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PLANNING COMMISSION

April 21, 2016

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PLANNING COMMISSION
Thursday, April 21 2016 - 6:00pm
City Council Chambers
City Hall 1st 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 John B. Hiatt, Secretary
Commissioner Justin Greene
Commissioner Stephen Hochberg
Commissioner Mark Hogan
Commissioner Piper Kapin
Commissioner Sarah Cottrell Propst

Members Absent

Commissioner Roman Abeyta [excused]

OTHERS PRESENT:

Ms. Lisa D. Martínez, Land Use Department Director
Mr. Greg Smith, Current Planning Division Director and Staff Liaison
Mr. Noah Berke, Current Planning Division, Senior Planner
Mr. Dan Esquibel, Current Planning Division, Senior Planner
Mr. Zach Shandler, Assistant City Attorney
Mr. Oscar Rodriguez, Finance Director
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 Land Use Department.

B. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

C. APPROVAL OF AGENDA

Commissioner Kapin moved to approve the agenda as published. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

D. APPROVAL OF MINUTES AND FINDINGS OF FACT

1. MINUTES: April 7, 2016

Commissioner Hochberg said he was recused on Case #2016-18 so he would not vote on that.

Commissioner Greene said his address, as listed, was incorrect.

Commissioner Hiatt asked for the following changes to these minutes:

On page 1 at the bottom of the page – It is not Planning and Land Use, just Land Use Department.

On page 6 – It should say, “enforce against having two people...”

On page 14 – the name is Shirley MacLaine not McLain.

Commissioner Hiatt moved to approve the minutes of April 7, 2016 as amended. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

2. FINDINGS OF FACT & CONCLUSIONS OF LAW

a. Case #2016-18. *165 Brownell Howland Road Escarpment Variance*.

A copy of the Findings of Fact and Conclusions of Law for Case #2016-18 is attached to these minutes as Exhibit 1.

Commissioner Hiatt moved to approve the Findings of Fact and Conclusions of Law for Case #2016-18 – 165 Brownell Howland Road Escarpment Variance. Commissioner Kapin seconded the motion and it passed by unanimous voice vote except for Commissioner Hochberg who abstained.

E. OLD BUSINESS

There was no old business.

F. NEW BUSINESS

1. **Capital Improvement Plan 2016-21.** Presentation on the 2016-21 CIP. (Oscar Rodriguez, Finance Director)

Mr. Rodriguez commented that this is not a big presentation but keeps the Planning Commission in the loop on the process for capital improvements. The City will be able to move \$4 million into CIP next year, based on the budget and the plan he will take to Council. He will bring that capital improvements budget to the next Planning Commission meeting next month. He has had conversation with Commissioner Greene about the procedures.

Mr. Rodriguez introduced new staff members Mr. Marcos McDonald as analyst and new budget officer Mr. Andy Johnson both of whom were previously employed at the County. He said they will seek input from the Planning Commission regarding CIP projects. He had no other information but said they will come every year in the same fashion to the Planning Commission.

Chair Kadlubek noted what is in the packet is the CIP budget request form.

Mr. Rodriguez agreed and when the Commission gets the list, that will be there for all projects.

Commissioner Greene said it appeared that for projects that have potential capital, they are shovel ready and the City would be able to capitalize the design and engineering. He asked if that should be added.

Mr. Rodriguez agreed. He read the rules correctly. The process is that project would be approved as a project and over time, the feasibility study and design would be available when the City is ready to build and issue the bonds. There is such a project in the CIP now for consolidation of facilities feasibility study.

2. **Case #2016-23. 701 Camino De La Familia Railyard Flats Master Plan Amendment.** Santa Fe Railyard Company and Dekker Perrich Sabatini Architects, agents for Aberg Property Company, request a Master Amendment to the Railyard Master Plan to increase the allowable height on Lease Parcel A2 to 34 feet high for a flat roof. (Dan Esquibel, Case Manger)

And

3. **Case #2016-25. 701 Camino De La Familia Railyard Flats Development Plan.** Santa Fe Railyard Company and Dekker Perrich Sabatini Architects, agents for Aberg Property Company, request development plan approval to allow a 58 unit, 34-foot-high apartment building

to be located on Lease Parcel A2 in the "In Between" area, North Railyard, Master Plan. The property is zoned BCDRED (Business Capital District Redevelopment Subdistrict). (Dan Esquibel, Case Manager)

Staff Report

Mr. Esquibel presented the staff report for both cases together. It is incorporated herewith to these minutes as Exhibit 2. Please refer to Exhibit 2 for details concerning this staff report.

