



# Agenda

CITY CLERK'S OFFICE

DATE 4-10-13 TIME 2:42

SERVED BY Ronaldine Quintana

RECEIVED BY J. D. Ortiz

**SUMMARY COMMITTEE**  
**Thursday, May 2, 2013 - 11:00 am**  
**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 4, 2013**
- D. OLD BUSINESS**
- E. NEW BUSINESS**

1. **Case #2013-18. 927 Canyon Road Lot Split.** James Medrano, agent for Joe R. Baca, requests plat approval to divide approximately 0.37 acres into two residential lots. The property is located at 927 Canyon Road, and is zoned RAC (Residential Arts and Crafts District). The maximum density of RAC districts is 21 dwelling units per acre. (William Lamboy, Case Manager)
2. **Case #2013-27. 3201 Zafarano Drive Lot Split & Lot Line Adjustment.** Greg Gonzales, Branch Design & Development, agent for San Isidro II, LLC, requests plat approval to adjust the existing property line and divide approximately 3.60 acres into two lots. The property is located at 3201 Zafarano Drive, and is zoned C-2 / PUD (General Commercial District / Planned Unit Development). (William Lamboy, 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 FE  
SUMMARY COMMITTEE  
May 2, 2013

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF MINUTES – APRIL 4, 2013.	Approved	1
OLD BUSINESS	None	2
<u>NEW BUSINESS</u>		
<u>CASE #2013-18.</u> 927 CANYON ROAD LOT SPLIT. JAMES MEDRANO, AGENT FOR JOE R. BACA, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.37 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 927 CANYON ROAD AND IS ZONED RAC (RESIDENTIAL ARTS AND CRAFTS DISTRICT). THE MAXIMUM DENSITY OF RAC DISTRICTS IS 21 DWELLINGS PER ACRE	Approved	2-12
<u>CASE #2013-27.</u> 3201 ZAFARANO DRIVE LOT SPLIT & LOT LINE ADJUSTMENT. GREG GONZLES, BRANCH DESIGN & DEVELOPMENT, AGENT FOR SAN YSIDRO II, LLC, REQUESTS PLAT APPROVAL TO ADJUST THE EXISTING PROPERTY LINE AND DIVIDE APPROXIMATELY 3.60 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 3201 ZAFARANO DRIVE, AND IS ZONED C-2/PUD (GENERAL COMMERCIAL DISTRICT/PLANNED UNIT DEVELOPMENT)	Postponed to 06/06/13	12
STAFF COMMUNICATIONS	Information/discussion	12-14
MATTERS FROM THE COMMITTEE	None	14
ADJOURNMENT		14

**MINUTES OF THE MEETING  
OF THE CITY OF SANTA FE  
SUMMARY COMMITTEE  
May 2, 2013**

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Chair Michael Harris, on Thursday, May 2, 2013, at approximately 11:00 a.m., in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Michael Harris, Chair  
Lawrence Ortiz

**MEMBERS EXCUSED:**

Angela Schackel-Bordegary

**OTHERS PRESENT:**

Tamara Baer, Current Planning Division  
William Lamboy, Current Planning Division  
Melessia Helberg, Stenographer

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

**B. APPROVAL OF AGENDA**

Ms. Baer said the applicant has requested to postpone Item #E(2), Case #2013-27, to the next meeting of the Committee on June 6, 2013.

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Harris, to approve the Agenda as amended.

**VOTE:** The motion was approved unanimously on a voice vote.

**C. APPROVAL OF MINUTES – APRIL 4, 2013.**

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Harris, to approve the minutes of the meeting of April 4, 2013, as presented.

**VOTE:** The motion was approved unanimously on a voice vote.

**D. OLD BUSINESS**

There was no Old Business.

**E. NEW BUSINESS**

1. **CASE #2013-18. 927 CANYON ROAD LOT SPLIT. JAMES MEDRANO, AGENT FOR JOE R. BACA, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.37 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 927 CANYON ROAD AND IS ZONED RAC (RESIDENTIAL ARTS AND CRAFTS DISTRICT). THE MAXIMUM DENSITY OF RAC DISTRICTS IS 21 DWELLINGS PER ACRE. (WILLIAM LAMBOY, CASE MANAGER).**

A Memorandum prepared April 18, 2013, for the Summary Committee Meeting of May 2, 2013, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1."

**Staff Report**

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "1."

**Recommendation:** The Land Use Department recommends approval with the conditions of approval as outlined in the Staff Report (Exhibit "1")

**Public Hearing**

**Joe Dwight Gonzales, power of attorney, for his uncle, Joe R. Baca, the owner, was sworn.**

Mr. Gonzales said he has no additional comments, commenting they agree with the terms set for the lot split, and he has no issues with the conditions of approval. He said they understand the terms and conditions, and have agreed to them.

**Speaking to the Request**

**Nelly Higginbotham was sworn.** Ms. Higginbotham said she would like to know the terms of the lot split. She said she spoke on the phone with Mr. Lamboy who gave her some information. She said it is a big lot, "but I just want to know, being close to the river and everything."

Mr. Lamboy said, "Under normal circumstances, this is basically an R-21 District, Residential, 21 dwelling units per acre. With the amount of property they have left after we made deductions for the 2,700

sq. ft. that are in the floodway, they would still have.... under regular circumstances they would be able to built up to 6 units there, but that's not what they're requesting. They're just requesting to split the lot into two, which would allow them to have one principal house on each lot, and up to an additional accessory dwelling unit per lot."

Ms. Higgenbotham said, "The lot size is 0.16 acres."

Mr. Lamboy said it is 0.21 and 0.16 acres.

