

**SUMMARY INDEX**  
**PLANNING COMMISSION**

October 6, 2016

<b>ITEM</b>	<b>ACTION TAKEN</b>	<b>PAGE(S)</b>
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	
C. Approval of Agenda	Approved as amended	2
D. Approval of Minutes & Findings and Conclusions		
Minutes: August 18, 2016 & Sept 8, 2016	Approved as amended	2
Findings of Fact & Conclusions of Law		
• <u>Case #2016-70</u> . Alma Dura Preliminary Subdivision	Approved as presented	3
• <u>Case #2016-88</u> . The Pavilion Final Subdivision Plat.	Approved as presented	3
• <u>Case #2016-42</u> . The Pavilion Office Complex Development Plan Amendment to the Phasing Plan.	Approved as presented	3
E. Old Business	None	3
F. New Business		
1. <u>Case #2016-99</u> . Arts and Creativity Center General Plan Amendment	Approved	6-11
2. <u>Case #2016-89</u> . Arts and Creativity Center Rezoning.	Approved	6-11
3. <u>Case #2016-90</u> . 730 Canada Ancha Escarpment Variance	Approved as recommended	3-4
4. <u>Case #2016-94</u> . 2041 Pacheco Street Development Plan.	Approved with conditions	11-16
5. <u>Case #2016-95</u> . 155 Brownell-Howland Escarpment Variance	Approved	16-18
6. <u>Case #2016-97</u> . 165 Brownell-Howland Escarpment Variance	Approved with conditions	18-19
7. <u>Case #2016-96</u> . 2051 Cerros Altos Escarpment Variance	Approved as recommended	4-6
G. Staff Communications	Discussion	19
H. Matters from the Commission	Discussion	19
I. Adjournment	Adjourned at 8:22 p.m.	19

**PLANNING COMMISSION**  
**Thursday, October 6, 2016 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

**CALL TO ORDER**

A regular meeting of the City of Santa Fé Planning Commission was called to order by Chair Vince Kadlubek on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum for the meeting.

**Members Present**

Commissioner Vince Kadlubek, Chair  
Commissioner Brian Patrick Gutierrez, Vice-Chair  
Commissioner Roman Abeyta  
Commissioner John B. Hiatt, Secretary  
Commissioner Justin Greene  
Commissioner Stephen Hochberg  
Commissioner Mark Hogan  
Commissioner Piper Kapin  
Commissioner Sarah Cottrell Propst

**Members Absent**

**Others Present:**

Mr. Greg Smith, Current Planning Division Director and Staff Liaison  
Mr. Zach Shandler, Assistant City Attorney  
Mr. Carl Boaz, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.**

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**C. APPROVAL OF AGENDA**

Chair Kadlubek requested an amendment to move item #3 to the top as the first item and to move item #7 to be the second item.

**Commissioner Hogan moved to approve the agenda as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.**

#### **D. APPROVAL OF CONSENT AGENDA**

There was no consent agenda to approve.

#### **E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

##### **1. MINUTES: August 18, 2016**

Commissioner Hiatt requested correction of minor typos.

**Commissioner Propst moved to approve the minutes of August 18, 2016 as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.**

#### **September 8, 2016**

Commissioner Greene requested a change on page 10 in the middle of the page in his questioning of Marshal Gonzales in the Alma Dura case where it said Marshal Gonzales replied with an inaudible statement. His recollection was that Marshal Gonzales confirmed that all three developers were brought together at a meeting and one refused to submit a plan but that Staff had attempted to convene those three developers in question.

There was no objection to that change.

Commissioner Propst requested a change on page 26 at the bottom of the page where it said she was familiar with it because she lived up that way. What she actually said was that she has friends who live up that way.

**Commissioner Greene moved to approve the minutes of September 8, 2016 as amended. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

##### **2. FINDINGS/CONCLUSIONS:**

- **Case #2016-70. Alma Dura Preliminary Subdivision.**

A copy of the Findings of Fact and Conclusions of Law for Case #2016-70 is attached to these minutes as Exhibit 1.

**Commissioner Propst moved to approve the Findings of Fact and Conclusions of Law for Case #2016-70 - Alma Dura Preliminary Subdivision as submitted. Commissioner Gutierrez seconded the motion and it passed by unanimous voice vote except Commissioner Hiatt and Commissioner Greene recused themselves.**

- **Case #2016-88. The Pavilion Final Subdivision Plat.**

- **Case #2016-42. The Pavilion Office Complex Development Plan Amendment to the Phasing Plan.**

[A copy of the Findings of Fact and Conclusions of Law for Case #2016-88 and Case #2016-42 is attached to these minutes as Exhibit 2.]