Mr. Esquibel explained that the Railyard is a different type of development They used to go to BCD and no longer. So they now come to the Planning Commission. Within the Railyard Master Plan, most of it was developed by the Railyard Corporation with the City. And they manage the Railyard on behalf of the City. So lots of what they develop, like water, sewer, landscaping, park, and bikes; all was developed on behalf of City to have a pleasant environment. The plan has massing requirements, etc. So the Commission is looking at those that are relevant to the Master Plan.

In his memo, Mr. Esquibel went over areas of the Master Plan within that area where they are building; the East Alarid area. The goal was mixed uses that were originally designed and that got changed through amendments when the Art Yard came in. It was complete with residential and commercial and no longer in place and the Art Yard is now in the hands of Century Bank.

Parcels B-1 and B-2 came in for approval but nothing ever happened with B-1. B-2 is Warehouse-21 and the rest is residential and does make it compatible in the intent of the Master Plan for this particular area.

The Master Plan amendment is to take the height of the building of the previous developer which was actually approved. In the previous plan, they were going to edit movies with 17 employees but moved elsewhere. But the Master Plan needed to be amended to take from the maximum 34' height to go one more foot with a flat roof. The balance of design will follow the Railyard design guidelines on windows, etc. that the Railyard Committee deals with and which never come to the City. They do a good job with signs, etc. Between Baca and Railyard, about 88% of the area is leased now so it is going very well.

He referred to table one in his memo and he outlined the design elements that would incorporate the Railyard motif (page 7). The Railyard Committee reviews all of those details and that is built into the lease as a complete package.

The Development Plan is triggered automatically when it is 30,000 sq. ft. or greater. The Railyard Corporation built the parking, lighting, terrain management, etc. so all that is necessary is in the parcel and the Master Plan is within design guidelines to build to the boundaries. The Commission is looking just at the building because all the rest has been designed and approved by the Corporation already.

Mr. Smith called attention to the additional memo from Staff on the approval criteria suggested by the City Attorney for this decision [attached to these minutes as Exhibit 3]. There are details in the staff memo itself. There are specific criteria for amending the Master Plan and for the development plan. Two motions

are needed and they are recommendations to the Governing Body who will make the final decision.

Applicant's Presentation

Present and sworn for the Applicant were Mr. Peter Aberg, 3131 Maple Ave., Dallas, Texas, Mr. Richard Czoski, 332 Read Street, Santa Fe, and Mr. Ron Witherspoon, 7601 Jefferson NE, Albuquerque.

Mr. Witherspoon said he is an architect with Dekker-Perrich-Sabatini Architects and working for Peter Aberg, Aberg Properties, who is the primary developer. The presentation is based on the handout used at the ENN meeting [attached as exhibit 4]. Mr. Czoski will then present the Master Plan amendment.

He said this site is about a half-acre and is leased for 30 years. This request is asking for an amendment to the Master Plan. The rest has already been vetted through the Railyard Board and found to be compliant with Master Plan.

The objective, based on Peter Aberg's vision, is to build a contemporary long-term rental residential, moderately priced for quality urban living. It will be a new 3-story building with 58 apartment units close to build lines at the perimeter of the property. The site plan shows it is next to the Art Yard and parking areas and backs up to the railroad tracks to the east.

It is also adjacent to a pedestrian trail and next to the Warehouse 21 Teen Center. The infrastructure is largely in place with only water changes needed. The sewer is fully developed around the parcel.

He showed design influences they considered for the new design. He showed a schematic of the three levels and described the various parts of it, including a co-work space used by tenants, a live/work section and the remainder which are market rate one and two bedroom units. There is also a small third level deck looking to the north with an open breezeway open at both ends. He displayed several perspectives.

Mr. Witherspoon said they tried to keep the profile down with 9' ceilings and were only asking for an extra foot in the elevations. Exterior finishes are stucco with a few metal panels - aluminum or fiberglass windows. A storefront leasing office is at ground level and a walk out deck on the third level. There are some corrugated accent panels, exposed steel and cream colored stucco. The walk-out has overhead garage doors to open on nice days. A 42" concrete wall is next to the rail tracks to cut down on wheel noise and provide safety. Mr. Aberg wanted to break up the façades so they came up with an irregular pattern. They will keep the parapet down and as low as possible.