Ms. Higgenbotham asked if the existing unit is going to remain, or is that up to them.

Mr. Lamboy said, "It is my understanding that the one that is there is going to remain."

Chair Harris said, "But that's outside of what the Summary Committee does. We're just dealing with the lot split. Correct."

Ms. Higgenbotham said if that's all the conditions, that's all she needs to know.

#### **The Public Testimony Portion of the Public Hearing was closed**

#### **Questions and Comments from the Committee**

Mr. Lamboy said, "I would like to add that there is an additional condition of approval, 3(a) under Conditions of Approval, and that one states that, 'At the time of development of either lot, the existing driveway shall be abandoned and the existing curb cut shall be restored to a typical vertical curb section'."

Chair Harris said he was going to ask about that, because "that one I didn't quite understand."

Commissioner Ortiz said, "I'm assuming that main entrance is going to move over to the east on that utility and access easement, that's where that will move. And that point, you'd close down the other one and bring it back to vertical curb section."

Mr. Gonzales said, "The answer to that is yes. We'll be creating a new driveway access for both properties, for the rental property and the new property. And the existing driveway will be completely closed off, and of course we'll do the gutters where the existing driveway is now."

Chair Harris said, "Well, we really need to deal with the Committee now, but basically there is still access to the two lots, should they be approved, which will be off Canyon Road. But, instead of the way it is now, which is a little bit cockeyed from the property line, if that's the way to look at it, there will be a new easement that will run parallel to the property line. So it will be a straight 20 foot access easement from Canyon Road back to the proposed Lot #1.

Ms. Higgenbotham said, "This does have an impact, because I'm actually right to the east. So, if I could see what it..." At this time Ms. Higgenbotham looked at the plat provided by Ms. Baer for her inspection of the subject site.

Ms. Baer said, "Mr. Chair, I'm just pointing out where the new driveway is going to be located. This is the existing driveway and the new driveway will be flush against this wall on the east side."

Ms. Higgenbotham said, "I'm right along this wall, so I just need to know is the present wall going to remain, the concrete wall that's there now."

Chair Harris said this document doesn't tell us, and I don't know what the intentions for the wall will be. He said, "Here's the thing. The condition is, at the time of the development of either lot – that's when this driveway is going to be affected. So chances are, at the development of either lot, all sorts of things are going to be addressed, whether it's in the house, or the condition of the wall you're talking about, or any number of things. But right now, with this document, it is to create that easement so it moved the driveway in a more rational way, and for the use and benefit of Lots 1 and 2."

Ms. Higgenbotham said, "Okay, because there's trees, there's numerous situations that are along that property line, so you're saying that will be addressed at another meeting."

Chair Harris said, "Yes. Again, the way the condition reads, it says, 'At the time of development of either lot, the existing driveway shall be abandoned and the existing curb cut shall be restored to a typical vertical curb section.' So, there are going to be a lot of things under consideration at the time of the development of either lot. Ms. Baer did you have something."

Ms. Higgenbotham said, "Okay, so this isn't necessarily set in stone. Obviously the easement has to be moved, I understand that. Okay. It's just. Yes, you know fences in this area are always a little bit dubious as far as location, and so the existing fences right now, if they were moved over to go along the exact property line, it would impact my residence. It would be literally 3 to 4 feet from my home. So that does have an impact. The way it is now is fine and there's trees that overhang, branches, so forth, but if everything has to be adjusted or moved to go exactly along the property line, my impact is significant."

Ms. Baer said, "The easement would be immediately adjacent to the property line. It doesn't mean that the driveway would necessarily have to be. Any further development on either of the lots, including construction of a new house on the rear lot, would involve presumably only a building permit. And when a building permit has been approved, that permit would be posted visibly on the outside of the wall so that you would have that kind of notice. Unless there was the need, or if someone were asking for a variance, there would not be any further public hearings. It would just be a strict building permit, and the neighbors would have notice by the posting of the permit on the outside of the wall."

Chair Harris said, "That's true. So, as much as anything I guess I was saying that the changes associated with this condition aren't happening right away. It will happen at the time of development of either lot, but this does create a 20 foot easement along the property line which is where, ostensibly, a new driveway would go. Could I ask Mr. Gonzales to step up as well. You had raised your hand."

Mr. Gonzales said, "Yes, I just wanted to address her concerns, if she is the neighbor on the left side."

Ms. Higgenbotham said, "Yes I am."

Mr. Gonzales said, "As you can see by the plat, the wall is on our property. So basically, I think she's talking about the property line on the east side where her fence is actually encroaching onto our property."

Chair Harris said, "I did see the plat that indicates a wood fence for a certain distance and then it becomes a block wall, or maybe there's a wood fence which in some cases back up to one another."

Mr. Gonzales said, "Well the easement would be from the east side property line, as surveyed, to the 20 feet from that point west. So basically what she's talking about with the fence line, it is inside our property line, so that may have to be removed."

Ms. Higgenbotham asked who is responsible for that. She said, "I won't be able to open a door to my [inaudible]."

Mr. Gonzales said there was a survey on this property, so they knew where the property lines were.

[Ms. Higgenbotham was talking all the time Mr. Gonzales was trying to talk, so it was difficult to get all of her remarks.] Ms. Higgenbotham said in essence she knew where the property line is, and the fence on the other side of her property encroaches on her property. She said, "It's very common in this older area, and I'm completely aware of the property line. And my realtor at the time told me that if the fences get moved that it is the person who is wanting to move the fence's responsibility, and maybe they're not correct. So this is what I need to understand."

Chair Harris said, "I can't speak to that, about individual responsibility for adjoining property owners in a case like this."