Mr. Shandler had no changes and stated that both Findings could be included in the same motion.

Commissioner Propst recused herself.

**Commissioner Hochberg moved to approve the Findings of Fact and Conclusions of Law for Case #2016-88 - The Pavilion Final Subdivision Plat; and Case #2016-42 - The Pavilion Office Complex Development Plan Amendment to the Phasing Plan as submitted. Commissioner Hogan seconded the motion and it passed by unanimous voice vote with Commissioner Propst recused.**

## **F. OLD BUSINESS**

There was no old business.

## **G. NEW BUSINESS**

**3. Case #2016-90. 730 Canada Ancha Escarpment Variance.** Ruben Loya, agent for Pottery House LLC, requests approval of a variance to allow a portion of a trellis to be constructed within the Ridgetop Subdistrict of the Escarpment Overlay District. The 6.25-acre property is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

### Staff Report

No Staff report was made. [However, a copy of what was to be reported is attached to these minutes as Exhibit 3.]

### Applicant's Presentation

The applicant was not invited to make a presentation.

### Public Comment

Chair Kadlubek opened the case for public comment.

There was no public comment and Chair Kadlubek closed the public hearing.

### Commission Discussion

There was no Commission discussion.

### Action of the Commission

**MOTION: Commissioner Hochberg moved in Case #2016-90, 730 Cañada Ancha Escarpment Variance, to approve the variance with staff recommendations. Commissioner Propst seconded the motion and it passed by unanimous voice vote.**

7. **Case #2016-96. 2051 Cerros Altos Escarpment Variance.** Sommer, Karnes and Associates, LLP, agent for Julie Silverstein Trust and the Kim M. Colweck Trust, requests approval of a variance to allow construction of a single-family residence within the Ridgetop Subdistrict of the Escarpment Overlay District. The 4.337-acre property is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

### Staff Report

There was no Staff report made for this case. [However, a copy of what was to be reported is attached to these minutes as Exhibit 4.]

### Applicant's Presentation

The applicant was not invited to make a presentation.

### Public Comment

Chair Kadlubek opened this case for public comment. He saw no one come forward and closed the public hearing portion of this case.

### Commission Discussion

Chair Kadlubek asked for any Commission questions and saw none.

### Action of the Commission

Commissioner Abeyta moved for approval of Case #2016-96 - 2051 Cerros Altos Escarpment Variance, with staff conditions.

Ms. Mortimer alerted the Commission that there was public comment.

### Public Comment

Chair Kadlubek reopened the public hearing for this case.

Present and sworn was Mr. Donald Wilson, who said he and his wife, Mary Ann Lundy, live in Cerros Colorados at 2107 Senda De Daniel. He said their property is immediately below this property and they needed to understand what is happening. He understood there may be some modification of the roadway. The roadway, as he presently understood it, goes just above their property which was okay. But he didn't know if the roadway is moving down further. Their concern was that the area has a sharp runoff and how that would affect their property.

Commissioner Hochberg was not sure the neighbor had a chance to see the application although it is a public record. Since he is asking for information and has come here, he would like to allow Mr. Wilson to review a copy rather than have an explanation of something he hasn't had a chance to see. It seems to have some clear photographs.

Mr. Boaz explained to him that there are clear photographs and offered him a chance to review them.

Mr. Mortimer explained the project to Mr. Wilson. She clarified that the driveway was cut some time ago and would not be altered by this proposal. Mr. Wilson was satisfied.

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

### Action of the Commission

**MOTION: Commissioner Hochberg moved to approve Case #2016-96 - 2051 Cerros Altos Escarpment Variance, as Staff has recommended. Commissioner Abeyta seconded the motion and it passed by unanimous voice vote.**

1. **Case #2016-99. Arts and Creativity Center General Plan Amendment.** New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval to amend the General Plan Future Land Use designation for approximately 5.0 acres of City-owned property from Public/Institutional to Community Commercial. The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)
2. **Case #2016-89. Arts and Creativity Center Rezoning.** New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of rezoning of approximately 5.0 acres of City-owned property from I-2 (General Industrial) to C-2 (General Commercial). The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

### Staff Report

Mr. Berke presented the staff report for both of these cases together. [A copy of these staff report for both cases is attached to these minutes as Exhibit 5. Please refer to Exhibit 5 for details concerning this staff report.]

