

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

January 19, 2017

I. This meeting of the Santa Fe County Planning Commission was called to order at 4:01 p.m. by Phil Anaya at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

II. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Commissioners Present:

Filandro Anaya
Renea Gray
Louie Gonzales
Leroy Lopez

Commissioner(s) Excused:

Frank Katz
Bette Booth
Susan Martin

Staff Present:

Vicki Lucero, Building & Services Manager
Tony Flores, Deputy County Manager
Penny Ellis-Green, Growth Management Director
Mathew Martinez, Development Review Case Manager
Andrea Salazar, Assistant County Attorney

IV. ELECTION OF CHAIR AND VICE CHAIR

Commissioner Gonzales nominated Filandro Anaya as Chair. Commissioner Lopez seconded and the motion to elect Commissioner Anaya as Chairman passed unanimously.

Commissioner Lopez moved to nominate Louie Gonzales as Vice Chair and Commissioner Gray seconded the nomination. The motion carried without opposition.

V. APPROVAL OF AGENDA

Commissioner Lopez moved to approve the agenda as published. Commissioner Gray seconded and the motion carried by unanimous voice vote.

VI. APPROVAL OF MINUTES: December 15, 2016

Commissioner Gonzales moved to approve the December minutes as submitted. Commissioner Lopez seconded and the motion passed by unanimous voice vote.

VII. CONSENT CALENDAR

- A. Case # A 16-5230 Sufi Religious Order (Khaniqahi Nimatullahi) Appeal. Robert R. Romero, Appellant, is Appealing the Land Use Administrator's Decision to Approve Development Permit # 16-523 and Site Development Plan # 16-3019, to Allow the Use of Existing Structures as a Religious Facility and to Allow Grading and Remodeling of an Existing Accessory Structure for That Use on 19.221 Acres. The Property is within the La Cienega and La Cieneguilla Community District Overlay (LCLCCD) and is Located at 20-A, 22-B, & 22-A Entrada La Cienega, within Section 5, Township 15 North, Range 8 East (Commission District 3) Mike Romero, Case Manager (Denied 3-1)**

Commissioner Gray moved to approve the Consent Calendar. Commissioner Lopez seconded and the motion carried unanimously.

VIII. NEW BUSINESS

- A. CASE # V 16-5220 Edward and Kiyomi Baird Variance Edward and Kiyomi Baird, Applicants, Craig Hoopes, Agent requests two variances from Ordinance No. 2015-11 the Sustainable Land Development Code, (SLDC) Chapter 7, Section 7.17.9.2.2, Setbacks from ridges and Chapter 7, Section 7.17.9.2.3.2, Height of a structure to exceed 18' on a ridge, to allow a proposed 2,288 square foot Art Studio to be located on a ridge top, and to exceed 18' in height on a ridge. The property is located at 411 Tano Road within the Ranchos Oso Loco Subdivision, within, Section 33, Township 18 North, Range 9 East, Commission District 1**

MATHEW MARTINEZ (Case Manager): Thank you, Mr. Chair and Commissioners. Edward and Kiyomi Baird, Applicants, Craig Hoopes, agent request two variances from Ordinance No. 2015-11 of the Sustainable Land Development Code, Chapter 7, Section 7.17.9.2.2, Setbacks from ridges, and Chapter 7, Section 7.17.9.2.3.2, Height of a Structure to exceed 18 feet on a ridge, to allow a proposed 2,288 square foot art studio to be located on a ridge top, and to exceed 18 feet in height on a ridge. The property is located at 411 Tano Road within the Ranchos Oso Loco Subdivision, within, Section 33, Township 18 North, Range 9 East, Commission District.

On December 1, 2016, the application was presented to the Hearing Officer. The Hearing Officer recommended approval of the requested variances with the following condition: One, Construction fencing must be installed to avoid any disturbance of 30% slopes.

The applicants are the owners of the property as indicated by the warranty deed recorded in the records of the Santa Fe County Clerk on March 31, 2016, as Instrument

number 1790050. The applicants are represented by their agent, Craig Hoopes, to pursue the request for two variances to allow a proposed 2,288 square foot art studio to be located on a ridge top and be in excess of 18 feet in height on a ridge.

The property consists of 40.016 acres and is within the Rural Residential Zoning District as defined by the SLDC.

