



Agenda

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SUMMARY COMMITTEE

Thursday, September 6, 2012 - 11:00am

City Council Chambers

City Hall 1st Floor - 200 Lincoln Avenue

- A. ROLL CALL
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES – August 2, 2012
- D. OLD BUSINESS
- E. NEW BUSINESS

1. **Case #2012-89. Charles & Priscilla Herrera Lot Split.** Gerald A. Sandoval of Zia Surveys, agent for Charles and Priscilla Herrera, requests plat approval to divide approximately 1.99 acres into two residential lots. The property is located at 2220 West Alameda Street and is zoned R-5 (Residential-5 dwelling units per acre). (William Lamboy, Case Manager)
2. **Case #2012-90. 208 La Cruz Road Lot Split.** Gabriel Pacheco, of Southwest Mountain Surveys, Inc., agent for Kendall H. Holm and the Don Vencedor Trust, requests plat approval to divide approximately 0.54 acres into two residential lots. The property is located at 208 La Cruz Road, and is zoned R-21 (Residential – 21 dwelling units per acre). (William Lamboy, Case Manager)

- F. BUSINESS FROM THE FLOOR
- G. STAFF COMMUNICATIONS
- H. MATTERS FROM THE COMMITTEE
- I. 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
September 6, 2012

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**MINUTES OF THE MEETING
OF THE CITY OF SANTA FE
SUMMARY COMMITTEE
September 6, 2012**

A regular meeting of the City of Santa Fe Summary Committee, was called to order by Chair Michael Harris, on Thursday, September 6, 2012, 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
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 noted that the Pendergrass case is not listed which was postponed to this meeting, but it will be on the October Agenda.

MOTION: Commissioner Angela Schackel-Bordegary moved, seconded by Commissioner Lawrence Ortiz, to approve the Agenda as presented.

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

C. APPROVAL OF MINUTES – AUGUST 2, 2012.

The following corrections were made to the minutes:

Page 1, Paragraph 1, line 2, correct as follows: "... ~~Angela~~ Michael Harris..."

Page 4, Paragraph 7, line 4, correct as follows: "...that ~~Marc Choyt [Pendergrass?]~~ Mr. Pendergrass has..."

Page 4, Paragraph 7, line 6, correct as follows: "... That is ~~paid off~~ paved to..."

Page 14, Paragraph 1, line 2, correct as follows: "... ~~medication~~ meditation..."

MOTION: Commissioner Ortiz moved, seconded by Commissioner Schackel-Bordegary, to approve the minutes of the meeting of August 2, 2012, as amended

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

D. OLD BUSINESS

There was no Old Business.

E. NEW BUSINESS

1. **CASE #2012-89. CHARLES & PRISCILLA HERRERA LOT SPLIT. GERALD A. SANDOVAL OF ZIA SURVEYS, AGENT FOR CHARLES AND PRISCILLA HERRERA, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 1.99 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 2220 WEST ALAMEDA STREET AND IS ZONED R-5 (RESIDENTIAL – 5 DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER).**

A Memorandum prepared August 24, 2012 for the Summary Committee Meeting of September 6, 2012, 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 this report [Exhibit "1"].

Public Hearing

Charles Herrera, the property owner, was sworn. Mr. Herrera said he wants the property split for one of his sons. He said he bought the property, almost 6 acres, in 1968 with the idea of giving it to his children, eventually. He is inside the City limits, and the only problem he has is the traffic on West Alameda, commenting they aren't creating any more traffic with the lot split.

Speaking to the Request

There was no one speaking for or against the request.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Chair Harris said there is a condition on the plat that acknowledges "Each lot shall be served with separate sewer and water." He said in looking at Mr. Holland's Memorandum, he focuses on Lot A-2, as follows: "As a condition of approval, the proposed Lot A-2 shall be required to connect, due its small size, to the City Sewer System with a separate, private sewer service line. Sewer is located adjacent to the property." He said, "Is that your understanding Mr. Herrera."

Mr. Herrera said the sewer line runs down the main road on a 38 foot easement, noting all utilities are located there. He said each lot will be hooking up to City water and sewer.

Chair Harris noted the language on the plat is a little different, but it is clear to him now.

Ms. Baer said the clarification is that the Environment Department requires a 3/4 acre lot in order to have a septic system, and because this lot is smaller than that, Mr. Holland wanted to make sure that the connection would be made. She said she believes this has been clear and everyone agrees to that.

Mr. Herrera said this is correct.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Ortiz, to approve Case #2012-89, the Charles & Priscilla Herrera Lot Split, with all conditions of approval as recommended by staff.

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

2. **CASE #2012-90. 208 LA CRUZ ROAD LOT SPLIT. GABRIEL PACHECO, OF SOUTHWEST MOUNTAIN SURVEYS, INC., AGENT FOR KENDALL H. HOLM AND THE DON VENCEDOR TRUST, REQUESTS PLAT APPROVAL TO DIVIDE APPROXIMATELY 0.54 ACRES INTO TWO RESIDENTIAL LOTS. THE PROPERTY IS LOCATED AT 208 LA CRUZ ROAD, AND IS ZONED R-21 (RESIDENTIAL – 21 DWELLING UNITS PER ACRE). (WILLIAM LAMBOY, CASE MANAGER).**

A Memorandum prepared August 22, 2012, for the Summary Committee Meeting of September 6, 2012, with attachments, to the Summary Committee, from William Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "2."

A series of color photographs of the subject site, entered for the record by William Lamboy, are incorporated collectively herewith to these minutes as Exhibit "3."

A letter dated September 4, 2012, from Douglass Schocke, to *To Whom It May Concern*, was read into, and entered for, the record by Gabriel Pacheco, is incorporated herewith to these minutes as Exhibit "4."

A letter dated September 3, 2012, from Zarkason, to *To Whom It May Concern*, was read into and entered for the record by Gabriel Pacheco, is incorporated herewith to these minutes as Exhibit "5."

A letter from Rosalie Galasi, 212 La Cruz Road, was read into, and entered for, the record by Gabriel Pacheco, is incorporated herewith to these minutes as Exhibit "6."

Staff Report

The staff report was presented by William Lamboy, Current Planning Division, which is contained in Exhibit "2."

Recommendation: The Land Use Department recommends approval with the conditions of approval as outlined in this report [Exhibit "2].

Public Hearing

Gabriel Pacheco, Southwest Mountain Survey, agent for the Applicant, was sworn. Mr. Pacheco said they prepared the plat and are requesting a lot split.

Mark Lopez, contractor, was sworn. Mr. Lopez said he is the contractor that installed all the drainage, the new road, curb and gutter and would be responsible for replacing the dead trees.

Chair Harris said then Mr. Lopez did the 2010 project, and Mr. Lopez said yes, that was his project.

Speaking to the Request

Arlene Prescott-Bulinski, was sworn. Ms. Prescott-Bulinski said she has questions regarding the lot split, how it would be zoned, if there will be one unit, is it being downzoned to one unit on the vacant lot.

Ms. Baer said the zoning for the property is Residential, 21 dwelling units per acre, and the lot split does not affect the zoning in any way.

Ms. Prescott-Bulinski asked, "What kind of dwellings are we talking about here. What is the proposed building plan."

Ms. Baer said there is no proposed plan for construction at this time. The matter before this Committee is just the lot split, and staff has determined that there is a buildable lot that would be created as a result of this lot split.

Mr. Prescott-Bulinski asked, "So do we know how many units that is going to encompass."

Ms. Baer said, "We do not."

Chair Harris said, "We do not. No, as Ms. Baer said this is a lot split process. The zoning doesn't change, and there is no proposal attached to this submittal that identifies what would be built, how many units, those types of things. That's not what this case is about. It is just a simple lot split."

Ms. Prescott-Bulinski said, "My concern is that since it is 21 dwelling units per acre, it is a down-sizing to some degree. What I'd like to know, is does that set a precedent for lot splitting in

the neighborhood, which is half acre lots. I guess... we could talk about that. I mean, it doesn't mean that it would happen, but it does start addressing density in the neighborhood."

Ms. Baer said, "The density is not affected. In other words, if this lot split didn't happen, the same number of houses could be built on the property, whether the lot was split or not."

Ms. Prescott-Bulinski asked what is the purpose of the lot split.

Ms. Baer said she can't answer that question.

Ms. Prescott-Bulinski asked if there are two separate owners, and if the lot will be put up for sale.

Chair Harris said there is no requirement for the applicant to identify how they will use the property. He said it is a somewhat mechanical process, noting the zoning is not being changed as Ms. Baer said. He said it is not a downzoning, although it may change depending on new lot lines when you consider setbacks and things like that, in terms of how many dwellings could be on the new lot.

Ms. Prescott-Bulinski asked, since it is 21 dwelling units per acre, and it goes down to 1/4 acres "does that divide that by 4."

Chair Harris said it's not quite that simple, noting there are so many things that have to be addressed, setbacks and such.

Ms. Prescott-Bulinski said, "I just want a yes or no."

Chair Harris said the simple arithmetic says yes, if you're dealing with a large rectangle and you go down to a smaller rectangle, potentially you're just dividing it by 4, but it's not that simple.

Ms. Prescott-Bulinski said you're talking about 21 dwelling units per acre, so you have to take into consideration grade and setbacks, and Chair Harris said yes.

Ms. Prescott-Bulinski said, "I just felt that when there was an approval for the road grading... I don't quite understand why was the whole lot was being scraped. Hence the replanting which has failed twice. It seems like the responsible thing to do would be, before we did any lot splits, to find out what is the purpose and what would be put there before it's all in process, but that's neither here nor there I guess, huh."

Chair Harris reiterated that is not part of the consideration by this Committee, how it's going to be used. "Again, they're not proposing any kind of rezoning."

Ms. Schackel-Bordegary asked what is the process for getting a grading permit, and if that is handled administratively.

Ms. Baer said it is basically a type of building permit, or what is now called a construction permit. She said the applicant would have come into the Building Permit Division, and apply for a grading permit, and her understanding is that grading permit from last year was for the purpose of building this road.