The report indicated this is consistent with the 1999 General Plan for Economic Development and in accord with the Siler Road Redevelopment District. Staff recommended approval for rezoning of the General Plan. If recommended to the Governing Body, it will influence others to do Affordable Housing modeled after this project.

### Applicant's Presentation

Mr. Dan Werwath, Arts+Creativity Center, was sworn.

Mr. Werwath provided a handout from Arts+Creativity Center. [A copy of the handout is attached to these minutes as Exhibit 6.]

He shared a Power Point presentation as an overview of the project. He said that at this point, just looking at the rezoning and anticipating a completed Development Plan by springtime, this allows them to apply for it because of the evidence provided. This is one of the first times we have seen economic development and affordable housing combined in a single project with on-site resources to assist entrepreneurs and craftspeople. An important consideration for preserving affordable housing space in this area is that it once was at the edge of town but now is at the population center of town.

This started in 2012 with a feasibility study and has gone through a lot of steps including three Council resolutions and possible donation of land. Donation of land is important for the larger subsidy and makes it more competitive. The feasibility was partially funded by the City and resulted in this Siler Road site.

He explained that if they are not successful in funding, it stays in city ownership. The context is for this project, not to C-2.

The proposal is a mixed use project with 50 units of live-work with below 60% of median income and some going down to 30% median - so a very low income level is targeted. Ten units of market-rate housing helps to score better. There will be 2-3 bedroom configurations so for singles and also families with creative dynamics or even multi-generational and flexible floor plans; simple space. High energy efficiency results from the 5-6-member design team including one from Philadelphia to get the best energy efficiency.

Amenities would include a computer lab, kitchen, and shared resources as well as a 6,000 sq. ft. workshop area with tools and equipment. The shared open space that is publicly accessible. Meeting spaces, laundry, maybe small performance space and mercado space are included. It might even have micro retail spaces.

This was one of 37 communities to get an "Our Town" grant for \$150,000 and matched with \$130,000 of local funds.

In the outreach process, 12 events will be created with lots of folks dealing with design and charettes and other aspects of design. Four nonprofits are in the collaboration, started by Creative Santa Fé and working with after-hours institute and Santa Fé Arts Institute to help advise them.

The site is five acres with a fair amount of Siler Road frontage that is underutilized now. It is valuable street frontage and on two bus routes. It is also a qualified census tract for HUD funding and Brownfield remediation. The contamination is actually salt. They have completed a Phase 3 EA already. That was the main issue which is a threat to vegetation and they will remediate that. It is a transitional neighborhood. Even though the 1999 General Plan contemplated it, the current Industrial use is not appropriate now. There is also fair amount of multi-family use around it and lots of nonconforming live-work uses there with makeshift structures. So the production of safe and affordable housing will replace a lot of unsafe housing.

He said that as they move forward, public outreach will have 10 events in the next year. They are working on a schematic design now to apply for tax credits in February. They want to wait for approval of tax credits to come back with a development plan.

### Public Hearing

Chair Kadlubek opened the public hearing for the General Plan Amendment and Rezoning simultaneously.

Mr. Dave Carroll, 1219 Siler Road, owner of a collision repair shop, was sworn. He said he is all for affordable housing and creative spaces and all the rest. He has been at this location on Siler Road for 14½ years and watched the development around there. In 1978, he wrecked his mom's pickup and they fixed it at this shop and now he owns it. There are seven other body shops within a two-block radius. He watched the bridge from Alameda being built and traffic patterns which was once were two lanes each way and now one lane each way with a very wide median. There is at least a three-car accident on that road at least

once each month there and most of them come to his shop.

Java Joe's was once a consignment store and before that a mechanic shop. Just behind is a tow truck business with storage facility. The plans for the site show that any multi-family use is at least a mile from this particular site. His was not the only industrial business in that area. There are also a countertop shop and other industrial uses in the area.

If rezoned, and bring in 70 residences, there could be 210 more people on that street. If you have been on Siler Road lately at 8 am or 5 pm as it has become a new thoroughfare. He is 1½ blocks from the traffic light at Rufina and 3½ blocks from the traffic light at Agua Fria. He said he can hardly pull out because traffic is backed up in both directions and it takes at least two lights to get through the area. This will create a traffic pattern issue that needs to be addressed.

Mr. Carroll said he is all for what they plan but was not sure this is the wisest location for it. This area has been zoned Industrial for a long time. Within a quarter mile of it are these industrial uses that will be continuing. He wondered how it will affect his ability to do business or to sell it to someone else to do collision business. He does a lot of business and there is high revenue on Siler Road that generates a lot of taxes for the City. But his customers already have to have a hard time getting in to his shop. Through a petition they finally got the septic tank business closed. What will it do to property values? Would someone else be able to continue their business?