Mr. Czoski reported that at the ENN meeting, they had discussion on parking. Scott handed out the detail that followed the slides. He used a chart from the original Master Plan on the parking issue. The plan would require 780 spaces and they have 850. When the Master Plan was first formulated, no one knew what would be developed. He put in the numbers as if it is fully developed and that includes 79 parking spaces for businesses nearby. Sanbusco will become a school and need fewer spaces. Most of the time, they have a surplus for parking and at peak, would be 3 short.

For parking adjacent to the proposed project is 141 spaces. Thirteen would be gated off for the Art Yard building. They have 9 units so there would be four for commercial use. For this project, they have dedicated 65, leaving 63 available.

Mr. Czoski showed the layout and indicated the dedicated spaces in yellow, blue for the Art Yard.

At the ENN, they heard concerns from neighbors about spill-over parking and from the Century Bank, owners of Art Yard. They met with Century Bank to present the alternate proposal which moved the Railyard Flats spaces further north, leaving more spaces for Art Yard. He clarified that they presented the proposal to Century Bank but haven't heard an answer at this point. The alternate would allow 41 spaces, more than the 35 required by code.

Mr. Czoski went to the Master Plan amendment part and said there are two proposed amendments to take to City Council. The first is the one-foot increase in height. The Master Plan allows for 26' flat roof and 34' pitched roof. They are asking for one foot higher than the existing Art Yard Building. The Master Plan also allows for 2' parapets which are not included in the calculation and also rooftop equipment on the roof aside from calculation. They calculated from the middle of the primary façade as required by the City.

This project sits on the parcel in north Railyard where tenants can build out to 100% coverage. There are no setback requirements. The previous building proposal approved went to the edge of the parcel. He showed the setbacks on this site plan. It will be 10' further away from the tracks and on the west, 4' further back. The footprint is smaller by 4,600 square feet than the building that was approved in 2010.

Mr. Esquibel explained that while the Master Plan has a maximum of flat roof at 26', the mass building amended that to a maximum height at 34'.

Chair Kadlubek opened the public hearing for both cases.

Public Hearing

Present and sworn was Mr. Bob Bidal, 3090 Ashkirk Loop, Rio Rancho, who identified himself as President of the Art Yard Condominium Master Association and also an Executive Vice-President of Century Bank, which is the 85% owner of the Art Yard Building through foreclosure.

He said that, as presented, he was present to voice opposition to the Railyard Flats Development Plan. Neither the condominium association or Century Bank is opposed to development of parcel A-2 either commercial or residential. Their opposition is to the size of the project, the density proposed and to the adverse impacts the density and variances from the Master Plan will create. They also oppose the proposal that a portion of the reserved parking for Railyard Flats is to be covered.

He said regarding size concerns that the Railyard Master Plan provides for work/live and mixed commercial uses for A-2 with a building of approximately 20,000 square feet at a height of 26' and 44 2

stories. The Master Plan says the intent for the Railyard is to repeat the scale of other buildings in the Railyard, including the Gross Kelly Building at 27'. The proposed project has a height of three stories and a height of 35' as measures by code; 36' if measured above grade in another place. It will contain approximately 40,000 sq. ft. of space which is double the size of the Art Yard building next door and approximately double the size of the building originally contemplated for Lot A-2 by the Master Plan.

As to impact on parking, the Railyard Master Plan emphasizes shared parking throughout. He quoted from it. Shared parking is the ability of two or more land users to utilize the same set of parking spaces to accommodate needs of tenants' visitors, patrons and employees or residents. Shared parking provisions are applied to minimize surface parking and support the desired land uses and activities of the Railyard, mitigate spill over impacts and adjacent neighbors and encourage high rates of alternate modes use.