Ms. Baer said, "Could I also add, maybe it would help raise peoples' comfort level. Any plan to develop 3 or more properties on a lot requires a development plan for staff approval up to 10,000 sq. ft.. I don't know that even would arise here, because they have indicated a buildable area, that doesn't commit them to building either in this area or only in this area. They're just required to show that the lot can be developed with a minimum of 2,000 sq. ft. of buildable area. The constraints, as you mentioned Mr. Chair, in terms of what could be developed on this property, are, in addition to density, are also the footprint, so the lot coverage and setbacks.. and they would have to provide 2 parking spaces per unit on the lot. So, it doesn't look like it would be developed for more than a single family house, but there's no commitment to that either."

Ms. Prescott-Bulinski asked, "Has a topography been done on it."

Ms. Baer said there is no slope analysis required because, first of all it's not in the escarpment and it does not have natural slopes of over 30%, so that wasn't a consideration. She said staff did look at that, so there was no requirement at this time to do a slope analysis. She said, "If and when they come in for a building permit to construct a single family house or more than that, the grading and drainage would be looked at closely, as would all the other Code requirements."

Ms. Prescott-Bulinski said, "Well it was my experience to witness a lot of land pushing during the permit process of the road grade. Gives me cause for concern. I have a lot that is unbuildable in an area because of the terrain, which I have not messed with so, that gave me cause for concern... getting a permit to do one thing and doing other things. If you want to give that any consideration."

Ms. Baer said, "As noted in the staff report, the Technical Review Division is following up to make sure that the revegetation and restoration of that property is being followed up on, and anything that has failed will have to be replaced, so they're aware of any issues there. But you can

see also, from the photographs, that some of it has taken, some of it has not necessarily, so they are following up on it.”

Chair Harris asked, in a situation like this, if it is similar to utility improvements where they’re posting a bond or anything like that – there’s no financial guarantee attached to the landscape improvements.

Ms. Baer said there are none, unless it is in the public right-of-way, which these are not.

Ms. Prescott-Bulinski said, “Well, just for the record, subsequently the deforestation of that property has led to a fire hazard. It’s seeded. I don’t know what it got seeded with, but we had very strange vegetation coming down where the water would drain down into another lot. And we just had our land cleared of all fire hazard. But I want to remind you that there is a fire hazard there. There has been since the devegetation.”

Ms. Baer said staff is happy to bring those concerns back to the Technical Review Division Director, R.B. Zaxus.

John Bulinski was sworn. Mr. Bulinski said he is the husband of Arlene Prescott-Bulinski. He said their lot is directly below the lot they are considering developing, and have lived there since 1984. He said “the Presleys are the people that own the property,” noting they didn’t attend the meeting, and “I guess that doesn’t matter.”

Mr. Bulinski said, “The thing I’m just concerned about is our whole neighborhood, which they’re inside of our neighborhood, which is the Los Lovatos Subdivision, are all half acre lots. And I know you went over this once, but now, once they subdivide this lot into half acres it will make a precedent in our neighborhood to subdivide our lots into 1/4 acre lots. Right now, it is zoned for a house and guest house, all of our land up there. Their lot, and maybe one other lot up there close to them are the only ones that are zoned for 21 units per acre, but I don’t think they can build that many on that unit [lot] because of the terrain up there. The pictures don’t really show justice of how steep that really is.”

Mr. Bulinski continued, “And I am very concerned that the Presleys that live at the top in the single family home, had been running a kind of like an art community up there, where they’re doing all this grinding of marble and doing their art. That stuff has been draining into our yard for over ten years, fifteen, twenty years, with no concern of what’s going on down below. What we’re really concerned about is if they do decide to subdivide this lot and build another home or whatever below us, will the grinding be brought closer to our house which we hear day in and day out, and the

clouds of marble dust that blows around the neighborhood which they do not confine, which they all wear masks, but we all get it in our face and our dogs and our yard."

Mr. Bulinski continued, "There's a lot of concerns in that lot that nobody's addressing, and I'm very concerned that you'll approve this and then who knows what will happen. When they did the grading permit, they had their permission, but it seems like the contractor had no qualms about grading every single inch of that lot and destroying every tree and vegetation on it. And had no permission to do that, and did it without permission. And then they got caught and they had to revegetate the lot. So that means to me that they don't really care about what any of you guys actually say, or the rules that abide by the rest of us in our subdivision."

Mr. Bulinski continued, "And I do believe that you have to watch this very closely. They don't seem to really want to... You know, it's scary for the neighbors, especially for us and our property right below us, where we are, that there could be something strange going on there that nobody really knows. It seems subliminal. They put in a grading permit, they build a super expensive road and a drainage system that none of us would ever install, just to do what with this lot. And it seems like the cart is before the horse on this whole project. And we don't seem to be getting any answers from any of the city people about what they're actually going to do. They don't seem to be submitting plans of what their actual ideas are. They just seem to be going forward, getting approvals, for this that and the other thing, but nothing's ever being solved of what's actually going to happen to that lot, which is a very crucial lot in our neighborhood. If they do plan on building 21 units per units [lots], we're all on a part of the road up that road up there that we call 'dead man's corner.' Their lot is very close to that which means more cars going out onto La Cruz Road and Paseo de la Cuma that are very hazarded in that corner. Nobody is addressing that, which is another problem. So, it would be nice if the City staff would actually think of a few more things before they approve lots and let it happen. That's what I have to say."

Mark Lopez said he is the contractor that did the excavation and "road building up there to put in this very expensive drainage system." He said, "It was engineered, it was approved by the City and installed according to those plans. I did, in fact move some trees that were dead on the property, because they were dead and a fire hazard, and subsequently I've come back and planted these trees twice. They have not taken. There is a total of 5 *pinon*. As part of the condition, I'm going to come back and replace them again, and hopefully do a better job of watering them. I had re-seeded that area with *native chamisa* and native flowers. Some of it has taken, some of it has not. That would be part of the condition to fix. But we did put an extensive drainage system in there to take care of some of the drainage that has happened over the last twenty something years that Mr. La Fontaine has had his property."

Mr. Lopez continued, "And it's a very extensive drainage system that caught a lot of the water coming down, is it La Cuma, and then it hits La Cruz, and we've caught and re-diverted all that drainage in these big 36 inch pipes that come into a manhole and then percolate out slower into a drainage easement that exists. So, that was the consideration taken in which were going to be asking for a lot split at some point, and now we come to that point, but building... we don't know what would be built, and it would have to follow the rules of the Code, all the setbacks. It may only be one unit. But that's what that was designed for – to catch all the drainage."

Chair Harris said Ms. Prescott-Bulinski can make one final comment.

Chair Harris said, "We are getting outside of this, the whole question of what was approved, what was designed and approved and then performed through the City process. It seems like the only failure associated with that process has to do with the landscaping and that shows up as a condition here. And we've heard the contractor of record saying he is going to continue to address it. And again, we're getting outside of what this group normally deals with. It is a public hearing. We do hear a lot of things, and so if you have something else you'd like to say, please come forward."

Ms. Prescott-Bulinski said, "With all due respect to the owners of the property, be it the La Fontaines to the contractor, I would like to say the problem doesn't lie in lot splits, construction. The problem lies in future use of the property. We're concerned because we have lived behind this property for 20 odd years. We've been watching clouds of pollution arising from what may have been termed at some point in time as a hobby. I have nothing against people having hobbies or even working out of their homes. But there has been a mess over there for many years, way more than 2 or 3 people at a time working. Again, I don't have a problem with that, but I think it's been a hazardous situation. I have seen the tailings of the marble dust draining down in the back of their house where they have dumped it. Again, have some respect for the people in the neighborhood. We are concerned and we have, I think we have justified fears of what may go on that much closer to our living space."

Ms. Prescott-Bulinski continued, "I know the City does approvals, and that's fine. I just want to say this for the record, that when you approve things, and there is a process, I think you kind of have to look a step ahead, or a little bit forward to protect the neighborhood and what is the future use of this land. Are we going to have another factory in the back yard. That's what I'm trying to say. Lot splits are fine. Residential houses are fine in residential areas, but I don't think that that is what has... this property has not been... that's what this property has been used for."

Gabriel Pacheco, Agent, said he has 3 letters from other neighbors in the area who are in support of this project to present to the Committee. Responding to the Chair, Mr. Pacheco said he only has one copy of the letters.

Ms. Baer said it was brought to the attention of staff at a previous hearing, that the City Attorney's position is that unless the letters are notarized, they can't be entered into the record. If the people were here to testify, their testimony would be entered into the record, but it can't be part of the official record unless it is notarized.

Chair Harris said, "It is news to us as well, whether it's this body, or the full Commission, it is not unusual for letters to be delivered like that."

Ms. Baer said, "It really speaks to the kind of standing that they have. You cannot consider them as actual testimony. You can consider them, but because they're notarized, they're in a little bit of a questionable status. This is a relatively new position."

Mr. Pacheco said these are letters from whom "they did mail the certification of what we were doing to, so they kind of like were in response to that. So they can look at it. Is that what you're saying."

Ms. Baer said one suggestion would be to have Mr. Pacheco read the letters to the Committee, and then Mr. Pacheco is testifying on the standing of those letters.

Chair Harris said that sounds like a reasonable approach.

Gabriel Pacheco read the letters for the record in support of this request, from Douglass Schocke, Jet Zarkason and Rosalie Galasi. Please see Exhibits "4," "5," and "6" for the text of these letters.

The Public Testimony Portion of the Public Hearing was closed

Questions and Comments from the Committee

Commissioner Schackel-Bordegary said, in light of the concerns about air quality and such, she would look to City staff with regard to how such complaints are investigated. She asked if this would fall under the purview of the New Mexico Environment Department, and asked staff to speak to this from the City's jurisdiction standpoint.

Ms. Baer said these kinds of issues fall under Chapter 10, which are the Environmental Ordinances. She said, "If we get a complaint about something covered by that Ordinance, it would be investigated by the Inspections & Enforcement Division. Mike Purdy is the Division Director. And they would send somebody out to check it out."

