



# Agenda

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## SUMMARY COMMITTEE

Thursday, March 7, 2019 - 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:  
February 7, 2019
- D. OLD BUSINESS
- E. NEW BUSINESS

1. **Case #2019-08. 823 Acequia Madre Lot Split.** Dean Shrader of High Desert Surveying, Inc., Agent, representing Paul Roesler and Jacquelyn Alarid, Owner, requests approval of a lot split to divide approximately +/- 0.57 acres to create two lots (+/- 0.40 acres and 0.17 acres). The property is zoned RC8AC (Residential Compound– Eight dwelling units per acre/Arts and Crafts Overlay) and is within the Downtown and Eastside Historic District. (Donna Wynant, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325).
2. **Case #2019-10. 201 Sunny Slope Drive Lot Split.** Paramount Surveys, Inc., Agent, for ARB Investments, LLC., Owner, request a lot split to divide approximately 0.876 acres to create two lots ( Lot A-1B at 0.24 acres and Lot A-1A at 0.62 acres). The property is located at 201 Sunny Slope Drive and is zoned R5 (Residential- five dwelling units per acre). A portion of the property is located in the Foothills Subdistrict of the Escarpment Overlay. (Dan Esquibel, Case Manager, [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov), 955-6587).

- 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.**

**RECEIVED AT THE CITY CLERK’S OFFICE**

**DATE: February 14, 2019**

**TIME: 2:39 PM**

**SUMMARY INDEX  
CITY OF SANTA FE  
SUMMARY COMMITTEE  
March 7, 2019**

<b>ITEM</b>	<b>ACTION</b>	<b>PAGES</b>
A. ROLL CALL	Quorum	1
B. APPROVAL OF AGENDA	Approved as presented	1
C. APPROVAL OF MINUTES - February 7, 2019	Approved as presented.	1
D. OLD BUSINESS	None	1
E. NEW BUSINESS		
1. <u>Case #2019-08.</u> 823 Acequia Madre Lot Split	Approved with conditions	2-3
2. <u>Case #2019-10</u> 201 Sunny Slope Drive Lot Split	Approved with conditions	3-7
F. STAFF COMMUNICATIONS	Comments	7-8
G. MATTERS FROM THE COMMITTEE	None	8
H. ADJOURNMENT	Adjourned at 11:51 p.m.	8

**MINUTES OF THE MEETING  
OF THE CITY OF SANTA FE  
SUMMARY COMMITTEE  
March 7, 2019**

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

**A. ROLL CALL**

**MEMBERS PRESENT:**

Lee Garcia, Chair  
Brian Gutierrez

**MEMBERS EXCUSED:**

Janet Clow, Secretary

**OTHERS PRESENT:**

Noah Berke, Current Planning Division Manager and Staff Liaison  
Nick Schiavo, City Engineer  
Dan Esquibel, Planner Senior  
Donna Wynant, Planner Senior  
Carl Boaz, Stenographer

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

**B. APPROVAL OF AGENDA**

**MOTION:** Commissioner Gutierrez moved, seconded by Chair Garcia, to approve the Agenda, as presented. The motion was approved unanimously on a voice vote.

**C. APPROVAL OF MINUTES - February 7, 2019**

Mr. Berke said he gave a typo to Mr. Boaz.

**MOTION:** Commissioner Gutierrez moved, seconded by Chair Garcia, to approve the minutes of the meeting of February 7, 2019, as presented. The motion was approved unanimously on a voice vote.

**D. OLD BUSINESS**

There was no Old Business.

## E. NEW BUSINESS

1. Case #2019-08. 823 Acequia Madre Lot Split. Dean Shrader of High Desert Surveying, Inc., Agent, representing Paul Roesler and Jacquelyn Alarid, Owners, request approval of a lot split to divide approximately  $\pm 0.57$  acre to create two lots ( $\pm 0.40$  acre and  $\pm 0.17$  acre). The property is zoned RC8AC (Residential Compound – eight dwelling units per acre/Arts and Crafts Overlay) and is within the Downtown and Eastside Historic District. (Donna Wynant, Case Manager, djwynant@santafenm.gov, 955-6325).