The first variance sought by the applicants is regarding Chapter 7, Section 7.17.9.2.2, the requirement for a 50-foot setback. The applicants' agent states that there is no area that is possible to build on that is on less than 30 percent slope except adjacent to their existing home, further HOA deed restriction prevent the homeowners from building to the south of a given point on the site. The applicants' agent also states that it is important to the Bairds that as they age, that the art studio be accessible from the house.

Staff Response: It is not possible for the applicants to meet the setback requirements of 50 feet from a ridge top as the ridge top is only approximately 140 feet wide. The proposed structure is encroaching into the shoulder by 15 feet, 20 percent slopes. The current setback is 40 feet from the ridgeline, the new structure will encroach 15 feet over the ridgeline. Staff has conducted a site visit and reviewed the topography of the site and has determined that there are other small buildable locations on the property, however these would require disturbance of 30 percent slopes to access those area, The location on the top of the ridge where the applicants are proposing to build would not require 30 percent slope disturbance to gain access.

The second variance sought by the applicants is regarding Chapter 7, Section 7.17.9.2.3.2, height of a structure not to exceed 18 feet on a ridge top. The applicants' agent states that they have designed the addition so that the new art studio will sit in front of the existing house so as not to add visual mass to the house. Mrs. Baird is a professional artist who works on large works that will not fit within the house. This is why the art studio is needed. The east elevation will match the existing residence elevation of 23'10"

Staff Response: Staff was able to retrieve a building permit for the existing residence. The permit was issued in August 1993, which was prior to the county terrain management regulations being adopted. The current footprint matches what was permitted in 1993. Staff believes that the proposed art studio may meet the height requirement of 18 feet by modifying the plans to reduce the height as the proposed structure is single story.

Recommendation: Staff acknowledges there are no other accessible buildable areas on the lot and the 50-foot setback is not possible and does not exist now. However, staff recommends that the proposed structure be moved so it does not encroach over the ridgeline. Staff recommends denial of the applicants' request for a variance to allow the proposed art studio to be constructed to exceed height requirements of 18 feet. Staff believes that the structure can meet the height requirement of 18 feet with a lower pitch of roof.

This matter came before the Hearing Officer for a hearing on December 1, 2016. The Hearing Officer recommended approval of the application with the following condition

1. Construction fencing must be installed to avoid any disturbance of 30 percent slopes.

If the decision of the Planning Commission is to approve the application, you may consider adopting the Hearing Officer's finding of fact and conclusion of law in the written recommendation.

I stand for any questions.

CHAIR ANAYA: Does the board have any questions for –

COMMISSIONER GONZALES: Chair Anaya.

CHAIR ANAYA: Yes, sir.

COMMISSIONER GONZALES: Mathew, in the words in the staff response, the last sentence in that paragraph, in the first paragraph, it says the location on the top of the ridge where the applicants are proposing to build would not require a 30 percent slope disturbance to gain access. So where they're proposing to build this studio, I'm not clear on what's going on there.

MR. MARTINEZ: Mr. Chair, Commissioners, the addition for the art studio would be accessed through the same driveway that they're accessing currently for the main residence. It would be directly in front of it, of the main residence.

COMMISSIONER GONZALES: But it wouldn't require a 30 percent slope disturbance, right?

MR. MARTINEZ: That is correct.

COMMISSIONER GONZALES: To gain access.

MR. MARTINEZ: That is correct.

COMMISSIONER GONZALES: But they still want to build the studio on an area that is 30 percent slope.

MR. MARTINEZ: No, that's incorrect. The area where the arts studio would be constructed that they're proposing would be on 20 percent slopes. Which is where we define the ridge line, not 30 percent slopes.

COMMISSIONER GONZALES: So you guys are okay where they want to build the structure? You're not okay where the road is going to be accessed to get to the studio? Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioner Gonzales, that's correct. We would be fine with the access that they would be using as the same access for the art studio.

COMMISSIONER GONZALES: Thank you.

MS. LUCERO: Mr. Chair, Commission member Gonzales, if I could just add to that, their proposed building location will not require any additional improvements to the access that's already existing. However, they are encroaching into the ridgeline. So that's where the issue is and that's what they're requesting the variance for.

COMMISSIONER GONZALES: Right. And they're encroaching on the ridgeline not on the structure but on the actual access. Correct?