Ms. Higgenbotham said, "The largest impact, and this is why I'm here. I'm not here to make trouble or anything, but I'm am just trying to understand, this is right under my window."

Chair Harris said, "Again, I don't know exactly which property you're talking about, or your furnace room door or your windows, but there's a fence and wall there that is clearly on, according to this document, on Lot 2. Let me ask Ms. Baer or Mr. Lamboy. Where did this condition come from."

Ms. Baer said, "This is from the Traffic Engineering Division. I believe in part it was because the Fire Department does ask for a 20 foot easement."

Mr. Lamboy said, "Mr. Chair, if I may, originally they were showing two points of access into the property. One that follows the existing driveway as well as one closer to the property line and that is the reason the Traffic Engineer wants only one point of access onto Canyon Road."

Ms. Higgenbotham said, "There's a pretty major brick block wall that is surrounds the front, or that is in the front and borders my property. It's a very permanent wall, so I think when [inaudible]. So I now own this property, so that fence has probably been there for a very long time I would imagine, because their block wall is [inaudible]. I'm not arguing that the property line..... It is what it is. That's going to be pretty tough."

Chair Harris asked what would be tough about it. He said, "I don't understand. If they create a new driveway, but the wall and/or fence remain, and if that wall/fence remain is that an issue for you."

Ms. Higgenbotham said, "No, not at all. Not at all."

Chair Harris said, "Basically what you want to have happen is you want to have some sort of screening between yourself and this property here and that's okay. And so, I don't know, again what would be proposed. Certainly there's a rock retaining wall that is shown, a rock retaining wall that comes out into the 20 foot easement. And if a driveway were to be developed there, it would clearly have to go. Whether or nor the block wall and the wood fence, and then the front portion of the block wall would have to go, I don't know. "

Chair Harris said, "Let me ask you this. If the idea is to really keep those walls and fences in place, and it would be potentially a little bit tight on the front side, is it an issue if we just made it a wider easement. That way the driveway could go over a little bit and still leave the block wall and the fence."

Ms. Baer said, "The City's concern is that the easement be a minimum of 20 feet wide and that the access be consolidated for both properties, and that is pretty much the extent of our concern in terms of the lot split. I think we will have some other concerns and issues when it comes to development of the property, but it will have to do with grading and drainage, and those will be reviewed at the time of building permit."

Chair Harris said, "Right and one of the issues may be, again, with the neighbors, the status in the future of, as a result of the development, the block wall and the wood fence. Mr. Gonzales, you raised your hand. Would you like to say something."

Mr. Gonzales said, "As far as extending the easement more than 20 feet, it would affect the back side of the existing house, because it actually goes in kind of an angle. One thing is, is I don't have any problem with the wall, but I do want to be able to do what I want on our property. And the property line inside that is our property, so I don't know what the issue is with the fencing and stuff that's encroached on it. Once we redo the wall up front and there's a little piece over here..... she has a wood type fence there, a coyote fence."

Ms. Higgenbotham said the coyote fence is up against the block wall.

Mr. Gonzales said, "So, I don't know... It's on our property. She wants to leave it there, is what she's asking for."

Chair Harris said, "Well, yes. What about the long section of the block wall."

Mr. Gonzales said, "But you have to realize that the 20 foot easement goes from property line to 20 feet."

Chair Harris said, "The width of 20 feet."

Mr. Gonzales said, "And I don't know what the distance is between where the property line and the fence line."

Commission Ortiz said, "Mr. Gonzales, what is the current width of the driveway you have now."

Mr. Gonzales said, "It's not 20 feet, it may be 12-14 feet maybe, something like that."

Commissioner Ortiz asked, "And there's no possibility for an easement on that particular same one."

Mr. Gonzales said, "I didn't want to have an easement on that, because we rent the property, and I didn't want cars driving so close to that house because of children that my tenants may have. So, I wanted to keep the driveway away from the main house to get back to the number 1 lot."

Chair Harris said, "You understand kind of what my thinking is. Well let me tell you what my thinking is. So we've got the block wall and the fence, and the block wall toward the front that's providing a barrier between good neighbors. I don't know, it doesn't seem like there's been a problem in the past, and there is some question about whose wall or whose fence is on whose property. And the document that we have shows that all walls and all fences are on the proposed Lot 2. But if it's a good thing to leave that wall and fence in place essentially, but the Fire Department really needs.... I was proposing and the Fire Department needs as a practical matter about 20 feet. If we just made the easement say 23 feet wide,

again parallel, just straight back instead of 20 feet, that perhaps would again, provide the flexibility along the property line whatever may happen when you eventually do create that driveway, then there's room to move. Is kind of what I'm thinking."

Mr. Gonzales said, "There's room to move up on top, but when it gets to the bottom, where that property line is, it just leaves a sliver here where the tenant can drive up the front of the property for parking or whatever."

Ms. Higgenbotham said, "So down toward there is about a foot difference, and up top is where it is more of an impact. So if it got moved..."

Chair Harris said, "I didn't see any problem with access. I don't quite understand the concern about the sliver. I didn't see any problem with access, it just gives a wider easement from front to back. Ms. Baer, could you help."

Ms. Baer said, "Just that if you would look at the photographs that are in your packet, I think that would really help to explain the situation, because there is a grade change that rock retaining wall is maintaining currently. So the one showing the rock wall is looking out toward Canyon Road, and the wall under discussion and the fence above that are the east property line."

Chair Harris said so you have to deal with that elevation change and that retaining wall, whether it's 20 feet or 23 feet, no matter what. He thanked her for pointing this out, noting it does help to create a picture.

