first split.

The property consists of .897 acres and is located at the intersection of Palace Avenue and Armijo Street. The property is zoned Business Capitol District East Marcy/East Palace (BCD/EAS). Existing use for the proposed Tract One is office use and residential is the current use for the proposed Tract Two.



## 2 BCD Staff Analysis

Tract 1-B is an irregularly shaped tract. Proposed infrastructure support for access, utilities and parking is proposed on Tract 1-A instead of Tract 1-B. The applicant is proposing the irregular design in order to resolve open space issues required by the BCD Subdistrict for open space size and location. Additionally, the property is located in the "Downtown and Eastside" Historic District. Existing historic yard walls prevent relocation of the driveway, or creation of a new driveway. BCD parking standards allow offsite parking within 600 feet of the property with a five year lease agreement. The proposed parking for the subdivision includes notes on the plat to establish easements in perpetuity for Tract 1-B on Tract 1-A to satisfy parking requirements and demand for the existing building and current use (office).

### A. Parking

Existing Gross Square feet	Net Leasable Area	Use	BCD Parking Standard	Proposed Parking	Required Parking
<u>Lot 1A</u>					
5,594	5,324	Office	One space per each 500 square feet of net leasable area	12	11
<u>Lot 1B</u>					
2,862	2,360	Office		5	5

### B. Bicycle Parking

The required off street bicycle parking per Ordinance 2016-10 "Off-Street Bicycle Parking Table 14-8.6-3" SFCC requires Tract 1-A to install 8 off-street bicycle parking spaces and Tract 1-B to install 4 off-street bicycle parking spaces. Bike racks will be provided.

### C. Open Space

The BCD East Marcy/East Palace Subdistrict requires 10% of the total lot area as open space, placed adjacent to the front property line to serve as a yard or courtyard. The minimum amount of required open space for Tract 1-B is bounded by the adjacent property to the east and driveway with historic walls to the west, as shown on the plat. Tract 1-A exceeds the 10% open space minimum standards by 60% and is developed as a yard and meets the intent for the Subdistrict.

### D. Water

The property is currently serviced by city water. Comments received from the City Water Division require that both tracts be separately metered for water service and that all service lines require a service line easement. A private utility easement will be created, if necessary, for the private water lines.

### E. Sewer

The property is currently serviced by city sewer. No additional requirements have been specified from the City Wastewater Management Division.

#### **F. Environmental Services**

Comments received from Environmental Services Division allow individual trash and recycling containers to be used, which will be wheeled out to Palace Avenue on pick up days.

### **CONDITIONS OF APPROVAL**

Any staff conditions noted in the attached memoranda and not listed in the recommended conditions of approval have already been addressed on the plat.

**Following standard practice, redline comments will be provided to the surveyor who shall make any necessary changes and submit the corrected plat in Mylar.**

Staff recommends the following conditions of approval:

1. Add the following notes to the plat:
  - a. All new development shall comply with all applicable regulations of the current Land Development Code.
  - b. All new construction shall meet the requirements of the Fire Department.
2. Install new bicycle parking stalls to comply with bicycle parking requirements.

### **ATTACHMENTS:**

#### **EXHIBIT A: City Staff Memoranda**

1. Waste Water Division Engineer Memorandum, Stan Holland
2. Water Division Memorandum, Dee Beingessner
3. Terrain Management Comments Risana "RB" Zaxus
4. Traffic Engineering Division Comments, Sandra Kassens

#### **EXHIBIT B: Maps and Photos**

1. Zoning and Aerial View
2. Street View of Property Entrance

#### **EXHIBIT C: Applicant Materials**

1. Letter of Application
2. Lot Split Plat

May 5, 2016  
Summary Committee  
Case # 2016-36  
**East Palace Ave**  
**Lot Split**

# EXHIBIT A

DRT Comments
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# City of Santa Fe, New Mexico

# memo

**DATE:** April 8, 2016  
**TO:** Dan Esquibel, Senior Planner  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2016-36 417&419 East Palace Lot Split

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

**Additional Comments:**

None

*City of Santa Fe*  
**memo**

**DATE:** March 29, 2016  
**TO:** Dan Esquibel, Land Use Planner, Land Use Department  
**FROM:** Dee Beingessner, Water Division Engineer *DB*  
**SUBJECT:** Case # 2016-36 417 East Palace Avenue Lot Split

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The property at 417 E Palace Ave has two 5/8" domestic water meters and the property at 419 E Palace also has two 5/8" domestic water meters. Both properties resulting from this lot split have existing water service. A private utility easement should be created if necessary for the private water lines.