MS. LUCERO: Mr. Chair, Commissioner Gonzales, it would actually be – the actual structure, the proposed structure would be encroaching into the ridgeline.

COMMISSIONER GONZALES: And how much does it encroach? Is it that 15 feet?

MR. MARTINEZ: Mr. Chair, Commissioner Gonzales, that's correct. Fifteen feet.

COMMISSIONER GONZALES: Would that be considered a minor easing of the variance? Fifteen percent?

MR. MARTINEZ: Mr. Chair, Commissioner Gonzales, it's not 15 percent.

COMMISSIONER GONZALES: Oh. Pardon me. It's 15 feet.

MR. MARTINEZ: Yes, that's correct. No, I don't believe so.

COMMISSIONER GONZALES: But 50 is the ridge top – that's the setback, right? So it's encroaching on the setback. On a 50-foot setback.

MR. MARTINEZ: Mr. Chair, Commissioner Gonzales, that's correct. On the setback.

MS. LUCERO: Mr. Chair, Commissioner Gonzales, so he's actually – yes, there's a setback requirement and he's past the setback requirement and he's actually hanging over the ridgeline by 15 feet, on the shoulder.

COMMISSIONER GONZALES: Thank you.

CHAIR ANAYA: Any other questions? I do. So, I guess I need a little bit more explanation on that. So he's encroaching by 15 feet into somebody else's property? Or he's in his own property but he's encroaching on his own setback?

MR. MARTINEZ: Mr. Chair, that is correct. He's on his own property. The setback is from the ridgeline, which is a requirement in our code. The ridgeline is on his property.

COMMISSIONER GONZALES: Mr. Chair.

CHAIR ANAYA: Can you kind of show us on the drawings exactly where

MR. MARTINEZ: Mr. Chair, I believe our applicant would actually like to present something that might give some clarification.

CHAIR ANAYA: That would be fine. Any other questions for staff?

COMMISSIONER GONZALES: Chair Anaya, one more. Mathew, they live on this property? It's theirs; that's where their home is right?

MR. MARTINEZ: Mr. Chair, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: And it's stated that they got the permit – you guys found a permit that was done in 1993. That's when they built the home.

MR. MARTINEZ: Mr. Chair, that's correct. A previous owner owned the property. We did find a permit for the structure, the main residence.

COMMISSIONER GONZALES: Okay. Thank you.

CHAIR ANAYA: Any other questions for staff? Thank you, Mathew. Do we have the applicant present?

[Duly sworn, Craig Hoopes testified as follows:]

CRAIG HOOPEES: Hello. My name is Craig Hoopes. I'm the architect for the Bairds on this project. I think the confusion is that we're not going into the setback from the property line but what is happening is the house sits on a hill and surrounding this, the land falls away at 30 percent. The only place to build this art studio is adjacent to the home so that we aren't crossing any other 30 percent to gain access to a construction site. So we're trying to stay on top of the hill where the house is and we're trying to tuck the structure in adjacent to the existing house so as not to create any more mass on the hill. And if I may approach I can I think better show you what's going on.

CHAIR ANAYA: Do you have drawings or do you have –

MR. HOOPEES: So this is the existing house that exists now on the property. We are wanting to add this studio here and the idea is that the studio would be tucked into the mass of the regular house so that there is no change in the mass from the neighbors' standpoint. They're not seeing anything different. They're seeing the same

mass as exists now when they look at the existing structure. So here we have made the addition in a light color just so that you can identify the addition, but these are two actual photographs of the two places that you can actually see this house from Tano Road. So this is the house here now and the house here now, and this is the addition and the addition. And as you can see, the points of the existing house are such that our addition will fit against the house and not add more mass on top of the hill to disturb it.

COMMISSIONER LOPEZ: Can you tell me where the fence that's going to be constructed at?

MR. HOOPES: I'm sorry.

COMMISSIONER LOPEZ: The fence.

MR. HOOPES: The fence. The fence that Mathew just talked about was to be here so that – because this is the area here where it's starting to fall away at 30 percent which we're not allowed to build on, and we recognize that and aren't trying to do that. But there is a corner here of this structure that encroaches by 15 feet into the 20 percent grade that we're trying to – that we would like to build on, basically. So we will put a temporary fence here so that no construction can happen over that. The contractor can't go down into the 30 percent area. There can be no disturbance of the natural landscape there so that all of this can be preserved.