Chair Harris asked Mr. Gonzales if he has further comments.

Mr. Gonzales said, "No, other than extending it to 23 feet, that wouldn't work on the north side of the easement."

Chair Harris said, "Could I ask you to step forward. I just don't understand quite what you mean by that. I'm just not getting it."

Mr. Gonzales said, "Well the way it shows it here on the plat, but if you could see the corner of the existing house, if that easement comes over more, there's not enough space for a vehicle to pass and go up to the front part of that property."

Ms. Higgenbotham said, "But at the point you're talking, I mean I'm not being argumentative, but it's really only a foot difference."

Mr. Gonzales said, "Yes, but he's talking about extending this 3 more feet."

Ms. Higgenbotham said, "You have to have at least 20 feet. Right."

Mr. Gonzales said, "Exactly."

Chair Harris said, "Neither one of us are following what you are proposing, because the house is quite a distance. It's another 20 feet from the proposed 20 foot easement, the corner of the house. So, let's just say it's, from what's shown here, the corner of the house, the closest corner of the house to the easement, let's say it's 20 feet. If we were to make it a 23 foot easement, and what these lines are showing is just the existing concrete driveway, all of which will change with the development of either Lot 1 or Lot 2. So, again..."

Mr. Gonzales said, "I would rather just keep it at the 20 foot. I mean, that's what's required of us and everything is within my property. Why should I change my property driveway to accommodate her fence into our property."

Chair Harris said, "What you need as the starting point is, you're changing your driveway as the result of your request to split the lot. It is a condition from the City that the driveway move over. Okay. So that's really what we're talking about. So the driveway is going to be within that parallel easement shown by the dashed line. And again, what we're talking about is with the improvements along there, the block wall, the fence, we know there's great changes, all that retaining wall will have to come out. Again, for the purpose of flexibility to solve the problem. This lot split won't solve the problem entirely. The problem will also have to be solved when you go for development of either lot, should this split be approve. So, I think a little bit wider easement provides the flexibility to solve the problem. Okay, that's my point of view."

Commissioner Ortiz said, "I think if you can widen that easement, I think it really would solve that situation."

Chair Harris asked Mr. Lamboy or Ms. Baer if they have anything to add.

Ms. Baer said, "Just that the City would not require a 20 foot drive, just for clarification. I think the minimum is really 10 feet, so there could be a 10 foot driveway through here, which would help alleviate the problem.... it wouldn't have to be up against the property line."

Chair Harris thanked her for bringing that up, because we've been "talking about 20 feet because that is the Fire Department minimum width. So, in other words, you couldn't have obstructions within that 20 foot easement in order to get a fire truck in there. But, they can go on all weather surfaces, driveway and grass. I think that's a good point that even though we are creating an easement of a certain size, it's not necessarily going to get filled up with driveway. With that, I want to thank everybody. I would like to call for a vote on this."

Ms. Higgenbotham said, "Okay, I think I'm all right."

Commissioner Ortiz said based on Ms. Baer's comments, he sees the situation a lot better – it doesn't require it to be an entire driveway width, and I think they can modify the actual driveway just a bit to accommodate within that easement.

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Harris, to approve Case #2013-18, Canyon Road Lot Split, with all conditions of approval as recommended by staff, with an amendment to expand the width of the easement to 23 feet.

**DISCUSSION:** Ms. Baer asked the Chair if he would like to see if the Applicant will accept those conditions.

Chair Harris said yes.

Mr. Gonzales said, "I guess I just don't doesn't understand. I know Ms. Baer mentioned that the City just requires up to a 10 foot driveway, is that correct."

Mr. Lamboy said this is correct.

Mr. Gonzales said, "The Fire Department requires a 20 foot access, so I guess I don't understand the extra 3 feet. "

Chair Harris said, "Let me try again, because what I've been proposing, obviously is the solution to the problem, and I even kind of sketched this out again for Commissioner Ortiz. My thinking is that the wall and the fence come into the property roughly 3 feet, approximately, and I just wanted to provide the flexibility to be able to leave those in place, if that is agreed to be a good idea. But, without creating a wider easement, if we left that wall in place, we wouldn't have the minimum width for the fire trucks is all I'm saying. Does that make sense."

Mr. Gonzales said, "It does. It just doesn't make sense to me that I have to give up 3 extra feet of easement so the neighbor next door can encroach on our property. That's what I don't understand. I should be able to go to my property line and put up a wall along my property line, without any issues because we do own the property. But what you are asking us to do as the owners, is to add an extra 3 feet of easement so we can accommodate the neighbor's encroachment. I really don't have any problem with it, as long as when I do build that driveway, and yes, I'm going to knock down that wall along the side. And I will, maybe, I don't know once that wall is down and the neighbor's fence is there, if that is going to be a good barrier there that is okay for us, then I will leave it that way. But, if not, then I'll build another wall alongside that on that property line."

Chair Harris said, "Well, again, those would be things, among many things, that you would work out with staff as part of a building permit application, that's true."

Mr. Gonzales said, "I just don't want to give up any of my rights to do what I want on my property, because everything on this survey, everything is in my property. I don't want to give up any of my rights to what I can do on my property."

Chair Harris said, "I was just trying to build a little flexibility, quite frankly in case those improvements would change and stay there. By creating a wider easement, create 20 feet of clear access, think of it in that terms, that the Fire Department needs. So that is what I was proposing as a compromise."

Mr. Gonzales said he thought 20 feet was plenty, but 23 feet is going to be ...

