



# Agenda

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## SUMMARY COMMITTEE

Thursday, October 6, 2011 - 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 – September 1, 2011
- D. OLD BUSINESS
- E. NEW BUSINESS

1. **Case #2011-43. James Baumbach & Dioly Piedrahita Lot Split.** Lorenzo Dominguez, agent for James Baumbach & Dioly Piedrahita requests plat approval to divide 1.853± acres into two lots. The property is located at the corner of Camino Carlos Rey and Arroyo de los Chamisos and is zoned R-5 (Residential, five dwelling units per acre). (William Lamboy, Case Manager)

*Note: This case was originally heard by the Summary Committee on August 4, 2011. It will be re-heard at this meeting due to a problem with improper notice.*

- F. STAFF COMMUNICATIONS
- G. 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.**

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CITY OF SANTA FE  
SUMMARY COMMITTEE  
October 6, 2011

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**MINUTES OF THE MEETING  
OF THE CITY OF SANTA FE  
SUMMARY COMMITTEE**

October 6, 2011

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Tom Spray, Chair, on September 1, 2011, at approximately 11:00 a.m., in the City Council Chambers, City Hall, Santa Fe, New Mexico.

**A. ROLL CALL**

**MEMBERS PRESENT:**

Commissioner Tom Spray, Chair  
Commissioner Angela Schackel-Bordegary  
Commissioner Michael Harris

**OTHERS PRESENT:**

Tamara Baer, Planning Manager, Current Planning Division  
Kelley Brennan, Assistant City Attorney  
William Lamboy, Senior Planner, Current Planning Division  
Chris Martinez, Planner Technician Senior, 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**

**MOTION:** Commissioner Harris moved, seconded by Commissioner Spray, to approve the Agenda as published.

**VOTE:** The motion was approved on a voice vote, with Commissioners Harris and Spray voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote.

**C. APPROVAL OF MINUTES – September 1, 2011**

**MOTION:** Commissioner Harris moved, seconded by Commissioner Spray, to approve the minutes of the meeting of September 1, 2011, as submitted.

**VOTE:** The motion was approved on a voice vote, with Commissioners Harris and Spray voting in favor of the motion, no one voting against, and Commissioner Schackel-Bordegary absent for the vote.

*Angela Schackel-Bordegary arrived at the meeting*

**D. OLD BUSINESS**

There was no Old Business.

**E. NEW BUSINESS**

1. **CASE #2011-43. JAMES BAUMBACH & DIOLY PIEDRAHITA LOT SPLIT. LORENZO DOMINGUEZ, AGENT FOR JAMES BAUMBACH & DIOLY PIEDRAHITA, REQUESTS PLAT APPROVAL TO DIVIDE 1.853± ACRES INTO TWO LOTS. THE PROPERTY IS LOCATED AT THE CORNER OF CAMINO CARLOS REY AND ARROYO DE LOS CHAMISOS AND IS ZONED R-5 (RESIDENTIAL, FIVE DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER)** *[This case was originally heard by the Summary Committee on August 4, 2011. It is being reheard at this meeting due to a problem with improper notice.]*

A Memorandum prepared September 26, 2011 for the Summary Committee Meeting of October 6, 2011, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "1."

An aerial map and a series of color photographs used on the overhead by Mr. Lamboy in his presentation to the Committee are incorporated collectively herewith to these minutes as Exhibit "2."

## **Staff Report**

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "1," and presented information via the overhead, using the photographs in Exhibit "2" to demonstrate the location and features of the subject site. Please see Exhibits "1" and "2" for specifics of this presentation.

Mr. Lamboy said §14-2.3(E) of the City Code, identifies the duties of the Summary Committee as a subcommittee of the Planning Commission, for the purpose of reviewing and approving or disapproving applications for the division of land into two lots. He said where a lot split would create a need for variances, the request would be heard by the full Planning Commission.

**Recommendation:** The Land Use Department recommends approval with the Conditions of Approval as outlined in the August 4, 2011 Staff Report, and attached to the Staff Report as Exhibit A.