CHAIR ANAYA: Give me just a second. I want to see these plans real quick. Okay?

MR. HOOPES: Sure.

COMMISSIONER GONZALES: Chair Anaya, I have a question.

CHAIR ANAYA: Yes.

COMMISSIONER GONZALES: What was your name again?

MR. HOOPES: Craig Hoopes.

COMMISSIONER GONZALES: Mr. Hoopes, I don't know if you're aware of this, but on the HOA, you know the restrictions –

MR. HOOPES: Yes. From this point here south we are not allowed to build any structure. So it is this circle here, from there south is our limit. So we cannot go past this area here and going down.

COMMISSIONER GONZALES: So that's why you were talking about where you're having them build the studio.

MR. HOOPES: Yes.

COMMISSIONER GONZALES: Because the HOA won't you allow to it.

MR. HOOPES: WE can't build south of there. We can't build on all of the surrounding property because of the 30 percent. So this is really our only place –

COMMISSIONER GONZALES: The only place.

MR. HOOPES: To build this addition on the property.

COMMISSIONER GONZALES: Is this going to be like a live-work studio, I would assume?

MR. HOOPES: Yes. She'll be working out of her studio there creating artwork and living in the house of course. The studio will not be used for living purposes.

COMMISSIONER GONZALES: Just the home and to have a studio right there.

MR. HOOPES: Yes. Correct.

COMMISSIONER GONZALES: Thank you.

CHAIR ANAYA: Any other questions from the board? Hearing none, I have some questions. One of them, starting off with the stem walls, where the fence is going to be built. What's the height of the stem walls themselves that are exposed before the fence is being built? And what's the fence being built?

MR. HOOPES: What we have done is we have taken and actually buried the studio into the ground six feet so that the ground is falling this way but at this point here we are at the 18-foot limit that is there.

CHAIR ANAYA: Height.

MR. HOOPES: Height, yes. But this is buried in the ground six feet so that on this side here that six feet is exposed.

CHAIR ANAYA: Okay, so you excavated into the hill six feet.

MR. HOOPES: Correct.

CHAIR ANAYA: In order to get your –

MR. HOOPES: To lower the mass and make it not any higher than the existing house.

CHAIR ANAYA: So that's your finish grade then? Six feet.

MR. HOOPES: Yes.

CHAIR ANAYA: So on the other side you're two feet above finish grade then and then the additional on the second story. Is that correct?

MR. HOOPES: It's only a one-story structure.

CHAIR ANAYA: So what's the pitch on the house?

MR. HOOPES: Pardon?

CHAIR ANAYA: What's your pitch on the house? The roof?

MR. HOOPES: The pitch on the roof is 12 in 12.

CHAIR ANAYA: Can you adjust that?

MR. HOOPES: Well, we can, but that is what the existing house is and we wanted to, again, rather than making the structure stand out against the existing house we wanted it to fit in so that there was not any visual disturbance.

CHAIR ANAYA: If you adjusted it to a 4/12, say, just conversation. To a 4/12, what would you be height-wise at that point?

MR. HOOPES: Off hand, I can't tell you because we weren't looking at that, Mr. Chair, but it would drop –

CHAIR ANAYA: Drastically.

MR. HOOPES: Drastically, in this area. Correct.

COMMISSIONER GONZALES: Chair Anaya.

CHAIR ANAYA: Mr. Gonzales.

COMMISSIONER GONZALES: Can you clarify that just a little bit. On the 18 feet, you're digging – like Mr. Anaya said that you guys are going to dig into the lot and that's why you're going to be build the structure out of stem walls, I would assume. You're going to be six feet below grade. So from the land, the elevation of the land to the highest point is how high?

MR. HOOPES: At this point we will be 18 feet to the highest point.

COMMISSIONER GONZALES: So that's not the variance there. The variance is on the other end.

MR. HOOPES: That is correct.

COMMISSIONER GONZALES: And that's where you're trying to get up there to make – like Chair Anaya said about the elevation of the whole structure that

you're building is to be flat and even so you have to make up for the – I guess that's five feet to the 23. Is that correct?

MR. HOOPEES: Correct.

COMMISSIONER GONZALES: Thank you.

CHAIR ANAYA: Did you consider making that a flat roof at that portion?