Because of the size of this proposed apartment project, they have to designate 58 parking spaces and proposing 65, one per bedroom, instead of the 58 for the exclusive use of Railyard Flats tenants. That will be nearly one-half of adjacent parking lot and eliminates another 8 spaces at the north end of their building to give it a larger footprint. No consideration has been given for those tenants in the Railyard Flats apartments who own more than one vehicle, or for visitors overnight, or for repairmen or deliveries. It will create additional demand for the unassigned spaces, creating need for more than 65 It will affect Warehouse 21, Site Santa Fe, Farmers Market. etc. And the placement of covers will make Art Yard hidden behind those covers. It is not really live/work as would be consistent with the Master Plan.

The Railyard Master Plan contemplates active use throughout day and night as different from assigned parking spaces, creating a sea of unused parking. The elimination of shared parking is inconsistent.

As for levels of approvals, he met with City Staff and the Railyard Community Corporation and brought up these concerns. Century Bank and the Condominium Association didn't object to the previously approved movie studio which was very different from this project. It is like apples with oranges - the height amendment was specifically not made transferable (from the movie studio). It needs to be approved or denied as an increase from 27 feet to 35 or 36 feet. Century Bank was not an owner when first presented. Now they are and they have concerns about this plan.

Comment was made that Railyard Flat is only a plug and play project and only needs streamlined review and approval. Century Bank disagrees. they believe this project veers away from the Master Plan in numerous ways and therefore, it must meet all criteria in the Master Plan, including consideration of compatibility with adjacent properties, and that the details that vary from the Master Plan must each be presented, considered and approved on their own merits, not the merits of the former approval.

Century Bank has unrented commercial space on ground level of the ArtYard and some is rented on month to month basis. They fear a loss if this is built as presented. Before the ENN meeting, they had many potential tenants – a furniture store, yoga studio, pet shop, and beverage shop. After the ENN, each of them retracted their interest due to their concerns about how this would impact the Art Yard. So in order to get it occupied, long term leases are problematic and they are faced with having to enter month-to-month leases, instead, in order to get it occupied. This is not good for the Railyard or the City. Century Bank fears the Art Yard could become economically unviable.

To sum up, he said putting a residential development of this density and size on this site with assigned parking and covering a large part of the parking lot could seriously damage property owners in the Art Yard and make those holdings commercially unviable. The presentation fails to resolve all problems in the Master Plan. He recommended denial to the Governing Body.

Mr. Rick Martínez, 17 La Mesilla Road, was sworn. He said in that section, lot B-1 is vacant now and part of mixed use. It could eventually also turn into apartments, thus losing more parking spaces. Site Santa Fé is also doing a big investment with an addition that will take away parking. Parking is not enforced in this area. People park there all the time. With night events there is no enforcement and that will affect the neighborhood. Looking back at Master Plan, they were asking for a lot less parking than what these guys are requesting. and the garage could get shared by the tenants of this project.

Present and sworn was Ms. Mindy Paul, 105 Camino Sierra Vista, directly across the street for approximately 20 years, said she was here to talk on behalf of the neighborhood and take a few minutes for a brief overview "and save our neighborhood's remaining time"

Chair Kadlubek said the Commission would prefer to hear all of the public hearing now rather than closing it back to it.

Ms. Paul said the elephant in the room of the Railyard Flats proposal is lack of a coherent plan and impact of parking on the surrounding neighborhood and the neighborhood buildings in the Railyard. The underground garage is at least a half mile round trip to this project and the other neighboring buildings on the south end, and the future building on B-1 lot and Site Santa Fe 10,000 sq. ft. expansion. Railyard Flats is eliminating approximately 65 spaces and on the south end and roughly half of the parking available at the south end that is intended for shared parking, while providing only one parking space per unit, which we all know will be wholly inadequate and forcing demand on the remaining shared parking spaces. This plan leaves the Art Yard building, a roughly 20,000 sq. ft. building hanging out onto our small residential street with virtually no accessible shared parking unless you take a hike to the underground parking garage. The Master Plan calls for less intense development at the south end because of the distance to the underground garage.

Now, this is most intense development in the Railyard at the south end. The obvious fallout from this plan is parking demand flooding around there and neighboring businesses suffering with limited, if any, parking. The packet contains no parking study, no coherent plan to manage parking. Presently, permit parking is not enforceable on Sundays, when events often take place in the Railyard. The Parking Division is not enough Staff and budget. And they work from 8 to 5 and they are in no way prepared to deal with constant enforcement day and night that will be required with this project.