## **Public Hearing**

### **Presentation by the Applicant**

**Lorenzo Dominguez, East Mountain Surveying, Agent for the Applicants, was sworn.** Mr. Dominguez presented the Survey Plat for the lot split via overhead. He said, as Mr. Lamboy pointed out, they have met the requirements for the requested lot split for the 1.853 acres in this area of R-5 zoning. He said the request is to split the property into two parcels, one is 3/4 acre and the other 1.10 acres. He said they have met the requirements in terms of notification, noting the notification has been done 3 times. The first list came from Santa Fe County, the second list was provided by the City of Santa Fe, and the third notification has been expanded to 300 feet from the subject property, so he feels he has met the requirements for notification.

### **Speaking to the Request**

*All those speaking to this request were sworn en masse.*

**Laura Lee Freilich [previously sworn] homeowner Camino Pintores.** Ms. Freilich has been a homeowner on Camino Pintores for almost 15 years, "overlooking the scenic Arroyo de Chamisos bicycle path." She said she enjoys walking down the bike path, through the arroyo and enjoying the peaceful simplicity and the beauty of its natural surroundings and she isn't alone – there are runners, walkers, bikers, people walking dogs and babies pushed in strollers. She wants

the area above and adjacent to the bike path to remain as it is, a natural area, not an acreage to be split and infilled with residential properties. She said, "Please, do not split and develop any property within this scenic and peaceful area. Do not destroy nature for the sake of the dollar. Enough is enough."

Ms. Freilich continued, "Is there some real need, other than the lust for the dollar, that you would desecrate your community's recreation area with housing. We are not New York, Chicago or D.C., where dwellings cover every open space. We moved here for the beauty of the open space where one could rest one's eyes and enjoy the beauty surrounding us. Is there some real need to infill this wonderful setting for the lust of the dollar. Is there some real need for owners of this property to selfishly desecrate our beautiful arroyo bike path and surrounding landscape. I ask you, in respect for your intelligence and your conscience, which is more important. The greed to split up a natural landscape for the lust of the dollar, or to honor your community at large and its enjoyment of the present natural scenery. Please. Leave the 1.853 acreage alone. It's better for the good of all of us than for the greed of one."

Ns, Freilich continued, "It is an unconscionable act to intently and willingly desecrate the area adjacent to our community's bike path and arroyo. If this Summary Committee and the owners of this property have any sense of decency and awareness of the environment's beauty, then the citizens of our community and I urge you to leave the scenic landscape alone. Stop the greed and stop it now. Use this situation to set an honorable precedence for the wishes of our community. Just as the doctor takes an oath to do no harm, I urge you as well, to respect our beautiful arroyo, bike path and adjacent area and do no harm. We would appeal to you to do the right thing. Leave it alone. Thank you for your attention."

**Pat Brown, 2218 Camino Rancho Siringo, Plaza de Castillo Subdivision [previously sworn].** Mr. Brown said his property is adjacent to the subject property. He said he is here to address the safety concerns of the people on the Arroyo de Chamiso Trail. He uses the trail every day and sees others using it as well. He said the crossings at Camino Carlos Rey are a concern. He said right now people don't abide by the yield signs as much as they would like. He said there is an issue with people at that intersection, and to add an access, ingress and egress, at that point adds to the problem. He said people turning left off those lots will be running to people walking on the trail. He said, "Santa Fe is a town that is looking forward to the future as far as the uses of these trails, or building more trails, because we want to take the impact of traffic off the roads. What we're doing here, is adding more traffic in an area where we should be able to use and access those trails safely. This goes for bike riders, hikers and again, all of those wonderful people who do have their kids out there on those trails, too. To look for additional cars in additional

directions is just paramount to the problem we already have at those intersections. Thank you very much."

**Mary Schruben, 2119 Rancho Siringo Road [previously sworn].** Ms. Schruben said she would like to ask a few questions to be answered by the City. One of them is what arrangement was made with the property owner when the Arroyo Chamiso Trail was originally put in, for an easement for the existing easement for the trail, and how wide that easement was originally made. She asked if it was made all the way to the property line of the next house to the north on Camino Carlos Rey, or was there just a 5 foot easement. She would like to know what that whole easement looked like when the Arroyo Chamiso Trail was put in. Secondly, she wants to know the City's position about a permanent flood plain designation for "this portion of the lot right here," and if that can be designated some way so there never is any building. She said there are houses built in the flood plain further east, and the past two days they have had significant problems with flooding. Thirdly, she would like to find out from the City what are the alternatives for the adjacent property owners to grant an easement to another ingress/egress further to the north side off the property, rather than to the southwest side, so the property ingress/egress is not on Camino Carlos Rey at the point where the Arroyo Chamiso Trail crosses.