Ms. Wynant presented the staff report for this case. She had received several phone calls regarding this lot split. There was a question on legal lot of record. Jacquelyn Alarid owns 823½ Acequia Madre. They need to be able to show to our Department they have a legal lot of record and the history on this property with previous splits.

Regarding Conditions of Approval, Wastewater required that they are both served by sewer and to provide set back with fence as close as 3' to allow it closer than the minimum and for the existing fence. It is to allow the adjacent owner a certain distance of access.

### Applicant's Presentation

Mr. Dean Shrader, 1925 Aspen Drive, Suite 401, was sworn and agreed with the conditions of approval proposed by Staff. He said they met with neighbors on both sides who also agreed with these conditions. He stood for questions.

### Public Hearing:

Ms. Jacquelyn Alarid, owner, was sworn. She verified that the lot split has nothing to do with property lines. She said she understood the setback requirement on her property. She asked if she needed to meet again because of the sewer line issue.

Ms. Wynant explained to her that there would be no other meetings. All property lines are in place and this request just splits the two houses into separate lots.

Ms. Kate Leriche, 8143 Camino Acoma, was sworn. She said she was the architect who took the project before the HDRB and got halted because of the need for a lot split. She had a copy of the request before the HDRB that outlined everything they are doing. It requires lots of maintenance from years of dereliction. They will repair the coyote fence, repair the gate, the shed and do a complete window and door replacement. The windows are not historic and will be lowered. The shed is contributing but not the main

house. They will keep the existing square posts on the portal, put a new cover on the second floor and put in a new kiva fireplace. They will install three new mini-splits for their HVAC. She added that they have no concerns about dividing the property into separate lots.

There were no other speakers from the public regarding this case and the public hearing portion was closed.

#### Committee Discussion

Commissioner Gutierrez asked if the two separate wastewater hookups have been done.

Mr. Shrader said they are still working on it.

Commissioner Gutierrez cautioned that they need to make sure it does not impact any neighbors.

Commissioner Gutierrez asked if the fence work is being done.

Ms. Wynant agreed.

Mr. Shrader asked if he was referring to the 10' setback.

Commissioner Gutierrez said he was referring to the minimum of 5' setback from the fence.

Mr. Shrader said that is shown on the plat and they will work it out with Staff.

Commissioner Gutierrez asked Ms. Alarid if that satisfied her. She agreed.

**MOTION: Commissioner Gutierrez moved, seconded by Chair Garcia, in Case #2019-08 at 823 Acequia Madre, to approve the Lot Split, subject to conditions of approval. The motion was approved unanimously on a voice vote.**

- 2. Case #2019-10, 201 Sunny Slope Drive Lot Split. Paramount Surveys, Inc., Agent for ARB Investments, LLC., Owner, request a lot split to divide approximately 0.876 acres to create two lots (Lot A-1B at 0.24 acre and Lot A-1A at 0.62 acre). The property is located at 201 Sunny Slope Drive and is zoned R5 (Residential – five dwelling units per acre). A portion of the property is located in the Foothills Subdistrict of the Escarpment Overlay. (Dan Esquibel, Case Manager, [daesquibel@santafenm.gov](mailto:daesquibel@santafenm.gov) 955-6587)**

Mr. Esquibel presented the staff report for this case. He said the proposed lot split meets all development standards and will not create or increase any non-conformities with Chapter 14. Further

development on either lot will be required to comply with applicable current regulations of the Land Use Development Code. Staff recommended approval of the lot split, subject to Conditions of Approval as outlined in his report and technical corrections included in Exhibit A.

Mr. Esquibel referred to an email comment from Scott Peterson.

[A copy of the email is incorporated herewith to these minutes as Exhibit 1.]  
He also distributed copies of a letter from Mr. Michael Gold, 217 Vuelta Roble.

[A copy of the letter is incorporated herewith to these minutes as Exhibit 2.]