MR. HOOPEES: Well, we looked at that but we're again, trying to make this fit into the existing property so that it looks like the existing structure there and not make it stand out as an object against that structure and we felt that keeping the roofline did a couple of things. First, it gave Mrs. Baird the volume that she needed to create her artwork, and it fit against the existing house in such a way that it would blend in more, rather than call attention to itself.

CHAIR ANAYA: What's the size of your square footage addition?

MR. HOOPEES: It's 2200 square feet. 2,288.

CHAIR ANAYA: What's the house?

MR. HOOPEES: I don't have the square footage on the house.

CHAIR ANAYA: And it's a one-story house, period. There's – is there vaulted ceiling.

MR. HOOPEES: It's a one-story studio. There are portions of the house that are a couple stories tall and yes, in the main house there are the pitched ceiling within the house itself.

CHAIR ANAYA: But I'm talking about the studio itself. The studio is going to have a nine-foot ceiling? Or is it going to have a vaulted ceiling.

MR. HOOPEES: It will be vaulted.

CHAIR ANAYA: So you can't put anything in the second story.

MR. HOOPEES: No. We are not putting anything in the second story. There is no second story.

CHAIR ANAYA: That's – you've got enough to make a second story if you didn't vault it.

MR. HOOPEES: We do, but it's all one open space so that she can do her artwork.

COMMISSIONER GONZALES: Chair Anaya, Mr. Hoopes, and so this is strictly going to be a studio. There's no one going to be living in here. There's no living quarters.

MR. HOOPEES: No, this is not a living situation at all. This is completely an art studio.

COMMISSIONER GONZALES: Thank you.

CHAIR ANAYA: Any other questions from the board? Hearing none – yes, sir. I'm assuming you're part of –

MR. MARTINEZ: Coming in as staff, I'd like to make some clarifications on some of the questions that he was unable to answer. Mr. Chair, Commissioners, the current square footage for the existing home is 7,011 square feet, and the proposed art studio is 2,288 square feet. And to better understand the ridge and the overhanging to the ridge of 15 feet, I think on page 26 of your exhibits on the set plan show the shaded area and then a hatched out area of the corner which would be exceeding approximately 15 feet over into the ridgeline, which is that one section of the art studio that's encroaching on the setback.

CHAIR ANAYA: You said 26?

MR. MARTINEZ: Yes. C-1 of the plan set.

CHAIR ANAYA: Which is the east side of the property, correct?

MR. MARTINEZ: Mr. Chair, that is correct. Mr. Chair, Commissioners, there is a dotted line that shows the ridgeline and inside that ridgeline is the hashed out corner of the structure that's encroaching on the ridge.

CHAIR ANAYA: Exactly, what are we talking square feet wise? Do you have any idea?

MR. MARTINEZ: Mr. Chair, the applicant, Craig Hoopes has informed me that it would be around 100 square feet only.

CHAIR ANAYA: Right. 110, plus or minus.

MR. MARTINEZ: That's correct.

CHAIR ANAYA: And that's the only thing we're really talking about, is that correct?

MR. MARTINEZ: Mr. Chair, that is correct for the setback from the ridgeline but there's still the height requirement also. It's two variances.

CHAIR ANAYA: We have two variances.

MR. MARTINEZ: That is correct.

CHAIR ANAYA: Thank you, sir.

MS. LUCERO: Mr. Chair, if I could just clarify, that portion, that 110 square feet, that's that portion that's actually hanging over into the ridgeline, over the ridgeline, into the shoulder. The rest of the house would still need to maintain a 50-foot setback. Or the entire house would need to maintain a 50-foot setback. But that small portion is actually hanging over the ridgeline. And the set back would be taken from the ridgeline.

CHAIR ANAYA: Mr. Gonzales.

COMMISSIONER GONZALES: Chair Anaya, but that's only regarding the 30 percent slope, correct?

MS. LUCERO: Mr. Chair, Commission member Gonzales, if you're looking still at that exhibit, page C-1 on the plan set, that dashed line indicates the ridgeline. So that's where the slope transitions.

COMMISSIONER GONZALES: Right.

MS. LUCERO: And so that's defined as the ridgeline. So that portion is actually hanging over into the ridgeline. They would need to maintain a 50-foot setback per our code from that ridgeline. So it would have to be – they would have to move the house west 50 feet in order to meet the setback requirement that's in the code.