Ms. Schruben asked where is the sewer easement, noting she doesn't see it marked on the aerial photograph [Exhibit "2"]. She said then the sewer easement "on this drawing" would remain on the two properties as the lot is split as she understands it. She said her next question is whether or not these two lots would be able to drill water wells, or would they be required to hook up to City water, noting some of the neighbors in that area have existing water wells and aren't on City water. She would like the City to make a written comment about their future plans for realignment of the Arroyo Chamiso Trail in the event that the current designation and easement from the current property owner is not satisfactory to the people of Santa Fe.

**John Otter, [previously sworn]** said, referring to the aerial map [Exhibit "2"], "I gather the stippled area is the flood plain area on the map here. This whole triangular section here. Is that the 50 year flood plain or the 100 year flood plain. But, I gather that's not going to be built on, on the lot sites or elsewhere. It's not clear to me whether this lot split decision includes the provisions for the lots and the ingress/egress, or is it just splitting a lot. Does it involve this plan for ingress/egress, etc. The path there is very heavily used, and appreciated. [Inaudible]. It would be more satisfactory if that particular path were ceded to the City." [The balance of Mr. Otter's remarks here are inaudible the microphone had begun to fail]. He said the developer should put a wall to screen the view of the property from the development and from users of the path. He said

he supports the previous comments about the safety of the crossing.

***[STENOGRAPHER'S NOTE: At this point the microphone on the podium was no longer working properly and transcription was difficult. I was able to transcribe most of the remarks, but not all, and relied on my notes to some degree. My apologies for the failure of this microphone.]***

**Allen Banksman, 2729 Camino Artesano [previously sworn]** said he is a retired government civil engineer, and lives across the arroyo from the proposed lot split. He is concerned about traffic safety and both parcels being served by a single, common, one-lane drive. He said this is poor design and unsafe engineering. He said this driveway will open onto Camino Carlos Rey at the same point that the Arroyo Chamisos Trail crosses Camino Carlos Rey. He said the visibility of the trail will be impaired on Camino Carlos Rey. He said there is a regulated 3-way stop 4 houses away. He said the smooth flow through Camino Carlos Rey and Princess Juana will be affected by the proposed driveway. [Inaudible] He said, "This lot should not be subdivided into more than one property period."

Mr. Banksman said constructing at least 2 or more homes along the Arroyo del Chamiso will provide a will provide a crowded appearance along the trail. He said this Trail was constructed by the City to provide a scenic, relaxing trail for the people of Santa Fe, and currently there is a comfortable distance between the trail and the adjacent landowners.

Mr. Banksman said, with regard to flood plain construction, the aerial views of the subject property show that approximately 45% of the property is within the 100 year flood plain. The 500 year flood plain isn't shown on the photograph [Exhibit "2"]. He said any new construction on the property will alter the hydraulic characteristics. Any changes to the printed flood plain maps will impact all of the property owners on the south side of the arroyo, "requiring most, if not all of them to purchase flood insurance." He said when he purchased his home 30 years ago, a selling point was that flood insurance wasn't required. He said since the Baumbach's do not have adequate access, perhaps the City should purchase the property from the Baumbachs and add to the trail system. He said if there isn't a reasonable purchase price, the City should look at condemnation and obtain the property under eminent domain. He said the City Attorney should look for federal funding to purchase the property as a resource protection issue or environmental protection.

**Margaret Valdez-Steel [previously sworn]** said she lives across the street from the proposed lot split. She is concerned about the traffic. She is concerned about having to buy flood insurance.



### Questions and Comments from the Committee

Chair Spray asked Mr. Lamboy to repeat the criteria this Committee is to use to consider in granting a lot split.

Mr. Lamboy said, §14-2.3(E) Duties of the Summary Committee provides: "Reviewing and approving or disapproving applications for the division of land into two lots."