Ms. Cheryl Odom, 1152 Vuelta de las Acequias was sworn. She said this is a brilliant project and the way Mr. Werwath is approaching it is wonderful. As an artist she had to struggle to establish her career. She would love to think creative people could stay in Santa Fe and afford it.

She agreed that Siler Road is a mess right now but storage area is a euphemism. It looks like a dump there now and this would improve the quality of the neighborhood. So to have it be housing seems like a brilliant solution. There are studios there now. Meow Wolf is walkable. At the meeting at Frenchy's she felt it would be a godsend for her artist son and others. It is cutting edge new art, not adobe walls and sunsets. They are living in community and that feeds other artists in sharing space and materials. She wished when growing up there had been something like this for her. She didn't see it as too dense. It was 67 living units and not 400 apartments and there will be more community impact. She thanked Mr. Werwath and Mr. Berke for their work on it.

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

#### Commission Discussion

Commissioner Propst asked regarding rezoning, if the Commission approves the rezoning and the project falls through and the City continues to own the land, would any existing activities now would be precluded C-2 that are now allowed.

Mr. Berke said if this property reverts back, the continued use on property would remain.

Commissioner Propst asked if that meant the rezoning wouldn't happen.

Mr. Berke said if the Commission and the Council denied this request, the rezoning would not happen.

Commissioner Propst said she had asked if the rezoning was approved but the project was not able to develop, if current uses would be precluded then.

Ms. Ladd said Staff studied this quite in depth with the Asset Manager because that parcel is such an asset that if the housing project doesn't happen, this use was by far the most flexible category zoning so the City could do almost anything with this site.

Commissioner Hogan asked regarding the General Plan amendment, if it is targeted for redevelopment, there is a basis for infrastructure and he wanted to know about this location's readiness.

Mr. Berke said it is part of the infrastructure that exists today - water and trails, etc. The development would have minimum impact on traffic. There is an 18" sewer trunk through the site so all the infrastructure is there to support the General Plan amendment.

Chair Kadlubek thought this project and the traffic and other concerns voiced from the public as a business owner are all proof that the Commission needs to look thoroughly at a Siler/Rufina plan for business owners and retained zoning and mixed use in the area. He loved what the St Mike's plan is doing and Millennials want totally mixed use in the area. A lot of people want to support that type of mixed use and we really want to protect that and traffic does need to be dealt with. It is a good area for infill. He asked that it be noted in the minutes for Councilors that setting forth a Mid-town District might be in order here, too.

Commissioner Hochberg asked if it is true this is only the very first step and ten more public events are planned regarding this project.

Chair Kadlubek agreed.

Commissioner Hochberg viewed this as the talking stage and resolution by the Governing Body. So he asked, "What is taking so long? Let's go and do this."

Chair Kadlubek said he is a business owner in that area, too. We have families walking across the street while others still see it as a drag race zone.

Commissioner Hochberg understood. There are already things happening there all over the place. He was familiar with urban changes in New York City. The uses were once industrial and their property was enhanced by the transition and they became wealthy.

Commissioner Propst said this is really an exciting project and just the kind of thing we have been looking for and it was nice to see it all put together. She asked if salt in the area was the only issue for EA needing mitigation.

Mr. Berke agreed. It is salt in the soil.

Commissioner Greene said it was a great presentation. He noted this is part of 50 some acres of City land that could connect from Siler Road to Henry Lynch and Agua Fria to Rufina. They have gotten grant money also. He hoped they would initiate some master planning early on and make a recommendation to Council that one road be connected from this property - Siler Road to Henry Lynch and that the City work with the applicant to see where the road could potentially go from Rufina to Agua Fria and to expedite that through contributing a little money or a traffic impact study. Or find out if the NEA grant could create a charette to raise some money for it.

The second issue is air quality and noise studies. He said in the past some projects put minorities and underserved next to the dump or other industrial spaces. That is not fair to them. So he wondered if the proximity would create a complaint about the auto body shop not painting or preclude the owner from having his shop across the street for its effect on air quality.

Mr. Berke said John Romero is here to address traffic impact study. Staff does address the connections and the City-maintained roads. Easements were made in the past and he agreed to call people and talk about connections. It might be helpful to have Mr. Romero address those traffic concerns and accidents in the area as well as the trail connections. The motion could address connectivity but if they can't address that adequately, it might lead to a development plan.