CHAIR ANAYA: Are we talking set back from the dark gray or the light gray?

MS. LUCERO: Mr. Chair, we're actually talking about the setback from the ridgeline which is the dashed line that you can see kind of overlapping the light gray section.

CHAIR ANAYA: Right. I know that point. So this – I guess that would be – the southeast corner would have to go north 50 feet from that point or –

COMMISSIONER GONZALES: There's no room though, right?

MS. LUCERO: Right. That would have to shift west.

COMMISSIONER GONZALES: But the variance is the slope, right? It's not the 50 feet.

MS. LUCERO: Mr. Chair, Commission member Gonzales, the variance – there's two variances. One is for the setback, which is the 50 foot, and the second one is for the height of the structure.

COMMISSIONER GONZALES: Right. Yes. But this, the hatched thing is the slope. That's the variance. Where the little hash mark is 100 square feet, right?

MS. LUCERO: That's actually just the portion that's hanging over into the ridgeline.

COMMISSIONER GONZALES: Right.

MS. LUCERO: So that dashed line that you see, overlaying the light gray area.

COMMISSIONER GONZALES: Right.

MS. LUCERO: That's the ridgeline. So they would have to maintain a 50-foot setback from that ridgeline. As you can see, they're actually going over into the ridgeline.

COMMISSIONER GONZALES: By 47 feet.

MS. LUCERO: Right. So if you took 50 feet over there it's probably at least 50 percent of that structure that's encroaching – well, it's actually more of the structure that's encroaching into the setback because the current structure doesn't meet the 50-foot setback.

COMMISSIONER GONZALES: But it's just on that corner, because they can't move it over 50 feet because there's no room, even if they could they would, but they can't do that. Correct? Right?

MS. LUCERO: That's correct.

COMMISSIONER GONZALES: So that's one variance and then the variance on the height is 23 – it's just five feet over the height restriction. Correct?

MS. LUCERO: That's correct. Yes.

COMMISSIONER GONZALES: Thank you.

CHAIR ANAYA: Mr. Martinez, how much acreage is this house sitting on?

MR. MARTINEZ: Mr. Chair, Commissioners, it's 40+ acres.

COMMISSIONER GONZALES: Mr. Chair.

CHAIR ANAYA: Mr. Gonzales.

COMMISSIONER GONZALES: Is there any other homes on the property?

MR. MARTINEZ: Mr. Chair, Commissioner Gonzales, this is the only structure on the property.

COMMISSIONER GONZALES: So these are the only improvements on the whole 40 acres?

MR. MARTINEZ: Mr. Chair, that is correct, Commissioner Gonzales.

COMMISSIONER GONZALES: And is that all one contiguous lot? There is no other lots on there? Just the one 40-acre lot?

MR. MARTINEZ: Mr. Chair, Commissioner Gonzales, that's correct.

COMMISSIONER GONZALES: Thank you.

MR. MARTINEZ: If I might, I want to maybe make a little clarification. The structure itself that exists is already within the setback. It was constructed in 1993 and in 1993 we didn't have those codes then. The art studio is exceeding over the ridgeline but is within the 50-foot setback.

CHAIR ANAYA: Can you go to NBA-34, which is the Exhibit 5? And on Exhibit 5, which is 411, I'm assuming that that's the address of the house, north being up, the new construction on this is going to be on the east side where the hill starts going down. Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioners, the art studio would be to the south of the existing structure, on the west side of it. I mean excuse me. The east side.

CHAIR ANAYA: Okay, so it's not in the parking lot. You see where the parking lot shows right there? So we're talking about coming down –

MR. MARTINEZ: Mr. Chair, it's not on the parking lot.

CHAIR ANAYA: And how much is it going to be exposed to the neighbor? How much more would they be able to see? The whole east side of the house, plus the six feet? Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioners, I think the agent might be able to answer that a little better than I could.

CHAIR ANAYA: Okay.

MR. HOOPEES: Currently, the east elevation of the house is approximately 30 feet from grade to top of roof. We are coming down from the very top of the grade down six feet, but coming up from the lowest grade six feet. So we are actually coming into that midpoint in between the highest point of the house and the lowest point of the house. If that helps. We are not exposing more than the existing house is. We're actually exposing less.

CHAIR ANAYA: How much less?

MR. HOOPEES: Six feet.

CHAIR ANAYA: Six feet less?