Mr. Lamboy said, when it comes to review, "In order to approve the subdivision request, we look at the legal lot of record information, we look at the zoning and density requirements. We look at whether there is adequate buildable area. We look at access, whether it's landlocked or not, and how they would be able to access the property. We look at availability of services and, in this case, if I may say at this time, that there is both water and sewer in the area and they will be required to connect to both water and sewer, as well as opportunities and limitations of topography.

*[STENOGRAPHER'S NOTE: Commissioner Harris's microphone was turned off, but I was able to transcribe most of his remarks because the adjacent microphone was picking up his voice, but transcription was difficult.]*

Commissioner Harris asked Mr. Lamboy asked to elaborate on limitations of topography and what this mean as a criteria.

Mr. Lamboy said, "Basically, it would affect the buildable area. And it would deal with slope and it would deal with escarpment. There are no escarpment issues here. And the City Engineer has looked at the proposal and there is buildable areas on either side of the sewer easement."

Ms. Baer said, "One of the Code requirements is you're not allowed to build on natural 30% slopes, so that's something that we take into account. And, as Mr. Lamboy said, any overlay such as the escarpment district, you're not allowed to have new construction in the ridgetop. So we do make sure there are at least 2,000 sq. ft. of buildable area. And, to reiterate what Mr. Lamboy said, we have determined that in both of the new lots, there would be at least 2,000 sq. ft. of buildable area per Code, on either side of the sewer easement. They can't build on the sewer easement, but they could build on either side of it on both of the lots."

Commissioner Harris said, "Let me start by saying I have lived in the Villa Caballero subdivision, accessed off Camino Carlos Rey for 23 years. I'm very familiar with our side of town, and particularly Camino Carlos Rey and the Arroyo del Chamiso Trail and some of the issues. So, top of my list then, as I consider this case, really has to do with the safety for all parties. That

would certainly be the pedestrians and cyclists who use the trail. It certainly would include the vehicular traffic on Camino Carlos Rey, as well as the safety of the people who may be living on the two lots if this case is approved. And this is the top of my list."

Commissioner Harris continued, "And so my first question, really this is in response to part of Ms. Schruben's statement. And I apologize, I am new to the Commission and this is my first session as a member of the Summary Committee, so some of this may have been discussed previously. But, Ms. Schruben, the point I wanted to ask as I reviewed the documentation is, is this the only option to service those two lots. Is there... I'm think of other instances, other cases, where, you know, access easement was provided from a previous subdivision, but is this the only access available off Camino Carlos Rey."

Ms. Baer said this is the only access currently available. She said the property is surrounded on the south side by the arroyo, on the west side and the north side by developed property, and on the east side there is an open space that is private property belonging to another subdivision. She said there is no platted access easement anywhere else, this is the only access which exists to Camino Carlos Rey. She said, "For the purposes of the lot split, they're only required to show that access is feasible."

Commissioner Harris said he assumed this was the case.

Commissioner Harris said, with regard to the access onto Camino Carlos Rey, "I do want to ask you about some of your documentation, Mr. Dominguez, particularly the topographic survey and slope analysis, and you may want to get it in front of you, what you call L-4 and L-5, that stretch right through there. The driveway issue went to the Traffic Engineer and he did review it and found it works under City standards. I regard this as such a critical intersection, that just basic standards may or may not be sufficient. "

Mr. Dominguez said part of the problem is the pedestrian walkway, noting that was created on this property by the City of Santa Fe without an easement or permission.

Commissioner Harris said, "In answer to Ms. Schruben's question, I didn't see any original easement. This process will create the easement for the path the City constructed several years ago."

Commissioner Harris said, "There's two documents. I'm also looking at your revised plat as well as the slope analysis that's attached. For instance, on your plat you show L-4, a distance of 104.15."

Mr. Dominguez said that this is the center line of the proposed access easement.

Commissioner Harris said, "As I look at the slope analysis, although it's not the same distance, you have one foot contours which, to my way of thinking, for the first 70 feet from Camino Carlos Rey, there is about an 8 ft. elevation different between Camino Carlos Rey and existing grade, which calculates to about 11.4%."

Mr. Dominguez said that will be taken care of at the time of the permit application.