Mr. Esquibel said the Applicant has complied with all requirements of the subdivision.

#### Applicant's Presentation

Mr. Paul Rodriguez, 1151 Cerro Gordo Road, was sworn and said they agreed with all conditions and would answer questions.

#### Public Hearing

Mr. Michael Gold, 217 Vuelta Roble, was sworn. He had three concerns. The first was drainage and explained when a subdivision beneath was built, they had big problems. He pointed out the Staff condition that the applicant must remove all trash on the existing platted walking trail. He said he had two correspondences regarding that because the trail goes from Vuelta Roble to the dog park. His concern was that one letter says when the property is developed, then the City would probably require the owner to develop the walking trail. People walk on it sometimes. It is partially on adjacent property that is soon to be developed. But the second letter says the owner could block it off until that property is developed. He was concerned that the portion on the subject property will be blocked off and asked if in any way, it could say the trail would not be fenced off. That would be 20 feet on a thousand foot trail and otherwise, would make the trail inaccessible. Right now it is the only access to the dog park. He requested, if possible, that this portion remain open and not be fenced off.

Mr. Scott Peterson was sworn. He said he was happy to see someone is doing things with the property and cleaning it up. "We live on lot A-2 - in a house. On the north side last year there was a lot of runoff from the dog park and washed out the retaining wall and we would like to ask if there could be a drainage easement between the lots in order to be able to make repairs." He asked if a building envelope would be shown on the plat.

Mr. Esquibel nodded that it would.

Chair Garcia said the Committee would address that.

Mr. Anthony Cataranottol, 259 Vuelta Roble, was sworn. He said, as a neighbor, he wanted to show

support regarding the drainage. "We had a flood to the east of that property and a significant washout. Drainage there with a French drain and easement would be appreciated. And access to the dog park is important but it is obstructed with litter and overgrowth of branches on that trail."

There were no other speakers from the public regarding this case and the public hearing portion was closed.

Mr. Rodriguez, in regard to the walking path, asked if that path is owned by the City.

Mr. Berke said it has a long history. Essentially what happened was by default and subsequently has become a non-legal trail. The City has rights to the trail easement, and it was to be dedicated to the City at time of development. We want to fully develop the trail because it is heavily used and was always set up. The previous owner was unwilling to work with the City on it and it became impassable. So the City wants to do that, and Staff is in conversation with Mr. Borrego.

Mr. Rodriguez said there is nothing located in the easement so if there is something in place, the remaining question is who should develop it.

Mr. Berke said that would need to be researched to see if the requirement was for the owner to develop it or not

Mr. Borrego, owner, was sworn to respond.

Mr. Berke said if the City finds it is the owner's responsibility to develop the trail, it would be upon him to develop the trail there.

Mr. Borrego said he was not opposed to dedicating the trail easement but not to develop it himself.

Chair Garcia asked to see the location on the plat.

Mr. Rodriguez pointed it out to him, and the Committee discussed it with him briefly and talked about the debris on it.

Mr. Rodriguez clarified on #1 that the trail is on the eastern boundary as platted.

Commissioner Gutierrez noted it appears that a neighbor's wall encroaches on the trail easement.

Mr. Rodriguez agreed.

Commissioner Gutierrez asked how wide the easement is.

Mr. Rodriguez said it was a 20' width and the wall encroaches about two feet.

Commissioner Gutierrez asked if it is still buildable.

Mr. Esquibel said he could not speak to the legal issue but when they did the original adjustment, it was adjusted to put more of the trail on this property and that was inherited at the lot line adjustment. He thought the wall encroached about 2½ feet.

Commissioner Gutierrez explained that he was after connectivity to keep the trail open and do nothing that would put that trail in jeopardy.

Mr. Borrego indicated his willingness to dedicate it to the City. "We need to make sure there is enough right-of-way to make it accessible to the neighborhood.