Fire protection requirements are addressed by the Fire Department.

**DATE:** January 18, 2013

**TO:** Dan Esquibel, Case Manager

**FROM:** Risana "RB" Zaxus  
City Engineer for Land Use

**RE:** Case # 2012-149  
417 and 419 East Palace Avenue Final Subdivision Plat

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Previous review comments have been addressed. No review comments on this Final Subdivision Plat.

**ESQUIBEL, DANIEL A.**

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**From:** KASSENS, SANDRA M.  
**Sent:** Tuesday, January 08, 2013 9:03 AM  
**To:** ESQUIBEL, DANIEL A.  
**Cc:** ROMERO, JOHN J  
**Subject:** 417-419 East Palace Ave Final SD plat

Dan,  
The Traffic Division has no comments on the final SD plat located at 417 and 419 East Palace Avenue, case #2012-149.  
Sandy

*Sandra Kassens, Engineer Assistant  
Traffic Engineering Division, PWD  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504*

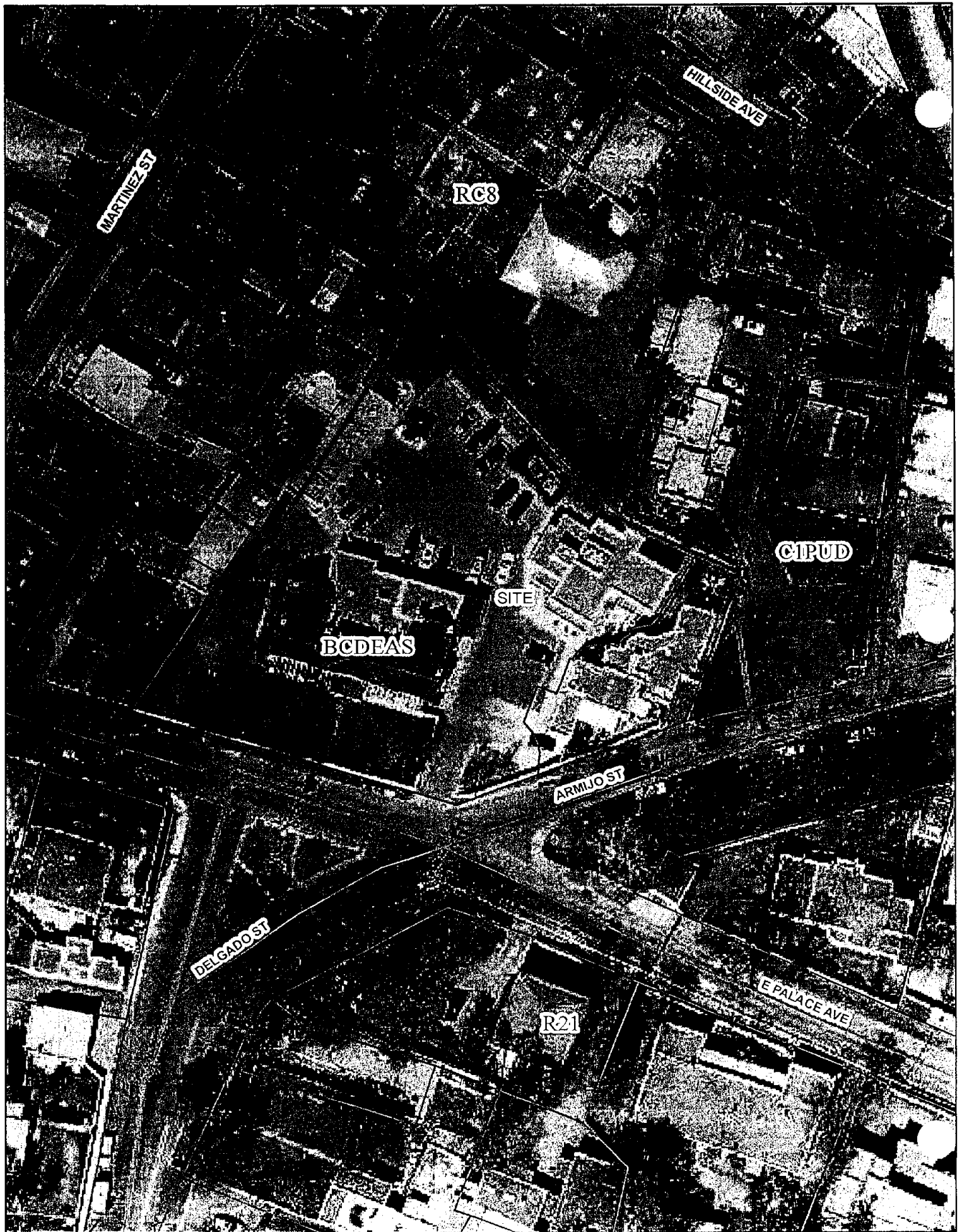
*Office 505-955-6697  
Fax 505-955-6439*