Commissioner Harris said, "Well, I want to talk about it. And so this is.... perhaps staff can answer, and I understand the overall process, but does staff have a sense of what would be required in terms of elevations. And, here are my thoughts. You know, if you had... certainly a driveway of 11.6% has an easterly orientation, would be, I would consider a dangerous condition and almost unworkable in certain situations. And, quite frankly, I think a continuous, even a 6% grade up to the sidewalk along Camino Carlos Rey, would be a dangerous condition. I believe, and I don't know if City standards speak to this, that there should be a certain, call it a throat, of two car lengths that may.. perhaps would have an elevation percentage, or grade percentage of no more than 2%. Some place where vehicles leaving the property could, once they've made that grade change, say go to 6% up to the 2%, where they can slow down, they can pause, rather than having to get immediately onto Camino Carlos Rey. Could I ask City staff or Mr. Dominguez to speak to how this would be resolved."

Mr. Dominguez's response here is inaudible.

Ms. Baer said, "There are two sets of standards that access has to meet. One is Chapter 14, which is 15% slope maximum. And the other is Fire Department Fire Code standards, so they have to meet both of those. And more often than not, the Chapter 14 standards are more stringent. However, they are about to change, or we think they may be about to change. Currently, there is a 20 ft. wide paved access that's required for zero to 8 houses. Under the new Code which has been reviewed and approved by the Planning Commission, and this section of it is going to Council on November thirtieth, that standard will be decreased. It will be decreased to a 10 ft., doesn't have to be paved, zero to 8, subject to Fire Code accessibility standards. So, if that were to be approved, and there was no development proposed until after that time, that standard would be significantly decreased to as little as 10 feet, again subject to whatever the Fire Department needed for access. In a case like this, the Fire Department would presumably, and I can't speak for them, but typically

what they ask for is a 20 foot all-weather driveable surface, if they're not able to get to all parts of the house within 150 ft. of the public street, and in this case, presumably, that would be required.... where they would be driving more than 150 ft., at least to a second house, for emergency access."

Commissioner Harris said, since he is new, he would like clarification from Ms. Brennan, with regard to a statement in the minutes of the previous meeting. He said there was a question from the Chair about the limits of our authority. He quoted from page 12 of the minutes of the meeting of September 1, 2011, as follows: "Ms. Baer said, 'It is certainly within your purview and your authority to impose any conditions that you believe are appropriate on the lot split, whether they're related to the lot split or not'." He asked Ms. Brennan to comment.

*[Commissioner Harris turned on his microphone at this time and apologized that it had been turned off to this point.]*

Ms. Brennan said, "Mr. Lamboy outlined the considerations for making a lot split, and those really are your general parameters for this decision. If there are conditions that you oppose that are relevant to that degree of authority, you can impose those. I don't think you can impose conditions that do not derive from your authority to approve a lot split. In other words, I think the quote was wrong when she came to the end. In other words, Tamara said basically you can impose anything as a condition, and I do not believe that to be true. Your conditions should exist in relationship to what your authority to approve a lot split is."

Commissioner Harris said in the description of the responsibilities of the Planning Commission, of which the Summary Committee is a part, it seemed to say we could affect the physical environment, something to that effect.

Ms. Brennan said the Planning Commission has very broad authority, but the authority of the Summary Committee is more constricted.

Commissioner Harris said the limitations of topography, existing elevation along L-4, with 11.6% grade up to the sidewalk is the limitation on the safe access and egress into this property. He said, "So, again, what I'm trying to get at is whether or not we can impose a condition now that perhaps is in excess of City standards that says there would be a certain distance back from Camino Carlos Rey, and let's just arbitrarily say two car lengths, with an elevation grade percentage of no greater than 2% and then 6% down to the existing grade. And, obviously that would mean, and I'm sure Mr. Dominguez understands, that means that a retaining wall would have to be constructed between the driveway and the trail in order to do it properly. So, this is where I'm heading."

Chair Spray asked Commissioner Harris if he's asking this as a question, or if he's making a statement, or a motion.

Commissioner Harris said he wants to know if we can impose that condition.

R.B. Zaxus, Engineer Supervisor, Land Use was sworn.

Ms. Zaxus said she thinks it is a good idea to have a landing there [the balance of her remarks here are inaudible].