Chair Harris said, "I understand your point of view, and I think you, hopefully understand mine. And I guess the question really is what Ms. Baer asked, is how you feel about that. Is that a condition that you would be willing to accept or not, the increase of the easement from 20 feet to 23 feet."

Mr. Gonzales said, "I would agree to that if I don't have to give up any rights to what I want to do with my property, where my property line is. I don't want to give 3 feet so I can let the neighbor can have her fence on our property. That just doesn't make sense."

Chair Harris said, "I don't know which rights you think you might be giving up. The issue could be if you went through a process and wanted to build a larger house, for instance on Lot 2. And then that wider easement would in fact limit certain things, if the house wanted to go in that direction. So, but other than that, I can think of too much in the way of lost rights."

Mr. Gonzales said, "When you talk about the 20 foot or 23 foot easement, that means that nothing can be built within that area, Ms. Baer, so I'm losing 3 feet all along the existing property that nothing could ever be built on that, like a wall or a little courtyard or anything. That is why I don't think that I should have to do the extra 3 feet."

Ms. Baer said, "Mr. Chair, that's correct. You wouldn't be able to build any structures within the easement. Could I add one other point of clarification, which is the Fire Department requires that they be able to reach any portion of a residence within 150 feet from their truck. So very often in these smaller, more dense developments, the fire truck is not going to be pulling in. The fire truck is going to stay on the street. As long as they can reach within 150 feet, and that means to the back of any new construction of Lot 1. So we don't know that, because we don't know what they're proposing. At the time of building permit, the Fire Department would be looking at this again, and if it turns out they are building a relatively small house and their hose can reach to the back of every portion of the back of the house within 150 feet from the street, then they not going to be driving in. They're not going to need an all weather drivable surface. We just don't know that until we know what they are proposing to build."

Chair Harris said, "Thank you Mr. Gonzales. I think really what I've heard is that you don't want to accept that condition, the increase from 20 to 23 feet, and that's your right to do so. We again, just wanted to understand what your position would be."

**WITHDRAWAL OF MOTION:** Commissioner Ortiz said, based on the facts and some more conditions, I will withdraw my motion.

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Harris, to approve Case # 2013-18, 927 Canyon Road Lot Split, with all conditions of approval as recommended by staff.

**VOTE:** The motion was approved unanimously on a voice vote.

2. **CASE #2013-27. 3201 ZAFARANO DRIVE LOT SPLIT & LOT LINE ADJUSTMENT. GREG GONZLES, BRANCH DESIGN & DEVELOPMENT, AGENT FOR SAN YSIDRO II, LLC, REQUESTS PLAT APPROVAL TO ADJUST THE EXISTING PROPERTY LINE AND DIVIDE APPROXIMATELY 3.60 ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT 3201 ZAFARANO DRIVE, AND IS ZONED C-2/PUD (GENERAL COMMERCIAL DISTRICT/PLANNED UNIT DEVELOPMENT). (WILLIAM LAMBOY, CASE MANAGER).**

An email dated May 2, 2013, to William A. Lamboy from Greg Gonzales, requesting postponement of this case to the next meeting of the Summary Committee on June 6, 2013, is incorporated herewith to these minutes as Exhibit "2."

This case is postponed to the next Summary Committee meeting on June 6, 2013.

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

Ms. Baer said the State Legislature has adopted Legislation requiring that all taxes must be paid on property to be subdivided, and has been expanded to lot splits, lot consolidations, as well as lot line adjustments. She said they are having trouble recording lot splits, lot consolidations and such, and effective May 1, 2013, a plat can't be recorded until the property taxes are paid through the end of the year. She said they are not sure how it will be resolved. She said staff tried to record the Munson Lot Split which was approved by this Committee, but they wouldn't record it until they paid \$10,000 in taxes through the end of this year. Ms. Baer said staff is meeting with the County to see if there is any leeway on this, or how we can resolve this and what are their concerns. However, at the present time we can't record anything without taxes are paid, and they are adding that they would like a signature line for the County Treasurer to sign on every plat.

Ms. Baer said a lot of people will be hearing about this when they try to record something and are no longer able to do so.

Ms. Baer said the Current Planning Division has been with the Long Range Planning Division in looking at the new general plan and discussing specifically, the policies as well as the future land use map.

One of the problems we have identified because of development review in which we are specifically involved, and more often than not comes to this Committee, has to do with lot splits in areas that don't have utilities. She said these always give us a little bit of heartburn, but we usually move forward and approve them anyway, with conditions related to infrastructure, specifically wells are either meant to serve more than one property, or they have separate meters or they have a new well as approved by the State Engineer. Also new properties created through subdivision must have their own on-site septic systems. So, in certain cases where the lots are small and no City utilities are available because they are too far and cost prohibitive, the City doesn't require those utilities. Also specifically in the area of Mutt Nelson, for example, but other areas as well, when lot splits come before this Committee we have made certain there is sufficient room for wells to be separated from septic systems, noting they have been following the letter of the law. For septic systems currently, it is 3/4 acre minimum lot size to have a septic system on a lot. There is no minimum lot size for wells, so typically the State Engineer will approve a well, and it will depend on how deep that well has to go. At some point, a problem will be created where there are too many wells and septic systems and it won't work, environmentally or practically.

Ms. Baer continued, saying, "I'm calling this to your attention because we continue to have lot split requests. We have one coming next month that is a family transfer subdivision lot split, and in a family transfer it is one of only two circumstances where you are allowed to round up. So we're not getting even the minimum lot size which is 1 acre in the R-1 zoning. It's going to be approximately 3/4 acre. It's just over the threshold to allow them to round up, so they have 1.57 acres, and they're going to divide it into two in the Mutt Nelson area. So, technically, our laws allow them to do that. Whether it's a good idea or not, I'm not so sure."