Commissioner Schackel-Bordegary said, "Just given what you've brought forward today, I would suggest that you all avail yourself of that."

Ms. Prescott-Bulinski said, "I'm not aware of the Ordinance exactly, the number, but the last time I spoke to somebody, I think it was Matt O'Reilly, he said it was not a City concern, and it is an EPA thing and it's a State matter. And I said, that's odd. I mean this is a City. We have ordinances, and that's what his response was. So I was not informed that there was something in the City Code. And we had addressed that in the past and it goes unaddressed. I don't know if any inspections take place. I just say that within the last two or three years it has been way better than it used to be, but all in all, we just don't understand if whoever builds back there, whether it will be a factory or a studio, or... and I don't think the City..."

Chair Harris said, "We've been through this. It's zoned residential. We're not dealing with the zoning. If there's a development plan, you heard Ms. Baer respond to the requirements. If it exceeds a certain size, it will go through a very formal process. And so, I have a problem with hearing the word factory."

Ms. Prescott-Bulinski said, "Well, come up and look."

Commissioner Schackel-Bordegary said she would like to move for approval at this time, if it is appropriate, commenting that we need to wrap this up.

Chair Harris said he first would like to see if other Commissioners have commentary.

Commissioner Ortiz said, "I have my concerns when she says factory. I also have my concerns about a variety of things, but this is a lot split, and that's what we have before us. In addition, I think you have avenues to try to resolve air standards. And I think, in the process, if there is any development, it has to come back to City staff. It may come back to the Planning Commission, however that system works, and I really have faith that staff will highly scrutinize whatever comes forth. And it's unfortunate, what's been taking place out there, but right now, I think we're dealing with a lot split. That's the comments I would want to make, and so I would second the motion for approval of this lot split."

Chair Harris said, "I don't think we quite have a motion yes. That's okay, but I do want to hear from all Committee members before we consider a motion."

Chair Harris said, "It seems that there's a wall around the house on the plat..."

Mr. Pacheco said he believes it's a coyote fence with bollards every 10 feet, and Mr. Lopez said this is correct.

Chair Harris said it seems the plat indicates a lot of it is outside the property line, and he assumes the City right-of-way from La Cruz goes up to the property line. He asked Mr. Pacheco to speak to that.

Ms. Baer said, "Point of clarification. That's not a fence. It's delineating the Ridgetop Subdistrict."

Chair Harris said, "I'm look at a series of squares with a line in between."

Ms. Baer said, "Yes. So am I. Take a look at the photos that Mr. Lamboy provided. You'll see there's no fence around the building."

Responding to the Chair, Ms. Baer said there is no fence on the back.

Chair Harris said, "Could you come forward."

Mr. Pacheco said, "We're on the back of the house there's a fence..."

Mr. Lopez said, "No. It's this area. It just starts right here and there's a fence that goes here."

Chair Harris said, "So this does not exist."

Mr. Pacheco said, "No. That's a coyote fence. But that can be moved."

Mr. Lopez said, "This in fact may exist, yes. I know for a fact that the parking exists. And I know this fence is on the back. There is a coyote fence along the roadway, and if this is the way it sits, then it's outside of the property line and should be removed. Yes. Presley has been there for 20 years. When he bought the house it's been existing. So it's been there for over 20 years. We didn't just put that up."

Mr. Pacheco, "It can be addressed. It can be moved if you want that as a condition."

Chair Harris said, "It took me a while to figure that one out. No, I'm looking at this and both Mr. Pacheco and Mr. Lopez say this exists and has existed for quite some time, but it also indicates it's.."

Mr. Lopez said, "It's an encroachment into the right of way. That's the back."

Chair Harris said, "I appreciate what was said earlier about... it's been a long time since I've been up there, but I kind of remember the intersection. And there's some grade issues and things like that and if, in fact that fence is in the City right-of-way, it seems like it should be pulled back onto the property."

Ms. Baer said, "We're happy to follow up on that, and we can speak with Ed Vigil, the City's Land Manager. And the alternative to that, might be getting a license agreement."

Chair Harris said either way would be fine.

Ms. Baer said, "But typically, I would say that when we're creating a new lot line, if something is an existing condition, we wouldn't ask for that necessarily... we wouldn't necessarily be looking at something that's non-conforming if it's not affected by the new lot line, but we are happy to do that."

Chair Harris said, "The applicant said they would look at that, and it's just in the nature of trying to clean up a couple of issues anyway. Those are my only comments."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Ortiz, to approve Case #2012-090, the 208 La Cruz Road Lot Split, with all conditions of approval as recommended by staff, with an additional condition of approval to include the staff's investigation to ascertain whether the fence is within the City right-of-way and to follow up with a license agreement if this is the case.

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

G. BUSINESS FROM THE FLOOR

There was no business from the floor.

H. STAFF COMMUNICATIONS

Ms. Baer said as a follow up to Case #2012-90, 208 La Cruz Lot Split, if Mr. O'Reilly has been involved in this issue, she is sure he is correct and that Chapter 10 covers certain environmental issues, but probably not air quality. She said if the Bulinski's were told that air quality is within the purview of the State by Mr. O'Reilly, then she is sure that is absolutely correct.

Commissioner Schackel-Bordegary said she agrees, and clearly this is the channel they need to pursue.

Chair Harris said, "I wondered about home occupancy if in fact that was going on, but it's up to them to raise that. We're kind of drifting outside our lines anyway, so I didn't want to go any further."

Ms. Baer said, "We did have a complaint about a different property that I thought was the Presley La Fontaine [property], and this has a different owner, so I'm not sure, but we'll look at it."

I. MATTERS FROM THE COMMITTEE

There were no matters from the Committee.

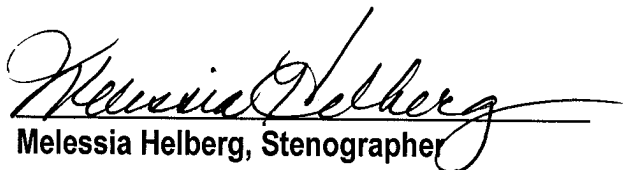
J. ADJOURNMENT

There was no further business to come before the Committee.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Ortiz, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 12:10 p.m..

Michael Harris, Chair



Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: August 24, 2012, for the September 6, 2012 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.*

CHARLES & PRISCILLA HERRERA LOT SPLIT

Case #2012-89. Charles & Priscilla Herrera Lot Split. Gerald A. Sandoval of Zia Surveys, agent for Charles and Priscilla Herrera, requests plat approval to divide approximately 1.99 acres into two residential lots. The property is located at 2220 West Alameda Street and is zoned R-5 (Residential-5 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 R-5, Residential-5 dwelling units per acre.

The proposed lot split would create two lots: Lot A-1, 2220 West Alameda Street, containing approximately 1.78 acres; and Lot A-2, 2218 West Alameda, 0.20 acres. Lot A-1 is occupied by a single family home and accessory buildings; Lot A-2 is occupied by a 1987, 14X60 foot manufactured home, and several storage sheds.

Both lots are accessed from Alameda Street via a 38-foot wide access and utility easement running along the center of the property. The 38-foot easement provides access to four lots located south of the property. Thirty-eight feet is the minimum right-of-way width for a "lane." Lot access driveways required to provide emergency vehicle access must have an all-weather driving surface at least ten feet in width and must be

no steeper than 15% grade.

The lots are inside the City's service area. Connection to the City's water and sewer is required.

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 the following heading over notes required by the City: "City of Santa Fe Notes & Conditions"
3. On the plat replace "mobile home" with "manufactured home."

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. Water Division Engineer Memorandum, John Romero

EXHIBIT B: Maps

1. Zoning
2. Aerial View
3. Utilities

EXHIBIT C: Applicant Materials

1. Letter of Application

City of Santa Fe, New Mexico

Exhibit A


City Staff Memoranda

City of Santa Fe, New Mexico

memo

DATE: August 1, 2012

TO: Case Manager: William Lamboy

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case #2012-89: Charles & Priscilla Herrera Lot Split.

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements which shall be addressed prior to approval by Planning Commission. If you have any questions or concerns, or need further clarification please call me at (505) 955-3316.

1. Shall comply with IFC 2009 Edition.
2. Shall not have driveways exceed the 150 Feet allowed to any building.
3. Shall meet water requirements for fire protection per lot.
4. Shall meet the 10% or less grade.

City of Santa Fe, New Mexico

memo

DATE: August 1, 2012

TO: William Lamboy, Case Manager

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

RE: Case # 2012-89
Charles & Priscilla Herrera Lot Split

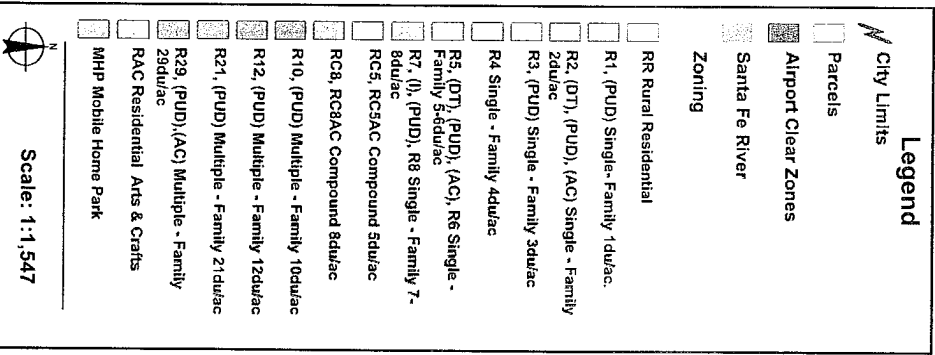
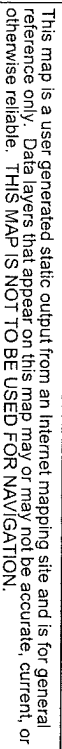
I reviewed a one-sheet Lot Split Plat and have the following comments to be regarded as a condition of approval:

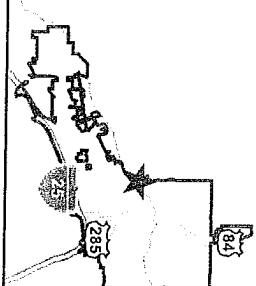
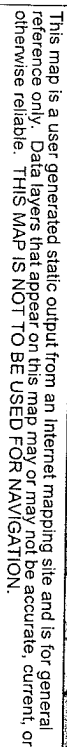
- Show address of Lot A-2, or if needed, obtain address from Marisa Struck (955-6661), and place on Plat.
- Floodplain note should reference the 2/18/11 FIRM only.