May 5, 2016  
Summary Committee  
Case # 2016-36  
**East Palace Ave**  
**Lot Split**

# **EXHIBIT B**

Maps
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**jenkinsgavin**  
DESIGN & DEVELOPMENT INC

March 21, 2016

Dan Esquibel  
Current Planning Division  
City of Santa Fe  
200 Lincoln Avenue  
Santa Fe, NM 87501

**RE: 417-419 E. PALACE AVENUE LOT SPLIT**

Dear Dan:

This letter is respectfully submitted on behalf of Palace Avenue Office Suites, LLC in application for a lot split, for consideration by the Summary Committee at their meeting of May 5, 2016. The  $\pm 0.783$ -acre subject property is zoned BCD, East Marcy/East Palace sub-district. A previous lot split, approved by the Planning Commission on September 2, 2010, created Tract 1 and Tract 2. Tract 2 is not a part of the current application. A lot split is now proposed for Tract 1, currently a condominium.

#### Project History

The current lot split application is a re-submittal of a previous subdivision plat that was approved by the Planning Commission at their meeting of February 7, 2013. As the plat was never recorded, the subdivision approval expired on March 6, 2016. Per SFCC §14-3.7(A)(4), the 2013 submittal required a subdivision plat, as less than five years had passed since the previous lot split referenced above. Since it has now been over five years since approval of the 2010 lot split, we are re-submitting the approved subdivision plat as a lot split. There have been no changes to the plat, and no new construction is proposed with this application.

#### Project Description

Tract 1 comprises  $\pm 0.783$  acres and contains three separate office buildings. The proposed lot split will create Tract 1-A, comprising  $\pm 0.664$  acre, and Tract 1-B, comprising  $\pm 0.119$  acre. Tract 1-A will contain the two office buildings at 417 E. Palace Avenue, and Tract 1-B will contain the building at 419 E. Palace Avenue (see attached Lot Split Plat). The condominium will be dissolved upon recordation of the lot split. Each tract is served by separate utilities, including water and sewer, and each property is already metered separately for utilities. Appropriate utility easements are in place or are being created by this plat.

#### Access and Parking

Access to both lots will be via the shared access driveway, with the requisite easements as shown on the plat. As drainage from the northern portion of Tract 1-A flows into the drainage pond in Tract 1-B,

a drainage easement has also been created along the driveway and pond. Per the City Engineer for Land Use, an extension to the current drainage easement has been added to accommodate stormwater flow from Tract 1-A to Tract 1-B.

Vehicle and bicycle parking for both tracts is provided as follows:

Tract 1-A: Gross s.f. 5,594; Net Leasable Area 5,324 s.f. Required parking spaces: 12. Spaces provided: 25. Required bicycle parking spaces: 10. Existing bicycle parking spaces: 10.

Tract 1-B: Gross s.f. 2,862; Net Leasable Area 2,360 s.f. Required parking spaces: 5. Spaces provided: 5. The spaces for this lot are located on Tract 1-A per a perpetual easement. The spaces are within 600 feet of the property line, in accordance with Santa Fe Land Development Code §14-8.6(C)(b). Required bicycle parking spaces: 5. Proposed bicycle parking spaces: 5.

An additional parking easement has been modified for access by the owner of Tract 2.