Mr. Berke suggested to clarify that in the approval of the subdivision and include either City or developer responsible and to make it accessible to city-standards. He was concerned that two or three feet of encroachment might make it unapprovable. He was not sure where the 20' width came from but there are also 15' right-of-way trails in the City.

Commissioner Gutierrez said it absolutely should be done. "Let's make it done right."

Mr. Borrego asked if the City would add a contingency that he would dedicate that portion to the City to handle it.

Commissioner Gutierrez said he was hesitant without knowing the details of the subdivision approval. Obviously, it did not get built and probably was forgotten about. "We want people to be safe on the trails, so I hate to close my eyes and just thank you for donating it."

Mr. Berke went back to the survey for direction.

Mr. Rodriguez said it is a platted easement.

Mr. Berke said, "No doubt the City is the lien holder."

Mr. Rodriguez added that it was not dedicated - just an easement. The Applicant is amenable to dedication but not development of the trail.

Mr. Esquibel clarified that it is a walking trail and in the previous plat, there was no requirement for the owner to develop it.

Mr. Esquibel made a condition that would allow that if the developer is responsible to provide a fair share to the development of the trail, he would put his pro rata fair share into the development. And if the wall is dedicated to the City, we would have a right to pursue that.

Mr. Borrego asked if that easement was dedicated before his ownership.

Mr. Esquibel explained to him that as the new owner, it became his responsibility and any arrangement between him and the previous seller. "If they did not disclose that to you, you still inherit it."



Mr. Borrego accepted Mr. Esquibel's condition.

Mr. Esquibel said he did a fair amount of research, but he could do more on who is responsible and if no one was identified, then he could dedicate it to the City.

Mr. Rodriguez used a driveway easement as an example that it is not the owner's responsibility.

Mr. Berke said he could offer to dedicate it, but the City doesn't have to accept it. But if accepted, the City is responsible. "Right now it is your responsibility to keep it up clear and maintained. As far as improvement, we don't know who is responsible. But I would guess you put dirt there packed down. It is just a walking trail and Mr. Esquibel's research will probably find out if it is already dedicated. It is a trail the City wants and has been seeking to own since I've been at the City."

Mr. Esquibel noted there is also the drainage issue.

Commissioner Gutierrez understood he asked for a drainage easement.

Mr. Patterson clarified that it is to maintain it up there.

Mr. Esquibel said that would be something the applicant would have to provide as a private arrangement with the neighbor. It is a reasonable request.

Commissioner Gutierrez was assured that City Staff would deal with the drainage improvements. Mr. Esquibel agreed to sit with the witness and applicant to work it out.

### Action

**Commissioner Gutierrez moved, seconded by Chair Garcia, to approve the lot split with all conditions of approval in the packet and one extra - if the developer is responsible for development of the easement, the developer shall contribute the fair share for the cost of the trail prior to filing. The motion passed by unanimous voice vote.**

### **F. STAFF COMMUNICATIONS**

Mr. Berke announced the next Planning Commission meeting on March 21, 2019. He said the end of the Summary Committee is still being worked on and until it is worked out, the Committee will continue to meet.

Chair Garcia thanked him for the report.

Mr. Berke said the lot split process can be done administratively so he was not sure why the City has a Summary Committee. It is enjoyable to work with you but more efficient to work them out in a couple of weeks instead of a month. Most of them are not controversial so the same review could be done without a public hearing. Citizens would still have the same rights to appeal to the Governing Body.

He clarified that it will come to the Planning Commission for a vote as a Chapter 14 amendment.

There are two proposed code amendments to be heard at the *Planning Commission meeting*.

**G. MATTERS FROM THE COMMITTEE**

There were no matters from the Committee.

**H. ADJOURNMENT**

Commissioner Gutierrez moved, seconded by Chair Garcia to adjourn the meeting.

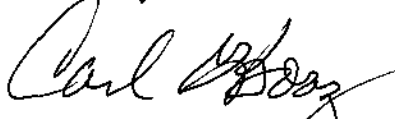
The meeting was adjourned at 11:51 a.m.

Approved by:



Lee Garcia, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.