MR. HOOPEES: Than the existing house.

CHAIR ANAYA: The new construction is going to be six feet lower than the existing house or it's going to be the same pitch?

MR. HOOPEES: The top will be at the same point but the bottom of what we're doing is raised up six feet. That's the way the earth works in that part. There's more – where the existing house is there's more cutaway, more slope and that's why there's more house being exposed there than what the studio would be.

CHAIR ANAYA: Right. I understand.

MR. HOOPEES: Okay.

CHAIR ANAYA: So the fence is going to be –

MR. HOOPEES: The fence is just there for a temporary measure so that the contractors don't –

CHAIR ANAYA: For erosion? [inaudible]

MR. HOOPEES: To keep the contractors from going down into the 30 percent slope where they might disturb more fragile land.

CHAIR ANAYA: So are you going to have a permanent erosion fence there?

MR. HOOPEES: We have a grading and drainage plan for all of this to gather the water and keep the things from eroding. Yes.

CHAIR ANAYA: So the answer is no.

MR. HOOPEES: We are not going to have a permanent fence, no. The fence is not there to stop the water. The fence is there to stop the contractors' workmen from disturbing.

CHAIR ANAYA: Disturbing it. Right. I understand that. Okay. Thank you.

MR. HOOPES: I would like to add one thing. You talked about how big the property is. Because of the nature of the property and the ridges and valleys that flow through there, there is a lot of 30 percent grade that we would have to cross if we were to build – there's really no other place to build without seriously disturbing 30 percent grade and that would be against the County code as well, for us to do that. So despite the fact that this if 40 acres, we have about 2,500 square feet that is available to build on in terms of where we can build this studio. I know that seems strange but that's the way the contours and the topography works in part of town.

CHAIR ANAYA: Right. No – it doesn't seem strange at all to me.

MR. HOOPES: All right. Well, I'm glad. Thank you.

CHAIR ANAYA: Any other questions from the –

COMMISSIONER GONZALES: Mr. Chair.

CHAIR ANAYA: Mr. Gonzales.

COMMISSIONER GONZALES: Mr. Hoopes again, on the existing structure, the southwest corner of it where the large part of the existing residence comes out, and then you're going to build the proposed studio, there's going to be like a courtyard and then the studio.

MR. HOOPES: That is correct.

COMMISSIONER GONZALES: And so the people that are to the east, when they look to the west and see the house, it's going to be pretty much the same as what's already there, correct?

MR. HOOPES: Yes. From the east and from the south we're trying not to change any of the mass of the house and how it's perceived by anybody else who surrounds them. Of course from the west and the north the existing house blocks the addition visually. So nobody from that direction can see it. But from the east and from the south we've placed this so that it sits against the existing mass and there's no change in apparent mass to any of the neighbors.

COMMISSIONER GONZALES: Thank you. Thank you, Chair Anaya.

CHAIR ANAYA: Any other questions from the board? This is an open meeting, so do we have any of the audience willing to or wanting to make any comments concerning this project, for or against? Hearing none I guess at this point we can close the public comment section. What would be the pleasure of the board?

COMMISSIONER LOPEZ: Mr. Chair, I move to approve Case V 16-5220, Edward and Kiyomi Baird Variances.

CHAIR ANAYA: We have a motion for approval of Case # V 16-5220. Do we have a second?

COMMISSIONER GONZALES: Second.

CHAIR ANAYA: We have a second. Motion carries for approval with staff conditions. I need that to be in the motion, by the way.

MS. SALAZAR: Mr. Chair, Commission members, so was the vote just for the approval and Ms. Gray, Planning Commission member Gray, did you vote no on that?

COMMISSIONER GRAY: [inaudible]

MS. SALAZAR: Is there a second motion?

CHAIR ANAYA: There is a first and a second but we did not clarify the staff recommendations on the motion. So if I could have a motion from the board to withdraw and then re-motion or restate the motion.

COMMISSIONER LOPEZ: Mr. Chair, I'll go ahead and call back my motion and make the motion again with –

CHAIR ANAYA: We have a motion on the table to withdraw the first motion. Do we have a second?

COMMISSIONER GONZALES: Second.

CHAIR ANAYA: We have a second.

The motion to withdraw the previous motion passed unanimously.

CHAIR ANAYA: Now, do we have a motion from the board?