#### Open Space

In accordance with BCD standards for the East Marcy/East Palace Sub-district per SFCC § 14-7.4(A)-1, 10% open space for each tract has been provided adjacent to the front property line as follows:

Tract 1-A: Total lot area 28,958 s.f.; 4,778 s.f. open space provided adjacent to front property line.

Tract 1-B: Total lot area 5,200 s.f.; 540 s.f. open space provided adjacent to front property line.

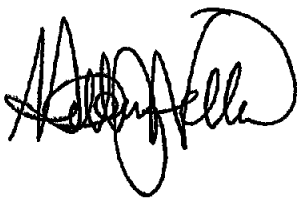
In support of this request, the following documentation is submitted herewith for your review:

1. Lot Split Application
2. Letter of Owner Authorization
3. Warranty Deed & Legal Lot of Record
4. Lot Split Plat (3 full size sets and a PDF)
5. Application fees of \$310.00 (Subdivision: \$280.00; Public Notice Posters \$60.00)

Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

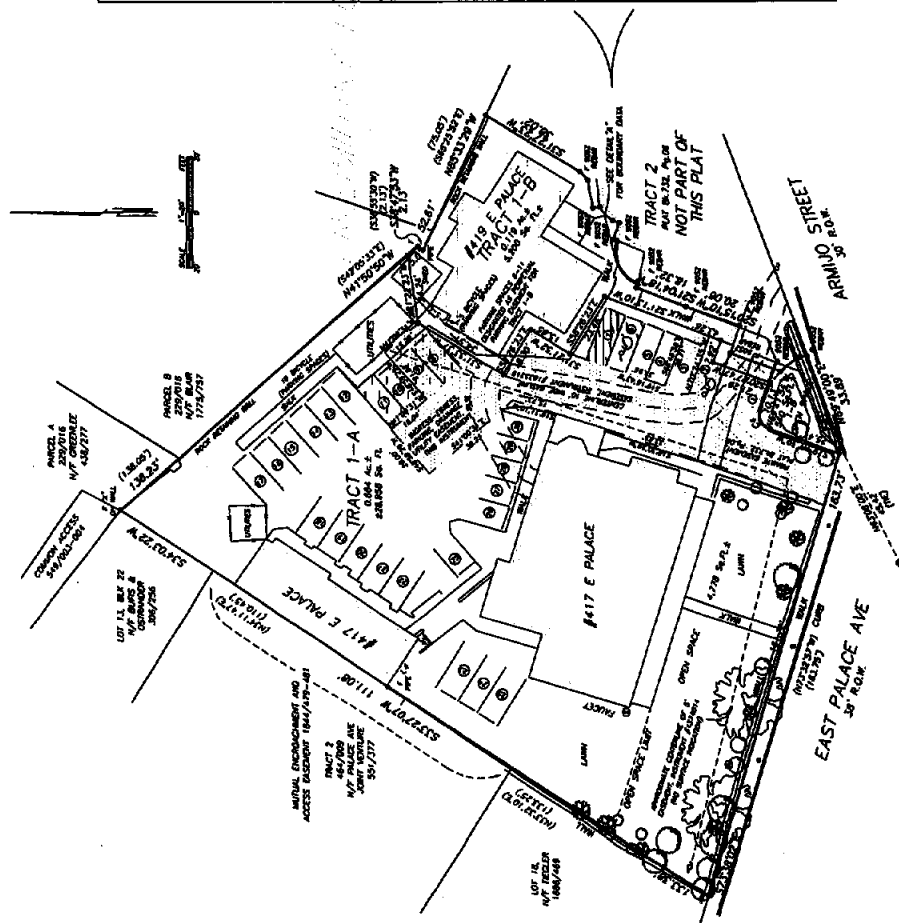
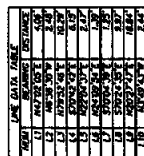
Sincerely,



Hillary Welles



07/01/2020 Monday July



May 5, 2016  
Summary Committee  
Case # 2016-36  
**East Palace Ave**  
**Lot Split**

# EXHIBIT C

Applicant Data
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← E Palace Ave  
Santa Fe, New Mexico  
9 :  
© Street View - Nov 2013

E Palace Ave  
Santa Fe, New Mexico  
Arroyo del  
Palo Verde

Back to Map

Google