Ms. Brennan said, "The condition might be more general than the condition you stated, perhaps, because it's not being done at this state. You are basically improving principles of egress and access, so probably a general statement would be related to your authority."

Commissioner Harris said, "Thank you. I wondered about that. That's why I asked what the current City standards would be for that, which... up to 15%... I mean there's a lot of latitude there, and certainly wouldn't... I don't know if the City standards address any kind of landing as was mentioned just now. . "

Commissioner Harris said, "As I reviewed the packet for this evening's session, I noted that Mr. Romero, Mr. John Romero, from the Traffic Engineer's.. Public Works Department, referenced, I believe it's called the Safety Access Maintenance Manual. This is for the State of New Mexico. And, so I wondered, I don't know how that may address a situation like this, but it seemed to me that if we can't impose certain numeric conditions, perhaps we can reference the Safety Access Maintenance Manual."

Chair Spray asked if this is a question for staff, and Commissioner Harris said yes.

Ms. Baer said, "We would be glad to follow up on that and ask that question of Mr. Romero. I don't know the answer to that. Typically, what Mr. Romero and the Traffic Engineering Division looks at has to do with access as it relates to public street, and it's not ever on private property, so I'd be surprised if this related to private property."

Commissioner Harris said, "Again, in this evening's session, one of the cases will involve private property in 6 points of access to public ROWs, that a condition Mr. Romero proposes is to go back and review and use the standards found in the Safety Access Maintenance Manual. Again, I assume that was going to be an appropriate condition, the Planning Commission can do that, if they choose. But, and so, is it applicable here."

Ms. Baer asked to which case he is referencing, and Commissioner Harris said, "DeVargas."

Ms. Baer said, "Again, what he looks at is the traffic situation on public streets and access points, so what they approve, in addition to road sections, is where the access point is, how wide it has to be, what the visibility is at the access point, but I'm not sure it would go so far as dictating what happens on the private property, unless it affects those issues."

Commissioner Harris said, "He does."

Ms. Baer said, "He may."

Commissioner Harris said, "But he does. For instance, in what's called Driveway C, he wants to create a longer throat, of roughly 60 feet from Guadalupe into the property, which meant revising the proposed parking layout that the developers are proposing. So, again, I don't know... if I had time this morning, I would have reviewed the Safety Access Maintenance Manual, if I could find it on line, and see exactly what it says. I'm unfamiliar with it."

Ms. Brennan said, "That is related to traffic and may not apply here, but I think that the City Engineer has talked about a landing area of two car lengths [inaudible] as a general condition."

Commissioner Schackel-Bordegary said, "This is also my first meeting of the Summary Committee. As a member of the Summary Committee, I'm on the Planning Commission. I too, like Mike, I guess I'm a neighbor. I'm very familiar with the neighborhood, the area, the trail as a walker, biker, dog owner, mother, and I'm following, I believe our duties here to consider this case according to our authority. And I think that it does meet the standards for a lot split. I think we have some new conditions around Santa Fe, fortunately, due to the trail system, and I would venture to say the trail crossings right now have been short of being very safe along Avenida de las Campanas, here along Carlos Rey, Yucca. We use those at our peril, and folks are getting the hang of stopping, but this is hopefully going to provide the opportunity down the road when the development proposal is made, to increase safety of this trail crossing and that we will continue to learn how to make our trail crossings safer between the road traffic and bike and pedestrian traffic. And I'm confident that happens at a later stage when the proposal for development comes in, and then we will be scrutinizing it, believe me, very closely for that. So, I don't really have a question. They've been asked, and I appreciate all of you being here and expressing your interest and concerns, and I don't think I have any questions. Thank you."

Commissioner Harris said he would be happy to let Mr. Dominguez respond to the previous statement that he probably made, commenting he has additional issues to raise after that.

Mr. Dominguez asked, with regard to the condition of approval for the landing and the driveway, if it is made a condition of approval, to defer it to the building permit application and not with the lot split. He said, with regard to the driveway, if we push the retaining wall out to the property line, there is a cost to building the retaining wall, and the City needs to be involved because it will impact visibility.