COMMISSIONER LOPEZ: Case #V 16-522, I approve the Edward and Kiyomi Baird Variances with the recommendation stated by our Hearing Officer on December 1, 2016 and staff.

COMMISSIONER GONZALES: Second.

CHAIR ANAYA: We have a first and a second.

Attorney Salazar called for a roll call vote which resulted in the motion passing as follows:

Chair Anaya	Aye
Commissioner Lopez	Aye
Commissioner Gonzales	Aye
Commissioner Gray	Aye

[There was a brief recess.]

VIII. B. Possible Action on the Findings of Facts and Conclusions of Law for Case #V 16-5220

MS. SALAZAR: Mr. Chair, Commission members, unfortunately, we don't have the actual order and we do have to change the Chair's name on the order. We also lost our clerk, so if we could move that to the next agenda for approval.

CHAIR ANAYA: Do we need a motion to do this?

MS. SALAZAR: Or if you would like to wait we could draft it and get you to sign it now and we'll file it tomorrow.

CHAIR ANAYA: I can wait. It's no big deal.

MS. SALAZAR: I think the applicant might be hesitant to have it on the next agenda.

CHAIR ANAYA: Okay then, in that case, do we have any comment, action –

MS. SALAZAR: Okay. We could approve it today as its form in the packet material and then if you could come in and sign it tomorrow? Is that possible?

CHAIR ANAYA: No.

MS. SALAZAR: No.

CHAIR ANAYA: I'm sorry. I'm going to be out. I can do it next week. I don't have an issue with that.

MS. LUCERO: Mr. Chair, I think that's fine. If you want to take action on it tonight and then we can make arrangements to have you sign it at a later time.

CHAIR ANAYA: Okay. That's good. Again, going back to item #B under New Business, Possible Action on the Findings of Facts and Conclusions of Law for Case #V 16-5220, do we have a motion? Discussion?

COMMISSIONER GRAY: Mr. Chair, I would move that we approve the [inaudible] for Case #V 16-5220.

CHAIR ANAYA: We have a motion for approval on item #B. Do we have a second?

COMMISSIONER GONZALES: Second.

CHAIR ANAYA: Mr. Gonzales?

COMMISSIONER GONZALES: Yes.

CHAIR ANAYA: We have a second.

The motion passed by unanimous voice vote.

C. Petitions from the Floor

None were offered.

D. Communications from the Commission Members

COMMISSIONER GONZALES: Chair Anaya.

CHAIR ANAYA: Mr. Gonzales.

COMMISSIONER GONZALES: I'd like to know for the staff, we voted for a Chair and we voted for a Vice Chair. So next month, Mr. Anaya will be the Chair and I'll be the Vice Chair and that is for how long a period? For all of 2017?

MS. SALAZAR: Mr. Chair, Commission members, yes. You did vote for the Chair and the Vice Chair for the year. So it's for the entire 2017.

COMMISSIONER GONZALES: Thank you.

CHAIR ANAYA: Any other questions, comments?

F. Communications from the Attorney

None were offered.

G. Matters from Land Use Staff

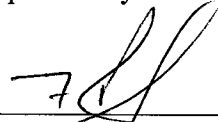
None were presented.

H. Next Planning Commission Meeting: February 16, 2017

I. Adjournment

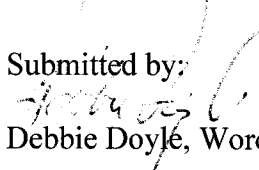
Having completed the agenda and with no further business to come before the Commission, Chair Anaya declared this meeting adjourned at approximately 5:00 p.m.

Approved by:

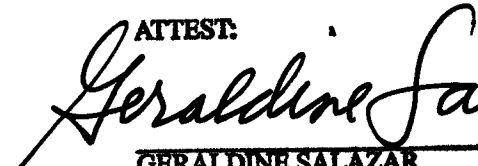


Filandro Anaya, Chair
Planning Commission

Submitted by:


Debbie Doyle, Wordswork

ATTEST:


GERALDINE SALAZAR
COUNTY CLERK



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
PAGES: 15

I Hereby Certify That This Instrument Was Filed for
Record On The 17TH Day Of February, 2017 at 08:23:52 AM
And Was Duly Recorded as Instrument # 1817949
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar

Deputy  County Clerk, Santa Fe, NM