Chair Kadlubek said traffic is a concern with or without that development - re General Plan amendment - the rezoning and General Plan doesn't come across that way. It is a concern that will come up again.

Mr. Werwath said they did a Traffic Impact Analysis because traffic is intense right now from the Cerrillos Road work. It is a concern and they will address it.

As far as the asset of the undeveloped or underutilized 54 acres. It is a huge thing. The City are considering locating City Hall there with high energy efficiency on the north of that property. He would love to see plans but they can't move very quickly so this will be designed with most flexibility to be prepared for that possibility. There is a high tension pole right across the street which makes it more difficult but we would like to see more permeability and connectivity in that neighborhood.

The EA concerns from the public are very important considerations. The potential for creating incongruous uses is addressed by preserve those existing uses there. They should not be forced out. So it is about opting in to a noisier, dustier environment. He would not endorse putting people in unsafe places and HUD has focused on that through the EA requirement. We might need waivers for noise but the nature here where you can create noise makes it more congruous with the neighborhood so they are developing a whole process around that and suggesting that people spend a night there before moving in.

There are many people living within 500' of the project right now. And they deal with it.

Chair Kadlubek agreed. People who want to make it cleaner or quieter should know that there are design standards allowing for a body shop and mixed uses.

Commissioner Greene asked if it had an air quality test and if there are chemicals being used there.

Mr. Werwath was not aware of such a test. His experience has been that there is no immediate activity within the boundaries of the site and the body shop surely does use chemicals but was not sure how they would do an air quality test.

#### Action of the Commission

Commissioner Propst moved to approve Case #2016-99 - Arts and Creativity Center General Plan Amendment and Case #2016-89 - Arts and Creativity Center Rezoning.

Mr. Shandler requested two separate motions.

**MOTION: Commissioner Propst moved to approve Case #2016-89 Arts and Creativity Center Rezoning. Commissioner Kapin seconded the motion. The motion passed by unanimous roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Propst, Commissioner Abeyta and Commissioner Hiatt voting in favor, none against and Commissioner Gutierrez and Commissioner Hochberg not present for the vote.**

**MOTION: Commissioner Propst moved to approve Case #2016-99 - Arts and Creativity Center General Plan Amendment. Commissioner Greene seconded the motion and it passed by unanimous roll call vote with Commissioner Hogan, Commissioner Greene, Commissioner Kapin, Commissioner Gutierrez, Commissioner Propst, Commissioner Abeyta and Commissioner Hiatt voting in favor and none voting against. Commissioner Hochberg was not present for the vote.**

- 4. Case #2016-94. 2041 Pacheco Street Development Plan.** JenkinsGavin Land Use/Project Management, agent for Confluent Development LLC, requests approval of a development plan for a 76,500 square foot building, for an 85-unit group residential care facility on 4.0± acres. The property is zoned C-1 (General Office) and is within the South Central Highway Corridor overlay district. (Dan Esquibel Case Manager)

Chair Kadlubek excused himself from the meeting at 7:00 and Commissioner Gutierrez chaired the remainder of the meeting.

#### Staff Report

Mr. Esquibel presented the staff report for this case. [A copy of the Staff Report is attached to these minutes as Exhibit 7. Please refer to Exhibit 7 for details concerning the Staff Report.] He made on correction on his memo on page 4 where "special use" should be "development plan" for the first table row answer.

Mr. Esquibel also distributed printed copies of the Power Point used in his presentation that included

several aerial photos of the property in question. [A copy of the power point is attached to these minutes as Exhibit 8].

He said the staff conditions listed in Section 1 and technical conditions listed in Exhibit A. He noted that two DRT members are present but the memo is clear so no presentations needed to be made. The existing use as office has a higher intensity than group care facility so there are no traffic issues. The property has 85 parking spaces and the proposal calls for 65 parking spaces and requires only 48 for the use proposed.

He concluded that the applicant has met re-application requirements and had two ENN meetings. The major issue raised was traffic on Pacheco Street. The proposal does comply with development standards of the Code and he recommended approval.

### Applicant's Presentation

Present and sworn was Mr. H. McNeesh, Confluent Development, 2240 Blake Street, Suite 200, Denver, Colorado, who introduced himself and the members of his team, including Matt Turner, the Managing Partner.

Mr. McNeesh displayed a Power Point presentation for the Commission to review the Morning Star proposal. He apologized that their architect got stuck in Florida for obvious reasons. He read a statement of their purpose to begin.

Mr. Matt Turner, 7555 East Hamden, Denver, Colorado, was sworn and described the background of the company and what they planned to do with this property as a senior living community. They now have facilities in ten western states.