Commissioner Harris said, "Again, since I'm relatively new, I do think that this issue of public safety is critical enough that we discuss it, refine it and place some sort of condition which will ensure that we have as safe an intersection as possible. To me, that's not the same thing as saying it needs to be built now, if that's what you thought I was saying. I don't think that's the case. That's not what I was proposing. I think that my approach would be to kind of work it through, make sure we have a clear understanding of what will be constructed when and if a building permit is processed for this. But again, rather than just leaving it to 2, 3, 5 years down the road, I do believe it is important to identify it and work it out now. That's my approach. And, I agree, I don't know, again the numbers, but I think there might be... it's possible there would need to be some modifications, as you suggested, Mr. Dominguez, to the path itself, the trail itself, in order to kind of flatten out there, so pedestrians and cyclists have the ability to see any Carlos Rey traffic, if there's a vehicle leaving the driveway, for instance."

Commissioner Harris continued, "But I also think too, you know, a single... and this goes back to, is it Mr. Bainsman. Mr. Banksman. Thank you sir...this goes back to your first point. On the single lane driveway, if you've got two homes, and we're all good Americans, probably each car... each home has at least two vehicles, and depending on the number of children.... my wife and I have raised three, so we've had any number of vehicles, and traffic going through and friends of ours and our children. I do think that we need a wider driveway, because that's really what it is. It needs to be wider in order to allow two vehicles to be side-by-side. Whether you've got one coming out, one coming in, I mean, you know.... things happen. I mean, life, to me, at a certain point, life is a numbers game. And this intersection is going to be there for a long time with a lot of traffic on Carlos Rey, the trail, the trail network we're developing in the City of Santa Fe is a tremendous improvement, and people are using it all of the time, more and more, and I think that will continue, and, you know, with the homes that eventually get built there, you know, it's a critical intersection. It just is. So I think it needs to be at least, you know.... to accommodate two vehicles, whatever that dimension may be. Well, you know, the ownership of the driveway, I mean, it's an access and utility... an access easement that I would assume there is some sort of shared use agreement between the parties. I would think so."

Chair Spray asked staff, clarifying he isn't putting staff on the spot for an approval or conditions, if there is anything, within our authority, that would let us, as the Committee, to say something like, "The Committee hears these issues, understands these issues, but realizes at this time we are dealing only with a lot split, and that many of these may have to be done at a later phase." He asked if there is there anything we could do that would be a sense of the Commission that would take into consideration all that has been said.

Ms. Baer said, "One suggestion would be to include in your motion, compliance with the Safety Access Maintenance Manual, including access for two cars to pass and to have a safe landing at the intersection with Camino Carlos Rey."

Chair Spray say perhaps this may answer some of these particular questions.

Commissioner Harris said, "Yes. That's the direction I'm heading. Thank you sir, Commissioner, Mr. Chair, that is the direction I'm heading and do think, as I've said, it's important to do it now. I have a lot of confidence in staff, whomever staff may be, 2-4-5 years from now, I would hope they're as good as the staff at the present time. But, again, I would like to see something along those lines attached to the plat. But, again, it is my understanding it would not have to be constructed now. Is that correct. Okay."

Commissioner Harris said, "I have one more, Mr. Dominguez, you can breathe a sign of relief, I do have one more item for you though, and this has to do with.... it appears we have an existing 15 ft. wide sewer easement along the southern boundary."

Mr. Dominguez said this is correct.

Commissioner Harris said, "And that's shown. But it appears that an existing manhole is outside... is actually kind of slipped in between that easement and the asphalt path. And so, I'm looking at.... it's outside of the easement. So, it seems like it would be a good idea and this is a great opportunity to clean that up and make sure we get City manholes within easements."

Mr. Dominguez said, "From my standpoint, if I build a sewer line across your property without your permission, can you require a manhole."

Commissioner Harris said, "I understand your personal point, but as a professional man in front of the Summary Committee..."

Mr. Dominguez said he would have to talk to his client about this.



Commissioner Harris said, "Yes, I understand, but your client is already granting an easement for access, and so this manhole is really sandwiched in between, and so it seemed like it would be a relatively simple stroke of the pen to grant that."

Mr. Dominguez said he believes the City Sewer Department should follow up and identify the location of the manhole and the line [inaudible].