City of Santa Fe, New Mexico





Exhibit B

Maps





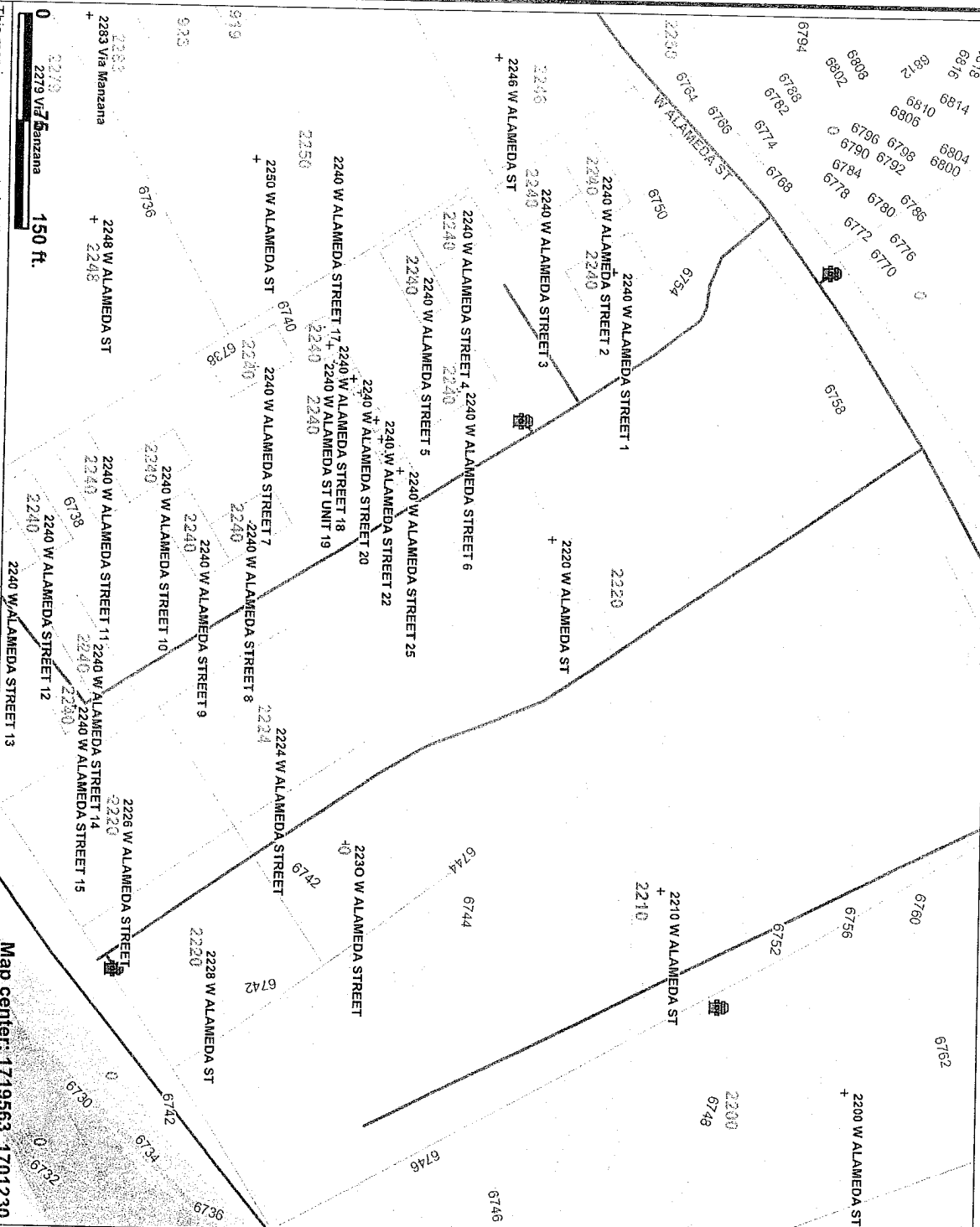
Legend

-  City Limits
- + Full Address Labels
-  Parcels
-  Airport Clear Zones
-  Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution



Scale: 1:1,298

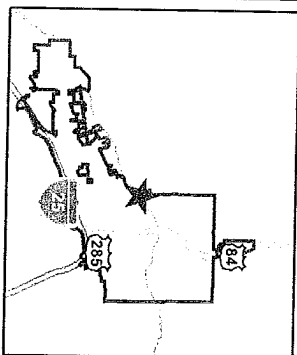
Herrera - Utilities



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.

Map center: 1719563, 1701230

Scale: 1:1,298



Legend

- City Limits
- Full Address Labels
- Fire Hydrants
- Hydrology
- Wastewater Collection Pipelines
- Stormwater Inlet
- Water Zone Lines
- Water Pipe Distribution
- Contours - 2 foot
- Parcels
- Airport Clear Zones
- Santa Fe River
- FEMA Preliminary Floodplain February 18, 2011 (100 yr)
- FEMA Floodplain Effective June 17, 2008 (100 yr)
- Major Roads and Highways
- Other Roads and Streets

City of Santa Fe, New Mexico

Exhibit C

Applicant Materials

Rio Arriba County Rd 84
No. 24

Gerald A. Sandoval, P.S.
Abiquiu, New Mexico 87510

505-470-4654

July 11, 2012

Re: Charles & Priscilla Herrera Lot Split

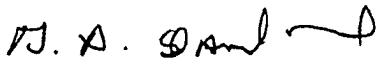
Dear Sir,

Please be advised that the abovementioned parties intend to submit an application to your authority, requesting to subdivide their property located at 2220 West Alameda, Santa Fe, New Mexico. The property contains 1.989 acres, more or less, and is described as, Lot A and shown on a plat of survey recorded in Plat Book 286, Page 043, dated September 26, 1994, Records of Santa Fe County, New Mexico. The property will be divided and one (1) 8712 square feet tract (0.200 acre) and, one (1) 1.789 acre tract. Mr. Herrera & Mrs. Herrera would like to sell the newly created 0.200 acre lot to their son.

This tract of land is currently Zoned R-5 and complies with all existing zoning regulations pertinent to this area. The approved lot split will adhere to all pertinent zoning criteria.

Your positive consideration would be most appreciated.

Respectfully submitted,



Gerald A. Sandoval, P.S.

City of Santa Fe, New Mexico

memo

DATE: August 2, 2012
TO: William Lamboy, Senior Planner
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2012-89 Herrera Lot Split 2220 West Alameda

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

1. Connection to the City sewer system is mandatory.

Additional Comments:

1. As a condition of approval, the proposed Lot A-2 shall be required to connect due to its small lot size (0.20 acres) to the City sewer system with a separate private sewer service line. Sewer is located adjacent to the property.

City of Santa Fe **memo**

DATE: July 26, 2012
TO: Summary Committee
FROM: Antonio Trujillo, *Water Division Engineer*
SUBJECT: Case # 2012-89, Charles & Priscilla Herrera lot split, 2200 West Alameda

[X] The subject property is inside the City water service area. Water is available.

Fire service requirements will have to be determined by the Fire Department prior to development or issuance of a building permit.

cc: Tamara Baer, Planning Manager, LUD
Bill Lamboy, LUD

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012, for the September 6, 2012 Meeting

TO: Summary Committee

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

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

208 LA CRUZ ROAD LOT SPLIT

Case #2012-90. 208 La Cruz Road Lot Split. Gabriel Pacheco, of Southwest Mountain Surveys, Inc., agent for Kendall H. Holm and the Don Vencedor Trust, requests plat approval to divide approximately 0.54 acres into two residential lots. The property is located at 208 La Cruz Road, and is zoned R-21 (Residential – 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 R-21, Residential-21 dwelling units per acre. Under optimal conditions up to 11 primary dwelling units could be constructed on the property.

The proposed lot split would create two lots: Lot 1-A, 206 La Cruz Road, containing approximately 0.23 acres; and Lot 1-B, 206 La Cruz Road, 0.31 acres. Lot 1-A is occupied by a single family home and Lot 1-B is vacant. The residence on Lot 1-A is in the Ridgetop subdistrict of the Escarpment District. Lot 1-B is generally outside the Escarpment District.

The lots are accessed from La Cruz Road, a public roadway, with a 40-foot right-of-way. Access is via a recorded 25-foot wide, access & utility easement, running along the southern portion of the adjacent property to the north.

Exhibit "2"

The lots are inside the City's service area. Connection to the City's water and sewer is required.

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. Correct spelling mistakes as necessary.
3. Add the following heading over notes required by the City: "City of Santa Fe Notes & Conditions"
4. Prior to recordation of the lot split, the applicant shall contact the Technical Review Division (955-6641) for a site inspection to identify areas where tree planting and restoration have failed. Subsequent to the inspection, the applicant shall re-plant and re-vegetate as necessary to comply with the original restoration conditions of permit 10-1971. All work shall be verified by the Technical Review Division prior to recordation of the plat.
5. Prior to issuance of a building permit on either Lot 1-A or Lot 1-B, and inspection by the City shall be required, to verify that trees and vegetation required by permit 10-1971 are being maintained.