He said the company has three primary principles in their operations: to honor God in our business practices and relationships; value all seniors; and to invest generously in our team. He clarified that they are not a Christian organization but practice these principles of ethics and integrity in all of their work.

Their goal is to provide a way for seniors to stay in Santa Fe when they need more care. They should be in the heart of the city, not on the outskirts. This program allows residents and family to stay where they have created lives and invested in the society and contributed to the economy.

They also want to complement the neighborhood beyond just being compliant but exceeding the regulations with a high quality project that integrates into the neighborhood. Architecture is different for each one.

They hope to bring 75 new part time and full time jobs with a \$2 million annual payroll and low impact on the area.

They had two ENN meetings and spent a lot of time communicating details around what senior living is, listed to feedback and answered questions. The concerns were mostly about traffic and talked through that for what Confluent can do to remedy existing traffic problems. The project is redevelopment of the office

building that sat vacant for over five years and was degrading. There are 153 parking spaces on the site and will reduce that amount. The facility is 85 units for group residential care facility, including assisted living and memory care. The assisted living license is from the Department of Health and the memory unit is a physically secured area.

The style will be single and two story layout construction respectful of existing topography. There is significant grade change on the property and the single story steps down into two-story. It will have 27% lot coverage and 46,400 square foot footprint with 44% landscaped open space.

Mr. McNeesh walked through the design, showing the location in an aerial view and described the two access points, which the north one being primary and the south designed for emergency access with a bit of parking. The service activity is on the St. Francis side. The building has a 70' setback from Pacheco and generous on south and north as well as along St. Francis with a 25' buffer.

The landscaping includes interior courtyards. It allows secure but outdoor space and to bring light and air to significant portions of the building. Which does put the footprint out a bit.

He said their previous effort in the city was challenged by the City Council to find a site appropriately zoned for this use and they did that and satisfied that criteria and it also works well for the company.

Mr. McNeesh discussed traffic considerations. After the feedback, the company undertook a 48-hour evaluation and gap analysis with pedestrian crossings, done by a professional firm with professional standards. He presented the results in a table print out. As a result of the analysis, Morning Star will construct a pedestrian crossing on Pacheco with a median refuge, probably south of their property, with the ultimate design to be approved by Mr. Romero.

Vice-Chair Gutierrez thanked him and opened the case for a public hearing.

#### Public Hearing

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

#### Commission Discussion

Commissioner Hogan complimented the applicants for their tenacity and also for an intelligent choice of sites. This is well situated for contributing to the neighborhood and community and the amenities there will support their activity. It is hard to image a lower traffic impact.

He noted the roadway on the southeast appeared to be steep and asked if the slope was less than 10%.

Mr. McNeesh agreed.

Commissioner Hogan wasn't clear if the Baca House faced St. Francis and wondered if it would be screened from St. Francis.

Mr. McNeesh felt the colored rendering doesn't accurately reflect the level of landscaping there. There are significant trees. The dumpster enclosure will be screened with doors on the north side. A service drive will allow delivery vehicles to park there and depart but no long term parking there.

Commissioner Hogan asked about the peak hours of the operation for compatibility with other traffic.

Mr. Turner said the peaks are 7-9 a.m. and 4- 6 p.m. but the staffing pattern helps mitigate traffic congestion. Staff would have a maximum of ten vehicles on the property. Pacheco is an emergency corridor so speed bumps cannot be used there.

Commissioner Kapin said a couple of the staff conditions of approval were not reflected on Exhibit A and asked if that was intended.

Mr. Esquibel apologized that he probably didn't separate them appropriately.

Commissioner Kapin asked if the one space for two beds took into consideration the level of staffing.

Mr. Esquibel said it is "one size fits all." The county does have a separation with requirement for employees as well as families.

Commissioner Kapin asked how many staff would come in at a shift change.

Mr. Turner said the maximum at any time would be early afternoon with about 25 total staff. Memory residents don't ever have cars and about 6% of the rest have cars so almost all of the space is for staff and visitors. Being on a transportation corridor is great so they can use public transit to get to work.

Commissioner Greene congratulated them on finding a better site. He asked if the bus stop and cross walk could be combined and if they could have a pull off bus stop that would not block traffic - or school bus coming by and have an island within 350 feet and not down by the post office.

Mr. Turner said there are a lot of technical reasons why a pull-off stop might not be possible. He would be surprised if they could do that but agreed to talk with Mr. Romero about that and where the crosswalk would work best. The study we did suggests it can't be adjacent to our site but somewhere else on Pacheco.