Chair Harris asked if staff will come forward with suggestions of different types of conditions of approval to temper this problem of too many wells adjacent to too many septic tanks.

Ms. Baer said, "I don't know that we would have a condition that would really work. The City utilities are simply not close enough. There would be a recommendation for denial, and I'm not sure that we're in a position to do that."

Chair Harris asked if there is a regulatory minimum distance from septic field to well.

Ms. Baer said it is 100 feet, noting this is an EID requirement, not a City requirement. She said she is unsure we have been checking proximity on wells and septic fields on adjacent lots, so we're going to start doing that.

Ms. Baer said, "I would also call to your attention that you have the authority to deny a subdivision, a lot split if you believe the land is not suitable or if there is concern with health, safety and welfare."

Chair Harris said if it is true that the health and safety are issues for denial, there are certain things that have to be done, "like what you just said Ms. Baer about what's the distance to a septic field on an adjoining property, and so many of the septic fields are out of compliance. Is it appropriate on a lot split to

ensure that they have a compliant septic system, tank and leach field and those kinds of things. That's almost what you're going to have to do. A lot of places around Santa Fe, such as Sombrillo, have been affected for many many years by this problem of too many wells and septic systems. And when communities have to go back and clean them up, it's a mess. It's really difficult."

Chair Harris said, "I guess then the question would be, what about any waste treatment, sanitary sewer in these areas. Is there any timeline on that, even phase 20."

Ms. Baer said, "The City has no plans to extend our utilities. Typically, the way it happens is that when there is a large piece of land that's being developed, the developer is required to extend City services, but the City's not doing it."

Chair Harris said if the City's not going to do it, then there has to be a way to allow those wells and septic systems to live in close proximity.

Ms. Baer said, alternatively, limit the amount of new development that goes in some of these areas that are unable to accommodate those.

Chair Harris said, "Again, we're talking about simple lot splits, and if it really is the case of health and safety. I would need more information – what's the distance between well and septic, what is adjacent, can we look at those systems on adjoining properties, are they in compliance, those types of things. Once you get to that point of ensuring health and safety under current regulations, it seems it would be difficult to deny the lot split." He said that would be an interesting discussion itself.

Ms. Baer noted that Commissioner Schackel-Bordegary called during the meeting to say she wasn't going to be able to attend today, so she is excused.

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

There were no matters from the Committee.

#### **H. ADJOURNMENT**

There was no further business to come before the Committee.

**MOTION:** Commissioner Ortiz moved, seconded by Commissioner Harris, to adjourn the meeting.

**VOTE:** The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 12:00 noon.

  
Michael Harris, Chair

  
Melessia Helberg, Stenographer

# City of Santa Fe, New Mexico

# memo

**DATE:** April 18, 2013, for the May 2, 2013 Meeting

**TO:** Summary Committee

**VIA:** Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*  
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

**FROM:** William Lamboy, AICP, Senior Planner, Current Planning Division *W.L.*

## 927 CANYON ROAD LOT SPLIT

**Case #2013-18.** **927 Canyon Road Lot Split.** James Medrano, agent for Joe R. Baca, requests plat approval to divide approximately 0.37 acres into two residential lots. The property is located at 927 Canyon Road, and is zoned RAC (Residential Arts and Crafts District). The maximum density of RAC districts is 21 dwelling units per acre. (William Lamboy, Case Manager)

## RECOMMENDATION

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

## BACKGROUND & SUMMARY

The property is zoned RAC, (Residential Arts and Crafts District) and is located in the City's Downtown and Eastside Historic District. The maximum density in RAC districts is 21 dwelling units per acre. Of the property's 0.37 total acres, approximately 2,699 square feet – 0.07 acre - are located inside the Santa Fe River flood way. For calculating density in accordance with 14-7.2(B)(3), the sum of the flood way acres must be subtracted from the total number of acres. In this case, the net area is approximately 0.30 acres.

The proposed land division would create two residential lots: Lot 1, 929 Canyon Road, containing approximately 0.16 acres; and Lot 2, 927 Canyon Road, 0.21 acres. Lot 1 is occupied by a garage, while Lot 2 contains a single family residence.

*Exhibit 1*

The property is accessed directly from Canyon Road. As a condition of approval, both lots will be limited to one shared access to Canyon Road.

The property is accessible to the City's Water and Wastewater systems. Any future development will be required to connect to City utilities.

### **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.*

Staff recommends the following conditions of approval:

1. Staff redline comments will be provided to the surveyor who shall address all issues and submit the corrected plat in Mylar.
2. Add Lot 1's address, 929 Canyon Road, to the plat.
3. The following notes shall be added to the plat:
  - a. At the time of development of either lot, the existing driveway shall be abandoned and the existing curb cut shall be restored to a typical vertical curb section.

### **ATTACHMENTS:**

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

1. Fire Marshal Memorandum, Rey Gonzales
2. City Engineer for Land Use Memorandum, R. B. Zaxus
3. Waste Water Division Engineer Memorandum, Stan Holland
4. Traffic Engineering Division Memorandum, Sandra Kassens

#### **EXHIBIT B: Maps**

1. Zoning
2. Aerial View
3. Escarpment & Mountainous & Difficult Terrain Districts

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

1. Letter of Application

#### **EXHIBIT D: Photographs**


**City of Santa Fe, New Mexico**

# **Exhibit A**

**City Staff Memoranda**

# City of Santa Fe, New Mexico

## memo

**DATE:** April 2, 2013  
**TO:** William Lamboy , Case Manager  
**FROM:** Reynaldo Gonzales, Fire Marshal   
**SUBJECT:** Case #2013-18 927 Canyon Road Lot Split

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

**Prior to any new construction these requirements must be met:**

1. All Fire Department access shall be no greater than a 10% grade throughout and maintain 20' min. width.
2. Fire Department Access shall not be less than 20 feet width to any new construction, which includes distance between existing and proposed garages.
3. Shall have a drivable surface that will bear the weight of a fire engine and kept maintained in all weather like conditions.
4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
5. Shall have water supply that meets fire flow requirements as per IFC.