ATTACHMENTS:

EXHIBIT A: City Staff Memoranda

1. Fire Marshal Memorandum, Rey Gonzales
2. City Engineer for Land Use Memorandum, R. B. Zaxus
3. Water Division Engineer, Antonio Trujillo
4. Traffic Engineering Division Memorandum, John Romero

EXHIBIT B: Maps

1. Zoning
2. Aerial View
3. 1463 Upper Canyon Road Sight Distance Plan

EXHIBIT C: Applicant Materials

1. Letter of Application
2. Grant of Easement

City of Santa Fe, New Mexico

Exhibit A


City Staff Memoranda

City of Santa Fe, New Mexico

memo

DATE: August 1, 2012

TO: Case Manager: William Lamboy

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case #2012-90: Lot 1, Los Lobos Addition 1 Lot Split

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements which shall be addressed prior to approval by Planning Commission. If you have any questions or concerns, or need further clarification please call me at (505) 955-3316.

1. Shall comply with IFC 2009 Edition.
2. Shall not have driveways exceed the 150 Feet allowed to any the building.
3. Shall meet water requirements for fire protection per lot.

City of Santa Fe, New Mexico

memo

DATE: August 28, 2012

TO: William Lamboy, Case Manager

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

RE: Case # 2012-90
Lot 1, Los Lobos Addition Number 1 Lot Split

I have the following additional review comments to be regarded as conditions of approval:

A permit issued for this property in 2010 included requirements for tree planting and restoration of disturbed areas. A recent site visit indicates that some of the trees planted appear to have not survived or are not expected to survive. In addition, there are some areas where the revegetation is inadequate.

*Prior to recordation of the lot split, the applicant must contact the Technical Review Division (955-6641) for a site inspection to identify these areas of failure, and subsequent to that inspection, the applicant must re-plant and re-vegetate as necessary to comply with the original restoration conditions of the 2010 permit. This work must be verified by the Technical Review Division prior to recordation.

*Add a note to the Lot Split Plat that prior to issuance of a building permit on either Lot 1-A or Lot 1-B, an inspection is required by the City to verify that trees and vegetation required by Permit 10-1971 are being maintained.

City of Santa Fe, New Mexico

memo

DATE: August 1, 2012

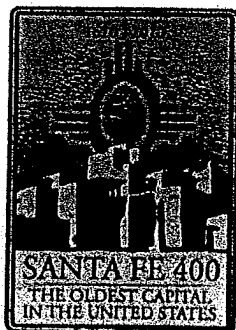
TO: William Lamboy, Case Manager

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

RE: Case # 2012-90
Lot 1, Los Lobos Addition Number 1 Lot Split

I reviewed a one-sheet Lot Split Plat dated July 5, 2012, and have the following comments to be regarded as a condition of approval:

- Obtain address for new lot from Marisa Struck (955-6661), and place on Plat.
- Identify hatching (seems to be pavement).
- Reference 2/18/11 FIRM only.
- Show buildable areas that meet the requirements in Article 14-8.2(D).



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-09

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter Ives, Dist. 2

Christopher Rivera, Dist. 3

Carmichael A. Dominguez, Dist. 3

Bill Dimas, Dist. 4

Ronald Trujillo, Dist. 4

August 3, 2012

Mr. Mark A. Lopez
PO Box 15184
Santa Fe, New Mexico 87592

Subject: Sewer Service for 208 La Cruz Road Lot Split

Dear Mr. Lopez:

This letter is in response to your sewer service technical evaluation application request to obtain sewer service for proposed Tract 1-B for the Lot Split of Lot 1, Los Lobos Addition No.1 at the address of 208 La Cruz Road. City sanitary sewer service is available to serve this property. There is an existing public sewer mainline along the western boundary of the property. The property shall connect to the existing public sewer main through a private sewer service line.

The cost for the installation of a private sewer service line connecting to the City's public sewer system is the responsibility of the property owner. You will need to contact a licensed plumber to do this work.

Please note that each lot must be served through separate sewer service connections. Any future lot splits or sewer service connections for properties not referenced in this evaluation shall require review and approval by the Wastewater Management Division.

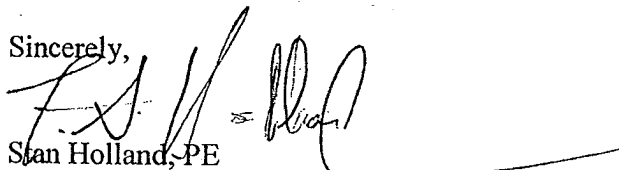
Additionally, Wastewater utility expansion charges (UEC) for sanitary sewer shall apply. The UEC charge for residential customers is based upon the heated square footage of the dwelling unit to be connected to City sewer and shall be due at time of building permit.

This statement of availability applies exclusively to the property described above. This document verifies that at the time it was issued sufficient capacity was available in the receiving line. It does not guarantee capacity through the life of the sanitary sewer. Any zoning or conceptual changes made to the development area will require our re-evaluation of the sanitary sewer availability and our re-issuing of this statement. This technical evaluation report will be valid for a period of one year from the date of issue date.

You may contact me at 955-4637 if you have any questions.



Sincerely,



Stan Holland, PE
Wastewater Management Division

cc: File
Doug Flores

City of Santa Fe

memo

DATE: July 26, 2012
TO: Summary Committee
FROM: Antonio Trujillo, *A* Water Division Engineer
SUBJECT: Case # 2012-90, Los Lobos Addition Number 1 Lot Split

[X] The subject property is inside the City water service area. Water is available.

A metered service connection is required at time of building permit to serve the resulting lot 1-B. A building permit will not be issued if the Agreement for Metered Service Contract is not executed.

Fire service requirements will have to be determined by the Fire Department prior to development or issuance of a building permit.

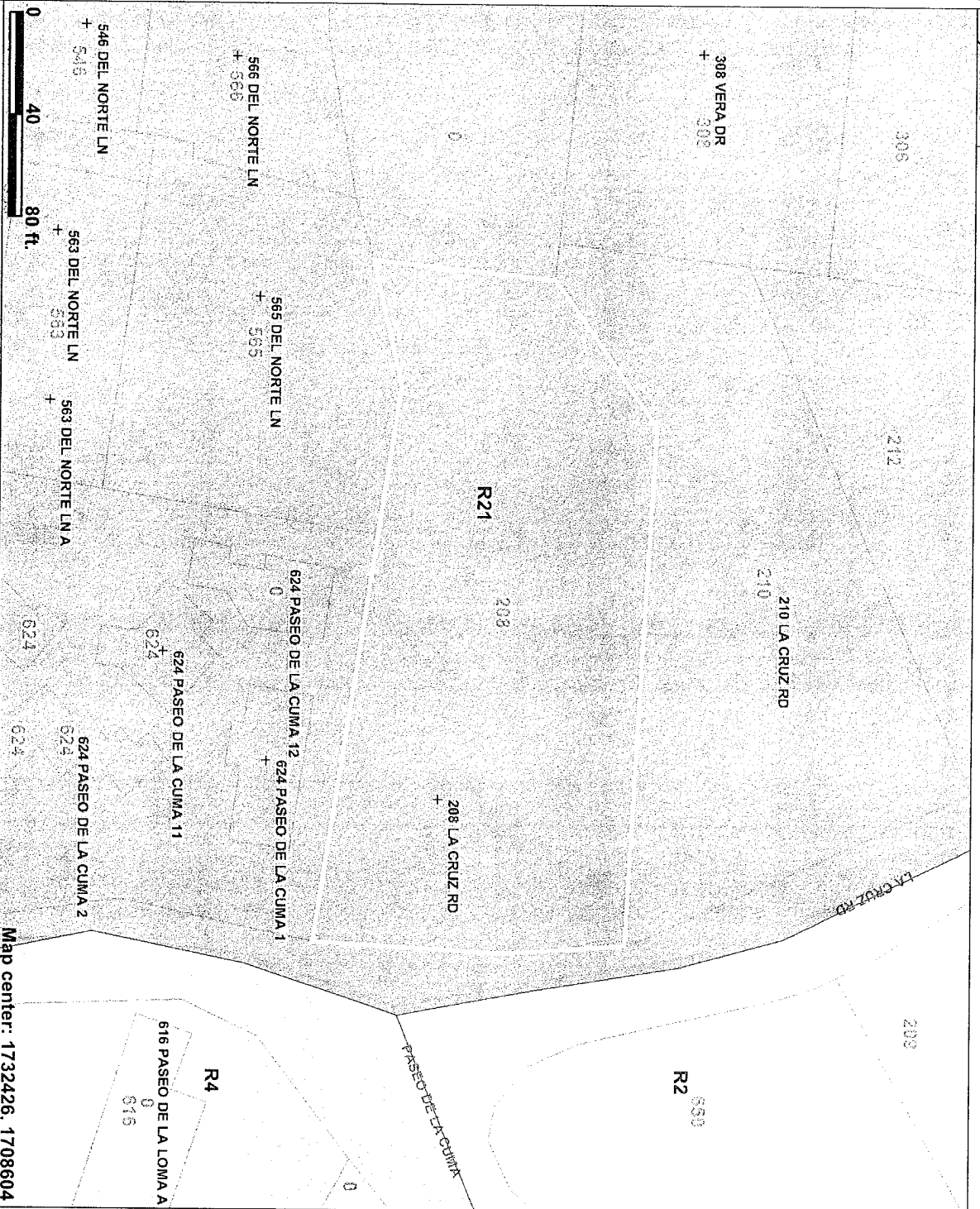
cc: Tamara Baer, Planning Manager, LUD
Bill Lamboy, LUD

City of Santa Fe, New Mexico

Exhibit B

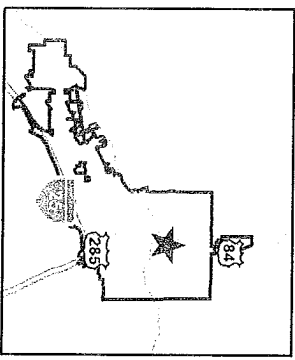
Maps

208 la Cruz - Zoning



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.