Mr. Turner clarified that Confluent will be doing that crossing to contribute to the neighborhood - not because the company needs one.

Commissioner Greene recommended having a bench in front of the bus stop.

Mr. Turner said a bench exists there now.

Commissioner Greene asked if in the landscaping plans, they could have space outside like for a garden or any covered portals where they could congregate outside to enjoy the climate there.

Mr. Turner said on the assisted living side they can come and go. We will have benches and walking areas through the site. The topography doesn't allow for full circulation of the residents and is why they created the internal space. But there are things outside of the internal courtyard. The north courtyard is the memory courtyard and all residents have access to that space. There is also in the top right hand corner an external courtyard with a seven-foot wrought iron fence that is virtually invisible and that will have a walking path and benches.

Commissioner Greene asked about any portal space.

Mr. Turner said they typically have elements like that such as a trellis, outdoor fire places, art spaces, etc.

Commissioner Greene asked about having all mechanical equipment be screened and counted against the height.

Commissioner Hochberg asked how many of the 85 units would be in memory care.

Mr. Turner said it would have around 30 units of memory care.

Commissioner Hochberg commended them for a good report and for tenacity.

Commissioner Hiatt also complimented Morning Star and Confluent for their tenacity to come back and wanted to welcome them with open arms.

#### Action of the Commission

**MOTION: Commissioner Hiatt moved to approve Case #2016-94, 2041 Pacheco Street Development Plan, subject to the staff conditions and subject to the criteria specifically that the Commission is empowered to approve the plan under code section 14-3.8 (D)(1)(a) and secondly, that approving the development plan will not adversely affect the public interest and thirdly, that the use of any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration. Commissioner Hochberg and Commissioner Hogan seconded the motion and it passed by unanimous voice vote.**

5. **Case #2016-95. 155 Brownell-Howland Escarpment Variance.** Sommer, Karnes and Associates, LLP, agent for John R. Camp Trust and Michelle Cook 2011 Revocable Trust, requests approval of a variance to replace a two-story residential building with a single-story residential building on the same footprint, and addition of two portals totaling 98 square feet to an existing accessory dwelling unit located within the Ridgetop Subdistrict of the Escarpment Overlay District

and to replace an existing fence with a 6 foot high wall, 280 linear feet of which is located within the Ridgetop Subdistrict of the Escarpment Overlay District. The 1.567-acre property is zoned R-1 (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

Ms. Mortimer gave the Staff Report for Case #2016-95 [A copy of the Staff Report for this case is attached to these minutes as Exhibit 9. Please refer to Exhibit 9 for details of this report.] She explained that this lot was created earlier this year by a lot line adjustment. The existing lot is legally conforming and located completely within Ridgetop but it was allowed when constructed. This will remove the two-story structure and replace it with a 1-story home.

#### Applicant's Presentation

Mr. Joseph Karnes, 200 West Marcy, was sworn and said he represented John Camp and Michelle Cook who were present and their architect John Dick. He said Ms. Mortimer gave a good presentation of the nature of this project.

This replaces the existing two-story home with a one-story home and will be essentially on the same footprint for a reduction of more than 3,000 square feet of developed area. So it is a net reduction in visual impact. The top of the present second story can be seen from Bishop's Lodge Road and the new home will not be seen. They are only here because it is in Ridgetop. He stood for questions.

#### Public Hearing

Vice-Chair Gutierrez opened the case for public comment.

Ms. Marilyn Caldwell was sworn. She said she and her husband live across the street from the subject property and were present to support their application. This will result in improvement to the neighborhood. The present structure was built decades before the regulation of the escarpment This will benefit the neighborhood and be more in compliance. So they were very much in favor of it.

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

#### Commission Discussion

Commissioner Kapin asked if there was a septic system on the property.

Ms. Mortimer believed that is correct. It is not a condition. It is not unique to this application but they need to get the approval to continue the septic system.

Mr. Smith noted in Exhibit B that the septic system is a technical correction.

Commissioner Kapin asked if they also have a well.

Ms. Michelle Cook was sworn and stated that the property at 155 is connected to city water and there is no well. The septic system is shared with another property at present but will be separated from 145 and they will build a new septic system to serve the new small guest house.

Commissioner Kapin noted that often there is a condition that they have to plug into public utilities and asked why that was not done here.

Ms. Mortimer said that is not done when the location is not within 200' of a sewer line this property is not within 200'.