# City of Santa Fe, New Mexico

# memo

DATE: April 3, 2013

TO: William Lamboy, Case Manager

FROM: Risana "RB" Zaxus, PE  
City Engineer for Land Use Department

RE: Case # 2013-18  
927 Canyon road Lot split

---

The following review comments are to be considered conditions of approval:

\*Revise for correct FIRM reference: 35049C0416E, effective date 12/4/2012.

\*The scale bar does not seem to reflect stated scale of 1"=20'. Verify accuracy and revise as necessary.

# City of Santa Fe, New Mexico

# memo

**DATE:** March 19, 2013  
**TO:** William Lamboy, Case Manager  
**FROM:** Stan Holland, Engineer, Wastewater Division  
**SUBJECT:** Case #2013-18 927 Canyon Road Lot Split

---

The subject properties are accessible to the City sanitary sewer system.

The following notes shall be added to the plat as a condition of approval:

- Each lot shall be served by its own separate sewer service line.

# City of Santa Fe, New Mexico

# memo

**DATE:** April 5, 2013

**TO:** William Lamboy, Planning and Land Use Department

**VIA:** John Romero, Traffic Engineering Division Director

**FROM:** Sandra Kassens, Traffic Engineering Division *SMK*

**SUBJECT:** 927 Canyon Road Lot Split. (Case #2013-18.) *B*

**ISSUE:**

James Medrano, agent for Joe R. Baca, requests plat approval to divide approximately 0.37 acres into two residential lots. The property is located at 927 Canyon Road, and is zoned RAC (Residential Arts and Crafts District). The maximum density of RAC districts is 21 dwelling units per acre.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on March 18, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The Applicant shall provide one shared access easement to Canyon Road from the property located at 927 Canyon Road. The Applicant shall upon development of either lot, effectively abandon the existing driveway by restoring the existing curb cut to a typical vertical curb section.

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

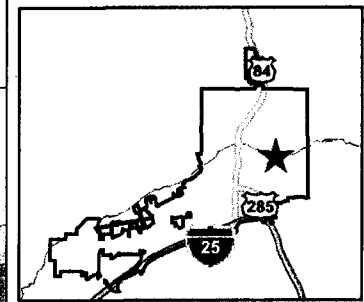
**City of Santa Fe, New Mexico**

# **Exhibit B**

**Maps**



## 927 Canyon Road - Zoning



### Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Zoning

RR Rural Residential

R1, (PUD) Single - Family 1du/ac.

R2, (DT), (PUD), (AC) Single - Family 2du/ac

R3, (PUD) Single - Family 3du/ac

R4 Single - Family 4du/ac

R5, (DT), (PUD), (AC), R6 Single - Family 5-8du/ac

R7, (I), (PUD), R8 Single - Family 7-8du/ac

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

R28, (PUD), (AC) Multiple - Family 28du/ac

RAC Residential Arts & Crafts

MHP Mobile Home Park

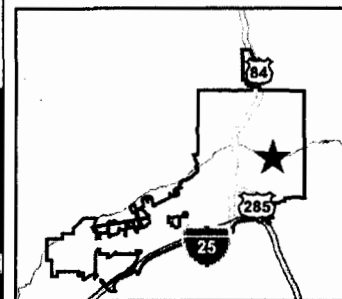


Scale: 1:1,160

This map is a user generated static output from an Internet mapping site and is for general 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.



## 927 Canyon Road - Aerial View



### Legend

City Limits

Parcels

Airport Clear Zones

Santa Fe River

Major Roads and Highways

Other Roads and Streets

2011 Aerial Photography - 1 foot resolution

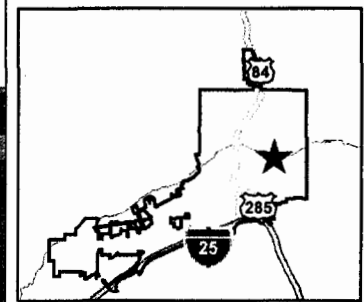


Scale: 1:1,160

This map is a user generated static output from an Internet mapping site and is for general 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.



## 927 Canyon Road - Historic District & Floodplain



### Legend

- City Limits
- Arroyos
- Parcels
- Airport Clear Zones
- Santa Fe River
- FEMA Floodplain December 4, 2012 (100 yr)
- Historic Districts**
  - Don Gaspar
  - Downtown And Eastside
  - Historic Review District
  - Transition
  - Westside-Guadalupe
- Major Roads and Highways**
- Other Roads and Streets**



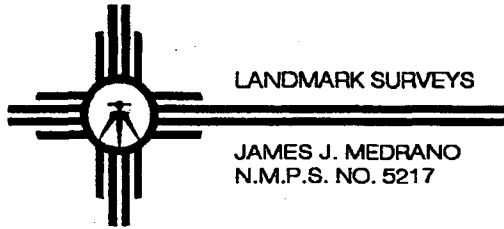
Scale: 1:1,160

This map is a user generated static output from an Internet mapping site and is for general 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.