Map center: 1732426, 1708604

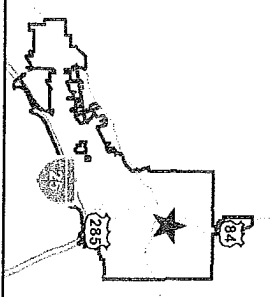
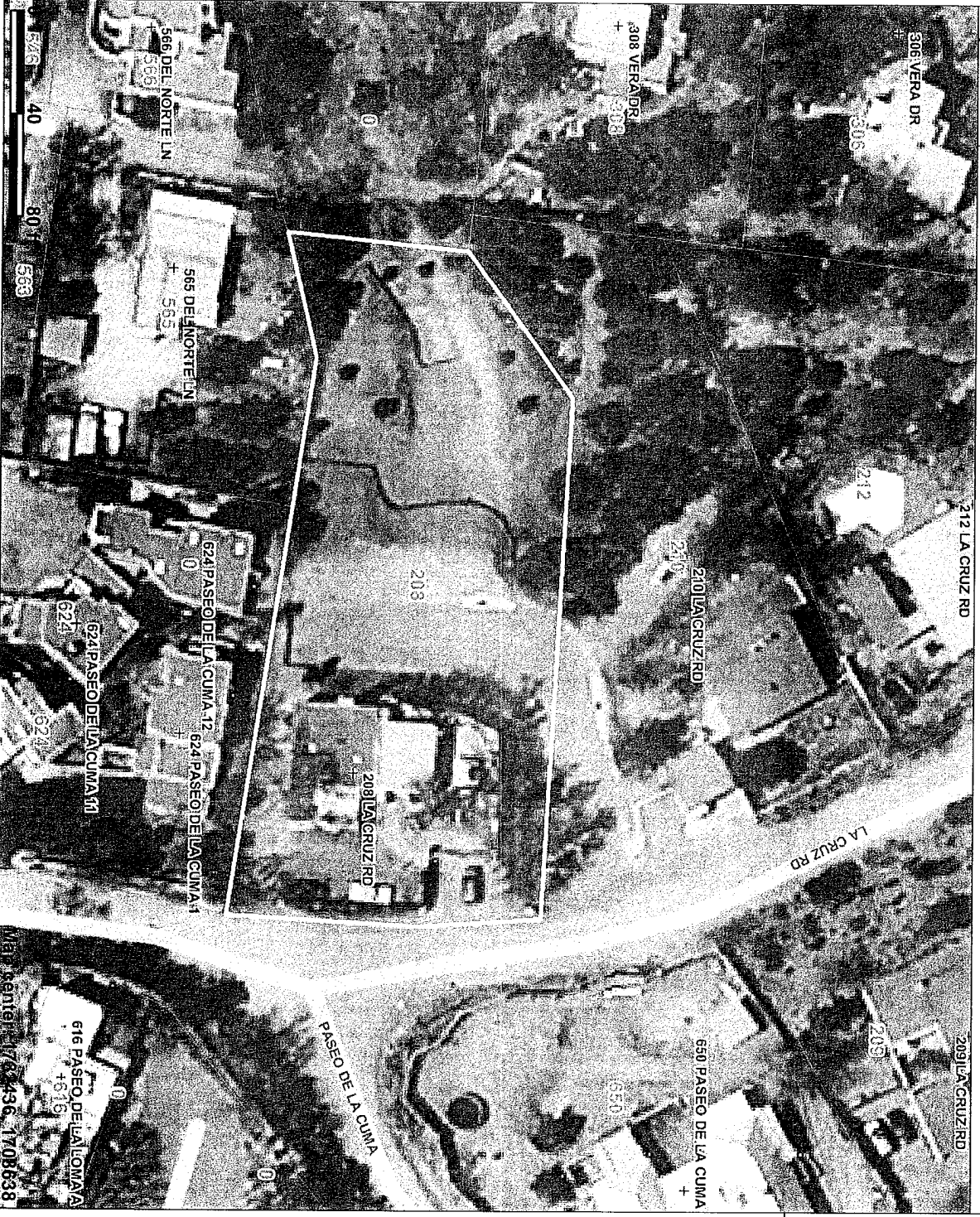


Legend

- City Limits
- Full Address Labels
- Address Points
- 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 5-6du/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
- R23, (PUD), (AC) Multiple - Family

Scale: 1:717

208 la Cruz - Aerial



Legend

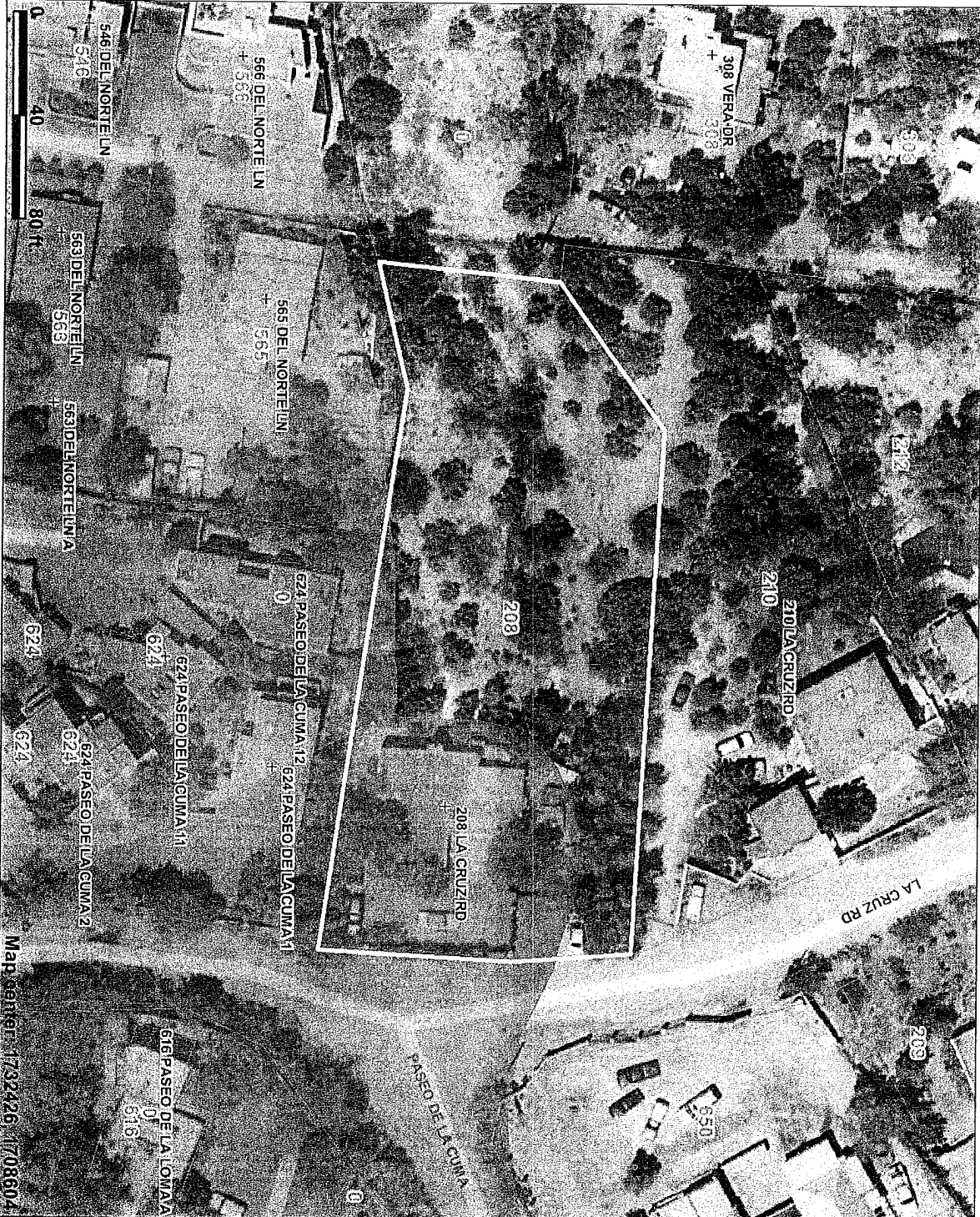
- City Limits
 - Full Address Labels
 - Address Points
 - Parcels
 - Airport Clear Zones
 - Santa Fe River
 - Major Roads and Highways
 - Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution



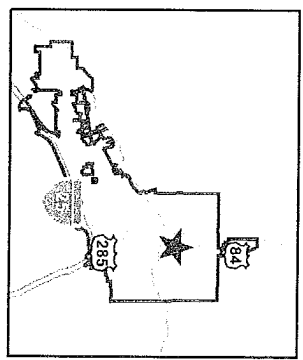
Scale: 1:717

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.

208 la Cruz - Escarpment & House



Map center: 1732426, 1708604



Legend

- City Limits
- Full Address Labels
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Escarpment Districts
- Foothill
- Ridge
- City Mountainous or Difficult Terrain Boundary
- Major Roads and Highways
- Other Roads and Streets
- 2008 Aerial Photography - 6 inch resolution

Scale: 1:717

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

Southwest Mountain Surveys

*1114 Hickox Street
Santa Fe, New Mexico 87505
(505) 982-9429*

July 12, 2012.

City of Santa Fe
Development Review
Attn: William Lamboy

On behalf of our client, Mark Lopez (representative of the owner), we are submitting an application for a Lot Split of Lot 1, Los Lobos Addition No. 1.

Legal Description: Projected Section 24, Township 17 North, Range 9 East, N.M.P.M., City of Santa Fe, New Mexico.

If you have any questions feel free to call me, 982-9429.

Sincerely,

Gabriel Pacheco

SFC CLERK RECORDED 07/12/2011

GRANT OF EASEMENT

Douglas Schocke, an unmarried man (referred to as "Grantor") hereby grants to the **Don Vencedor Trust, u/a/d August 6, 1991** ("Grantee") an easement for ingress, egress and underground utilities, including the construction, the placement and maintenance of the improvements shown and depicted on Exhibit B attached hereto. The location of the easement hereby granted is described and depicted on Exhibit A attached hereto. The property over which this easement is located is described in Exhibit C attached hereto. The easement granted hereby shall run with and benefit the lands of Grantee described in Exhibit D attached hereto.