#### Action of the Commission

**MOTION: Commissioner Hiatt moved in Case #2016-95 at 155 Brownell-Howland, to approve the Escarpment Variance to approve the request. Commissioner Hochberg seconded the motion.**

Commissioner Greene, noting the walls along the road are within the ridgetop, asked if the applicant would consider a condition that any new wall be set back 8' with landscaping in front of it to not have a wall right along the road. The current wall looks like it has a pedestrian gate and a pull off for deliveries or guests.

Commissioner Propst pointed out that this is a dirt road with lots of vegetation and they are replacing a coyote fence in almost the very same location.

Commissioner Greene said in some places it is moved back and some places it is along the road.

Commissioner Propst did not want to impose that condition on an escarpment variance.

Commissioner Hochberg said this is a plus, plus as the neighbor testified. It will be one instead of two stories and have testified to an improved septic system. He felt the Commission should just encourage it and move forward.

Commissioner Hiatt rejected the amendment as friendly.

**The motion passed by unanimous roll call vote with Commissioners Hochberg, Hiatt, Abeyta, Propst, Kapin, Greene and Hogan voting in favor and none voting against.**

- 6. Case #2016-97. 165 Brownell-Howland Escarpment Variance.** Sommer, Karnes and Associates, LLP, agent for John R. Camp Trust Dated 7/25/06 and Michelle Cook 2011 Revocable Trust Dated 2/16/11, requests approval of a variance to modify an existing dwelling within the Ridgetop Subdistrict of the Escarpment Overlay District resulting in a net increase of 27 square feet and to replace an existing fence with a 6-foot-high wall, 320 linear feet of which is located within the Ridgetop Subdistrict of the Escarpment Overlay District. The 2.01-acre property is zoned R-1.

(Residential – 1 unit per acre). (Residential – 1 unit per acre). (Katherine Mortimer, Case Manager)

### Staff Report

Ms. Mortimer presented the Staff Report for Case #2016-97. [A copy of the Staff Report for Case #2016-97 is attached to these minutes as Exhibit 10. Please refer to Exhibit 10 for details concerning this Staff Report.] She explained the configuration for this application. A wall/fence would be realigned slightly at the street frontage and the second story, at 14' requires the variance. The structure cannot be seen by neighbors or any public way. Major public views are limited at Bishop's Lodge Road, being completely screened with vegetation.

### Applicant's Presentation

Mr. Karnes (previously sworn) said he neglected to mention that the owners purchased both properties as an investment and in this case, it does not warrant demolition but just updating to make it more livable. The application won't change distant views and it cannot be seen from Brownell Howland Road. So it has no effect on protected views.

### Public Hearing

Vice-Chair Gutierrez opened this case for public comment.

Ms. Michelle Cook (previously sworn) said they are only adding 50 square feet for closet space on both sides.

There were no other speakers from the public concerning this case and Vice-Chair Gutierrez closed the public hearing portion of this case.

### Action of the Commission

**MOTION: Commissioner Hogan moved in Case #2016-97 at 165 Brownell-Howland, to approve the Escarpment Variance application including confirmation that the conditions for the variance have been met and subject to the technical corrections. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.**

## **H. STAFF COMMUNICATIONS**

Mr. Smith announced that City Council did approve the Pulte amendments to the Las Soleras Master Plan at its most recent meeting.

Commissioner Hochberg asked how much money they required from the developer.

Mr. Smith apologized that he didn't have the amount. The conditions were substantially adopted by Council also, although Staff had a few more technical corrections.

The Commission's recommendations on the corridor ordinance are moving through the hearing process and will be at City Council soon for adoption.

He also announced no second meeting in October. The next meeting will be in November.

**I. MATTERS FROM THE COMMISSION**

Commissioner Greene said the Long Range Plan Committee has been meeting and working on a new generation of the General Plan. They are looking at the work done by the LRP staff. About a month ago, Commissioner Kapin was at the meeting and they made good progress. This week they made more progress but it will be a long haul. He invited others to attend the meetings.

Mr. Smith informed the Commission that Ms. Lisa Martínez is on sick leave and unable to attend.

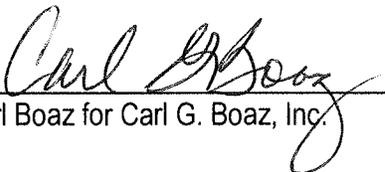
**J. ADJOURNMENT**

Having completed the agenda and with no further business to come before the Commission, the meeting was adjourned at 8:22 p.m.

Approved by:

\_\_\_\_\_  
Vince Kadlubek, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz for Carl G. Boaz, Inc.