Commissioner Harris said that is a good suggestion. "Because the one to the west... I don't really quite understand your designation. You show the manhole, really, but then with a line to a dot... a point on the property line. So, it was unclear to me if the manhole occurred on the property line, or if it is in fact..."

Responding to a remark from Mr. Dominguez, Commissioner Harris said, "Oh, I see it turns doesn't it. Yes. Okay, I'm sorry. So, it is just the one, call it the midpoint, that seems to be outside any easement."

Mr. Dominguez said this is correct.

Commissioner Harris said, "I also agree that I think it is the responsibility of the City to kind of follow up and, along the lines of Mr. Dominguez's suggestion, really identify that line, and let's go ahead and clean this situation up and document it."

Mr. Dominguez said will it remain as an easement for the trail, so you might just label it.

Commissioner Harris said, "I have one last... close to one last comment, that because the City has had the benefit of this private property for all these year for the trail... and I heard that there was an estimate provided for the construction of a post and cable fence, that, to my way of thinking, would run from any retaining wall that may be constructed, that I, personally, to use your definition Mr. Dominguez, I personally believe the City should construct that post and cable fence.

Ms. Baer said, "That is the intent. We're not asking the applicant to do that."

Commissioner Harris said the Report says, "The City will investigate erecting a barrier," and he didn't know what investigate means. He said, "So, it is the intent the City would build that fence."

Ms. Baer said, "The idea there was that there was no commitment to the type of barrier that it would be, but in the interest of safety to keep cars, as they were running alongside, from jumping

the line and going on the trail, some sort of barrier was necessary. But, as one of the previous speakers said, I think it was Ms. Schruben, that suggested that there be a solid wall there. The City wants to look at visibility as you have discussed, and also *vis a vis* safety, so no decision has been made on what sort of barrier that would be. Post and cable, was, I think what the trails folks were aiming... were thinking it would probably be."

Commissioner Harris said he is glad to hear that.

**MOTION:** Commissioner Schackel-Bordegary moved for approval of Case #2011-43, with the conditions in as stated in the report, and also to comply with the Safety Access Maintenance Manual, and including a provision for a safe landing. **THE MOTION WAS NOT SECONDED.**

**DISCUSSION:** Commissioner Harris said he would like to restate the Motion.

**RESTATED MOTION:** Commissioner Harris moved, seconded by Commissioner Schackel-Bordegary, for approval of Case #2011-43, with the conditions of approval as cited in the Staff Report, with one additional condition, reference to the Safety Access Maintenance Manual will be part of the consideration for any engineered solution, and the engineered solution would involve a double lane driveway sufficient to accommodate two vehicles, as well as a landing at an appropriate distance back from Camino Carlos Rey to provide a safe means of ingress and egress into and out of the subject properties onto Camino Carlos Rey.

**DISCUSSION:** Chair Spray asked Ms. Brennan if this Committee has exceeded our authority by making this motion.

Ms. Brennan asked the Chair if he means the content of the motion, and the Chair said yes.

Ms. Brennan said, "No, I do not believe so."

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

A member of the audience said she has a question.

Chair Spray said, "I'm sorry, the public hearing was closed some time ago, but we would be glad to talk to you after we finish our meeting, so if you could just hang on."

**F. STAFF COMMUNICATIONS**

Ms. Baer said she stands corrected for giving the Committee broader authority than you apparently have.

Chair Spray said it is duly noted and accepted.

Ms. Baer asked that the Chair appoint an acting Secretary to sign a subdivision plat she has which needs to be recorded. She said election of officers of the Summary Committee will be scheduled for the next meeting.

Chair Spray said he will appoint Commissioner Schackel-Bordegary as the Secretary of the Summary Committee.

**G. ADJOURNMENT**

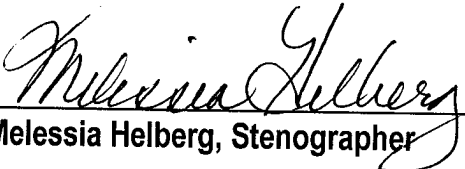
There was no further business to come before the Committee.

**MOTION:** Commissioner Schackel-Bordegary 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 12:15 p.m.

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**Tom Spray, Chair**

  
**Melessia Helberg, Stenographer**