This easement is granted subject to the following covenants which are accepted by the Grantee as evidenced by their signatures below:

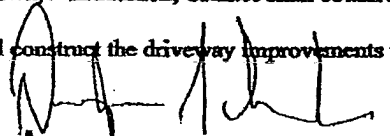
A. The improvements shall be the sole responsibility of the Grantee to construct, maintain and install. Grantee shall maintain the improvements within the easement in a safe and functioning condition. Grantee shall make no changes (except ordinary maintenance) to the improvements within the easement without the prior written consent of the Grantor. All work will be done in accordance with approved permits from the City of Santa Fe, which shall be the sole responsibility of the Grantee to obtain and maintain.

B. Grantee hereby agrees to indemnify, defend and hold harmless Grantor for any and all claims of loss, damage or injury, including any claims of lien, arising out of or related to the construction of improvements within the easement, the maintenance, repair or use of the same within the easement by Grantee's agents, invitees, guests or other parties on the easement at the request for the benefit of Grantee. In the event a claim of lien is filed, whether rightfully or not, Grantee shall

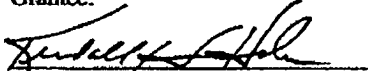
SFC CLERK RECORDED 07/12/2011

immediately take the steps necessary to have said lien released or canceled by a Court of competent jurisdiction.

C. As consideration for this Grant of Easement, Grantee shall design and prepare engineer- stamped engineering plans, at Grantee's expense for the driveway improvements shown on Exhibit B attached hereto as "Future Driveway." In addition, Grantee shall obtain any necessary governmental permits or approvals and shall construct the driveway improvements with a gravel surface.


 Author:
Douglas Schock
 Douglas Schock

Grantee:

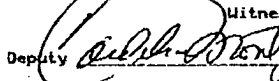

 Ken Holm, Trustee
 The Don Vencedor Trust
 U/a/d August 6, 1991



COUNTY OF SANTA FE)
 STATE OF NEW MEXICO) ss

GRANT OF EASEMENT
 PAGES: 5

I Hereby Certify That This Instrument Was Filed for
 Record On The 12TH Day Of July, 2011 at 04:21:29 PM
 And Was Duly Recorded as Instrument # 1639916
 Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
 Valerie Espinoza
 County Clerk, Santa Fe, NM

Grant of Easement
 Page 2

SFC, CLERK RECORDED 07/12/2011

STATE OF NEW MEXICO)
)ss.
COUNTY OF SANTA FE)

Penelope G. Becker
Notary Public

My Commission Expires:
March 25, 2015



Grant of Easement
Page 3

COLORADO ^{DR}
 STATE OF NEW MEXICO)
 Arapahoe ^{DR} ss.
 COUNTY OF SANTA FE)

DANIELA RAY
 NOTARY PUBLIC
 STATE OF COLORADO
 My Commission Expires 12/17/2011

The foregoing Grant of Easement was sworn to, subscribed and acknowledged before me by
 Kendall H. Holm, Trustee of the Don Vencedor Trust, u/a/d August 6, 1991, on this 7th day of
 November, 2009. ^{DR}
 July 1, 2011