**City of Santa Fe, New Mexico**

# **Exhibit C**

**Applicant Materials**



1209 B Parkway Drive  
Santa Fe, NM 87507  
Phone: (505) 473 - 1511  
Fax: (505) 473 - 0964  
P.O. Box 6714  
Santa Fe, NM 87502

March 14, 2013

Mr. William Lamboy  
Land Use Senior Planner  
City of Santa Fe  
P.O. Box 909  
Santa Fe, New Mexico

RE: Landmark Surveys Project No.13-03 (L-824), Lot Split for Mr. Joe R. Baca, 927 Canyon Rd.

Dear Mr. Lamoy

We are submitting for your review, three (3) blueline prints, one electronic copy in PDF format, two copies of recorded plat as well as a \$280.00 check and Summary Committee Lot Split application .

If you have any questions, please give me a call.

Sincerely,

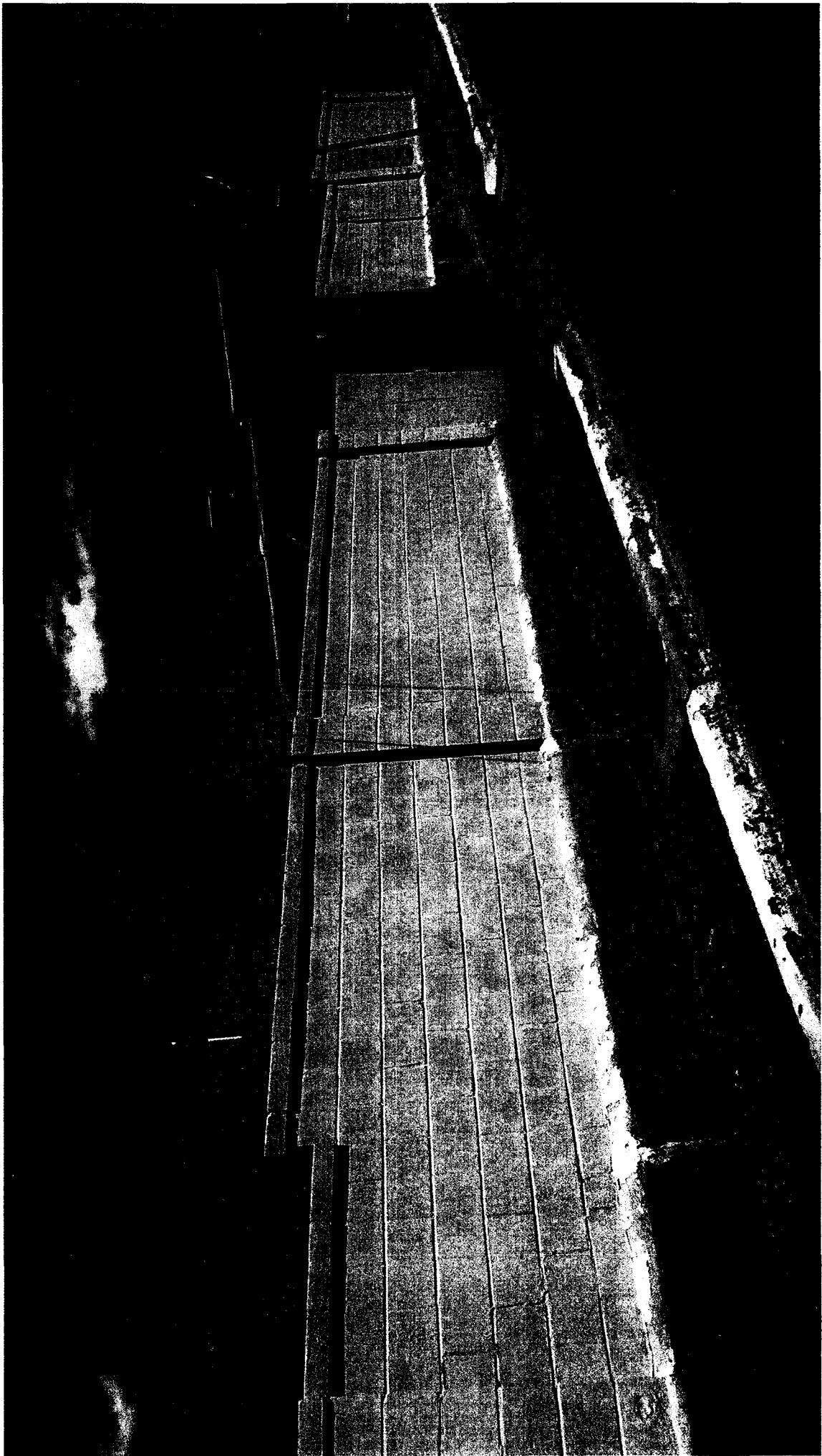
James J. Medrano

JJM/cm  
Encl.

**City of Santa Fe, New Mexico**

# **Exhibit D**

**Photographs**





## **LAMBOY, WILLIAM A.**

---

**From:** Greg Gonzales <g.gonzales@branchdev.com>  
**Sent:** Thursday, May 02, 2013 8:34 AM  
**To:** LAMBOY, WILLIAM A.  
**Cc:** Jeff Branch; 'Joseph e p Barela'; swms1114@aol.com  
**Subject:** RE: Summary committee meeting

Bill,

San Isidro II LLC requests a postponement of our lot split and lot line adjustment request (case #2013-27) to the next summary committee meeting on June 6.

This will allow us time to work out the boundary issue with Mr. Barela.

Please contact me if you have any questions.

Thank you,

Greg Gonzales  
Columbus Capital / Branch Design and Development  
Cell (505) 670-2812

*Exhibit 12*