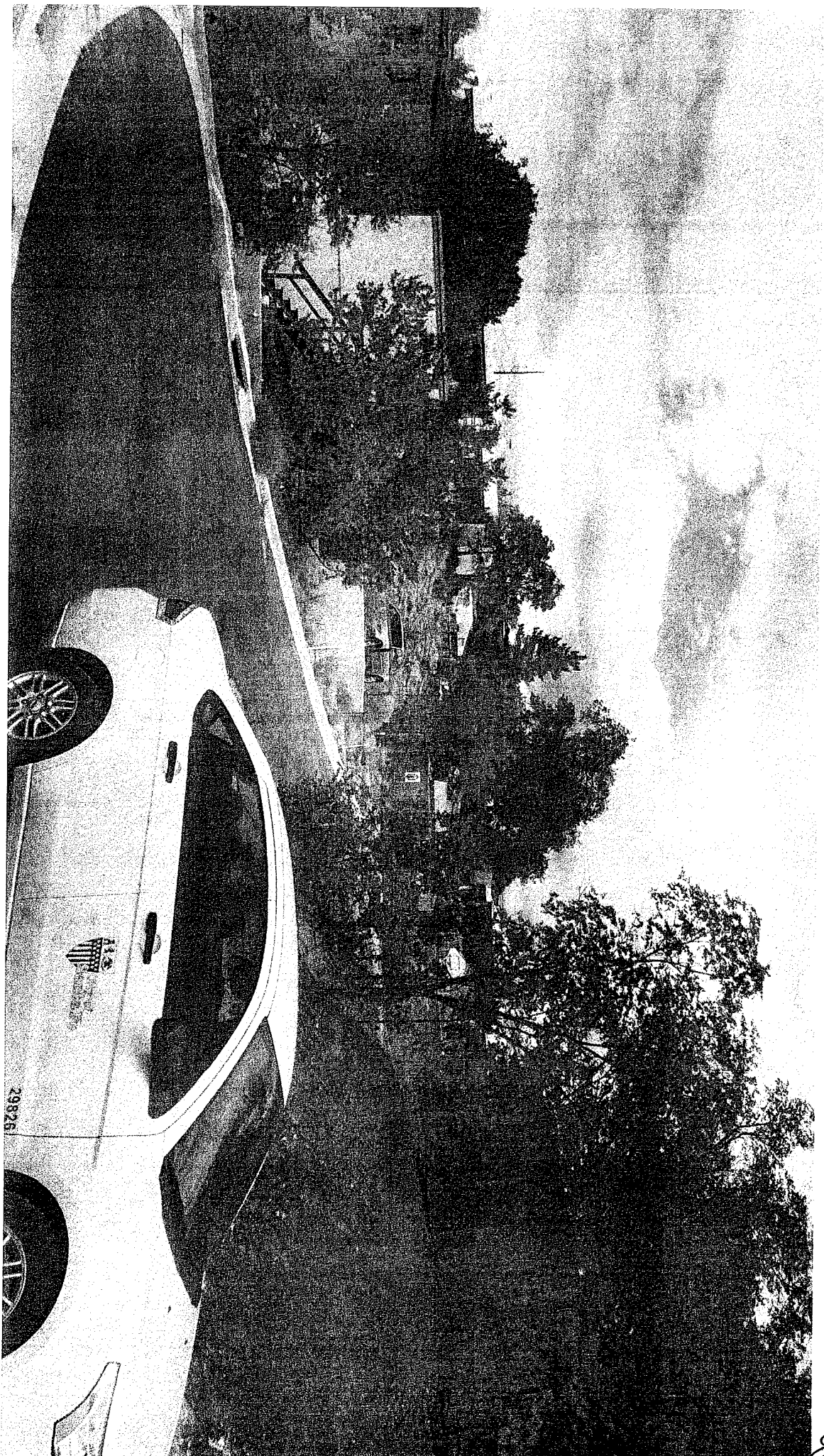
Daniela Ray
 Notary Public

My Commission Expires: 12/17/2011

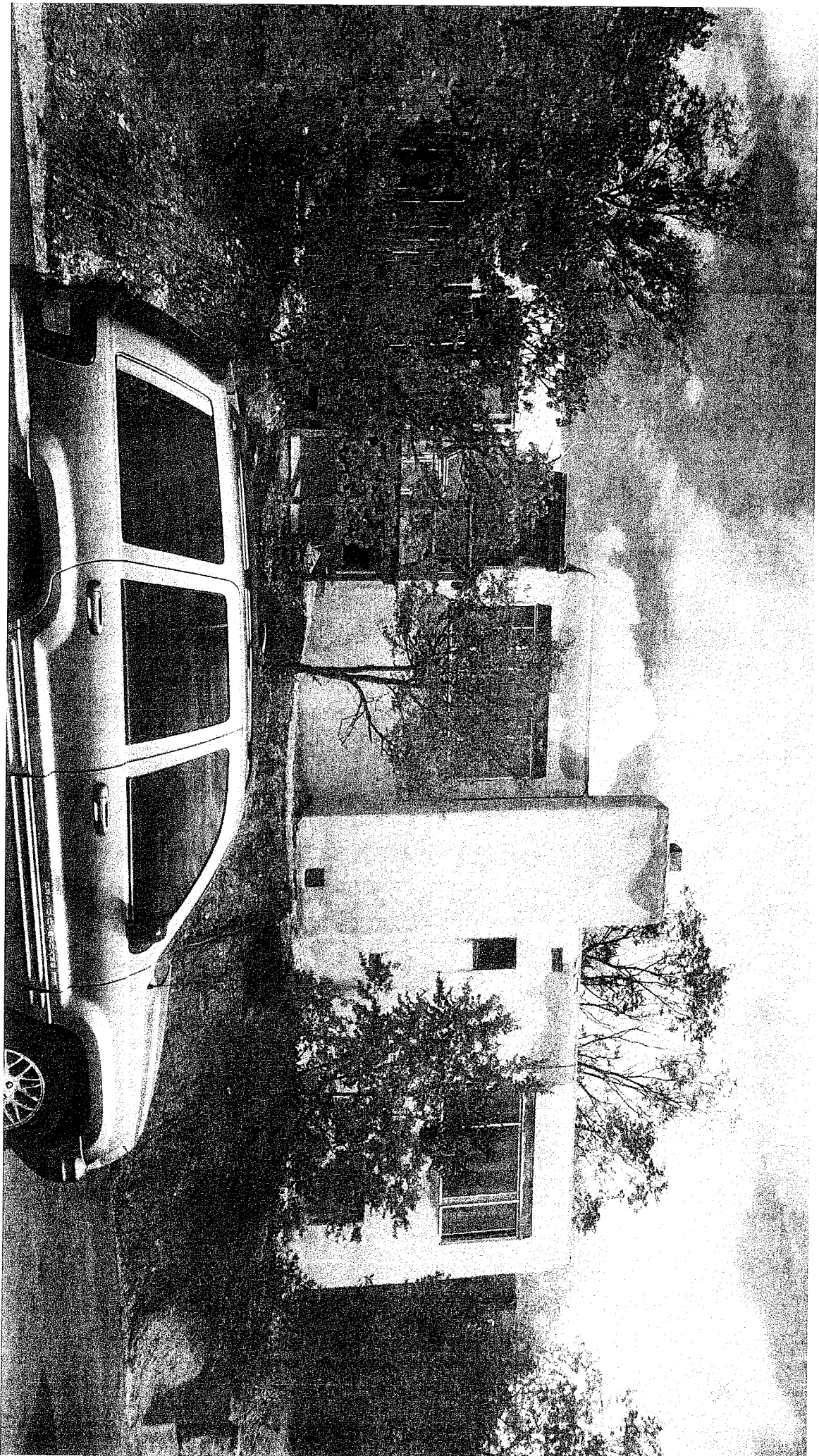
SFC CLERK RECORDED 07/12/2011

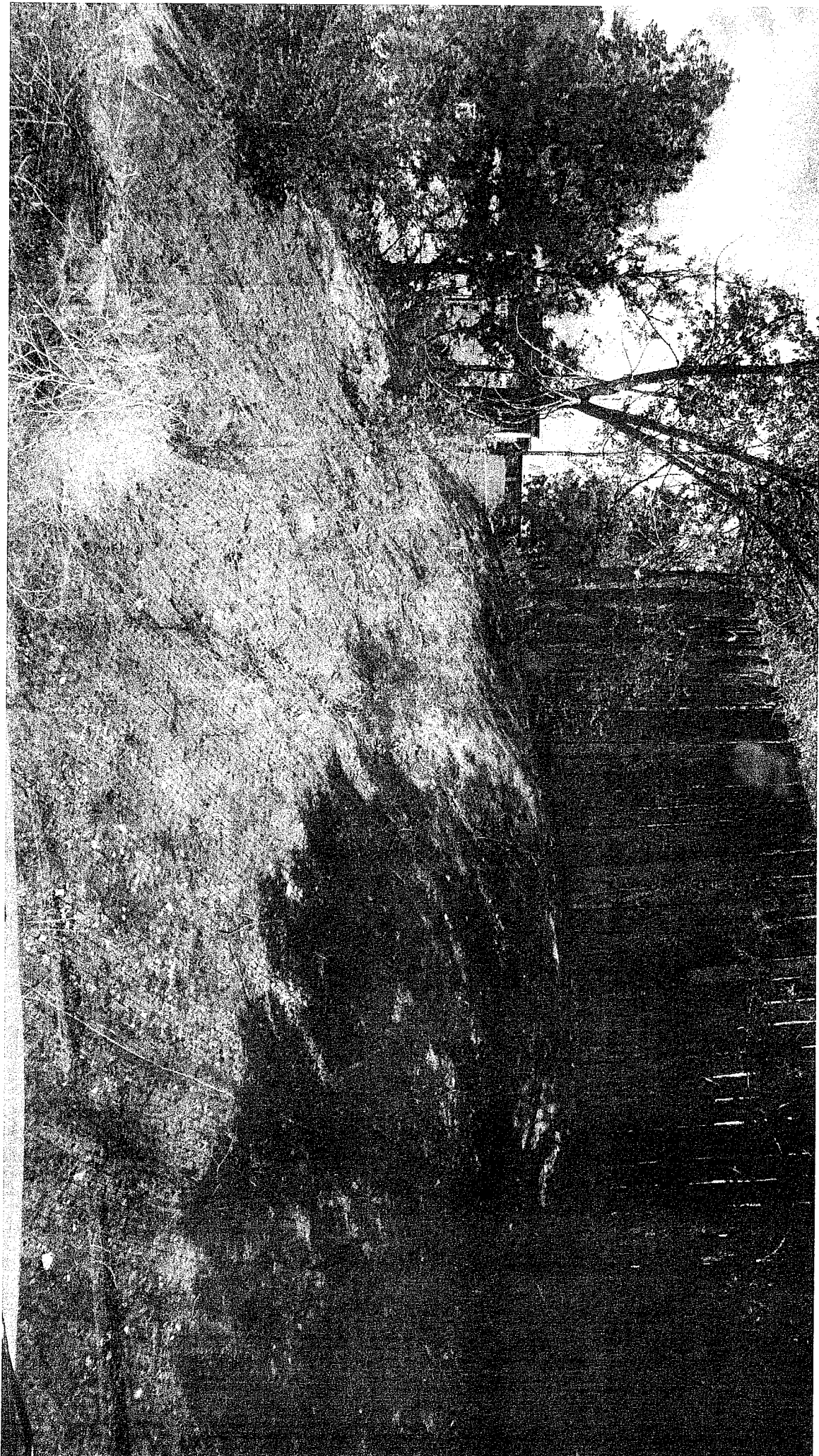
Grant of Easement
 Page 4

208 LA CRUZ

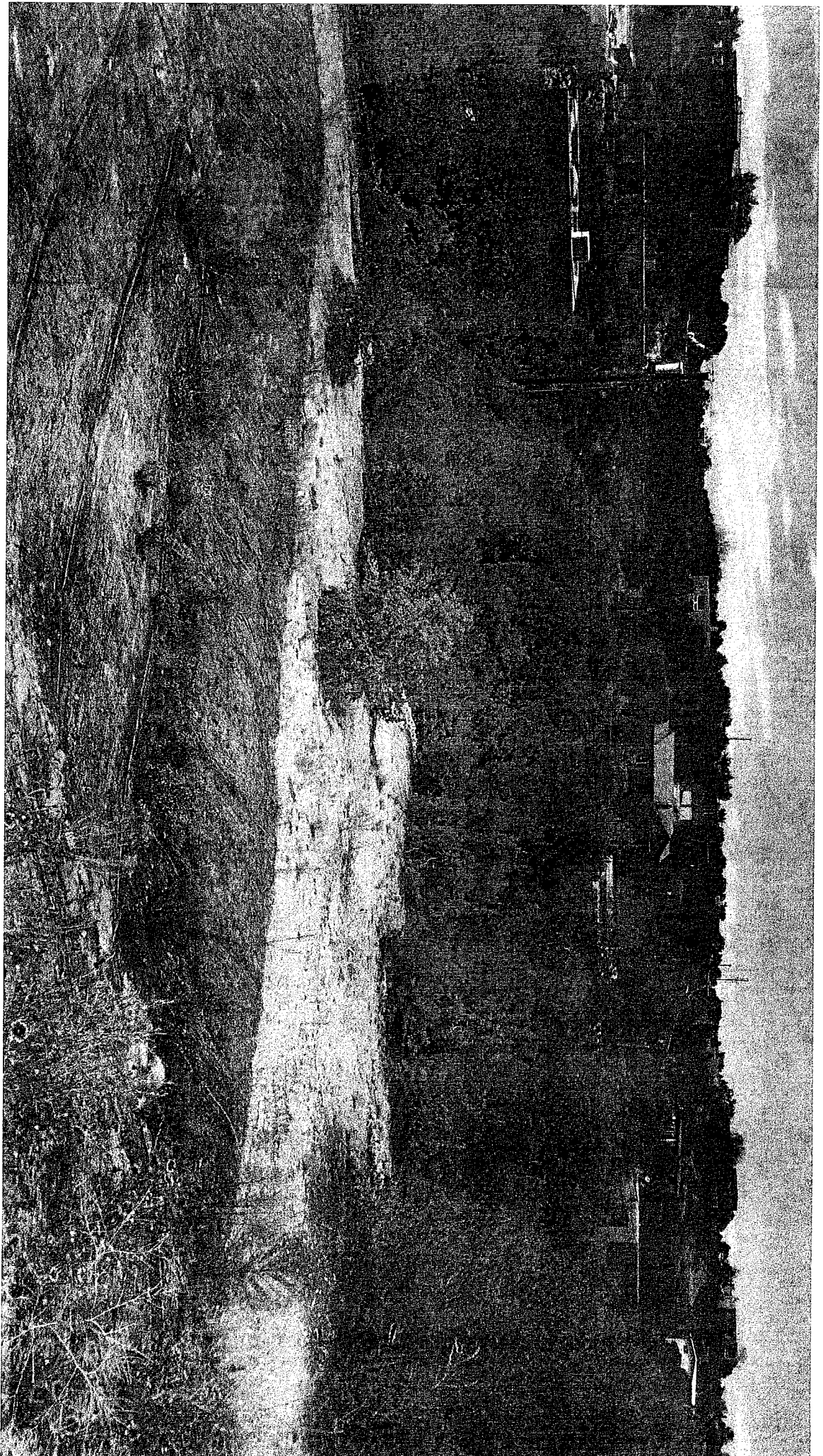


"2" 7/11/13











Douglass Schocke, Ph.D.

Cell 505-670-1306

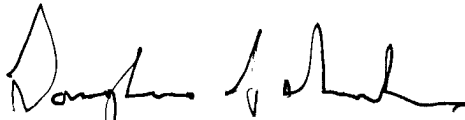
210 La Cruz Road

Santa Fe, NM 87501

September 4, 2012

To Whom It May Concern;

I am supportive of the Proposal by Presley La Fountain et al in building and modifying the land use designation at 208 La Cruz Road, my next door neighbor, and their activities on this project. I hope their plans work out as they anticipate.



Douglass Schocke

S. Schocke 9/4/12

Sept. 3, 2012

To whom it may concern:

I have been a long time neighbor of Presley La Fortaines.

I believe that his project should be allowed to go forth with no further delays. It will be a great upgrade for the neighborhood.

He has always been a responsive, helpfull and up standing neighbor.

I have had no issues or complaints of him in the many years that I have lived across the street.

I don't understand why any one would object to his project.

It will be an asset and win win situation for everyone impacted or involved.

Please allow it to go forth.

Sincerely,

Jet Zarkas

I am a neighbor of Presley and I
support his lot split at 208 La Cruz.

Thank you.

Rosalia Galazi
212 La CRUZ Rd
Sept 6 2012