She said she was disappointed, if not shocked, that the memo in the packet states "approving the development plan will not adversely affect public interest. It is very disturbing that anyone with the planning background would be unable to see the adverse negative impact on the quality of life for the surrounding neighborhood and the potential loss of income by businesses there that this project presents and then do nothing to address that with these issues.

The issues with this project are so profound as to potentially destroy the long-term survival of our neighborhood. The Community set out 10 goals in the Railyard that Master Plan. And the second most important goal as stated in the Master Plan, is "to cherish and protect the surrounding neighborhood." This project as proposed, does neither and should not be approved. If the Commission approves this project, the Railyard will be a complete failure.

Present and sworn was Mr. Eric Gent, 621 Alarid Street, who had a handout from the original Master Plan about parking. He was disappointed that the Commission was directed to only look at the amendments. Apparently there are bigger issues at play and hoped as the Planning Commission, the Commissioners would see these broader issues and how they will affect the. He said he and his wife have the distinct pleasure of living next door to this project and see the building out of their dining room they are also tenants of the Railyard Corporation. From the neighborhood perspective, that they are a little more protected because they have permit parking that they were able to enact years ago. And it is starting now to become apparent that they need it.

They met with Mr. Correia of Parking Enforcement last week. They are trying to ramp up neighborhood enforcement for parking which he was grateful for. As a tenant, they are concerned about access at their events. The Master Plan noted different demands during different times of the day was projected. But no parking study for actual use of the spaces has been done. In their experience, not so much is going on during the day but in the evening, they get slammed - like with Quinceñeros going on that they have no clue. He didn't even know that it existed know what a Quinceñero was when the Master Plan was put together.

He said he just heard today that Site Santa Fe is losing some of its parking. He asked if that was correct and was told that it was not correct.

Mr. Gent said they lose business in the summer with their events because there are lots of free outdoor events. They try to engage people, as part of their events, to use the parking garage. El Museo asked their vendors to use the garage. We have lots of visitors from out of town for Market and events. For those of us at the south end, to ask older people to walk to the parking garage at night after events is onerous.

He said it is great that the movie theater is successful, right across the street from the parking garage. Regarding the building and footprint, we are splitting hairs, even between 27 and 35 feet. The Master Plan called for 16 residential units. There are eight residential units in the Art Yard and 58 in the new building. That's a big difference. As far as asking you to propose something to the Governing Body, are there other spaces that can be engaged? There was a proposal for structured parking behind Warehouse 21. He asked if that was still available. He had heard there was no bonding money available to do that kind of thing anymore. There is a parcel that is undeveloped and pretty much unleaseable. That is next door to Warehouse 21 and he wondered if it could be used for parking on that site. He talked with Noel Correia about it and he said, no problem. They could put it some lightweight aggregate for a very reasonable price and have parking on that site. That is a different profile because the Railyard is supposed to get income from it but they are not.

They owe the city for use of that space. He thought they were going to get slammed pretty hard here. He asked the Commission to go beyond their mandate and incorporate the other aspects.

Present and sworn was Mr. Douglas Lawder, 703 Camino de la Familia, who said he was here to talk about not so much against the plan proposed but with concerns for his business and specifically the parking. He said, "Basically all the parking spaces will be taken in front of my business. I have Railyard Fitness, which is actually in the Art Yard building from Century Bank. So I'm basically neighbors with this plan. Originally, the idea for the units were more like 25-30. The units are much greater." He said it is okay to have more customers but he had no idea that there is absolutely no parking in front of the Art Yard. "From what I saw on the monitor, that basically kills that building and I might as well just close up my doors and start looking for another location. So that's my only concern. I'm okay with development, itself.

Again, I think the size is too big for the area. My concern is my livelihood for me and my family. So I need to voice an opinion as far as the parking goes to try to make some kind of amendment not only for myself, but for the other tenants in the building. Also for the other tenants in the building. If the parking goes away - it kills the viability of that building. I've been there for six years and still trying to get the business going. it is just starting to now."

Present and sworn was Ms. Georgia Marisol, 739 Acequia Madre, who said she has been at the Railyard for 35 years. She was one of the first business if not the first business there. In 35 years, she has seen a lot of changes. She proposed that what she is seeing and hoping that what we see in the future will be advantageous to the community. 35 years ago, she was in the wide open spaces. Everything was great and nobody had any problems. That was 35 years ago. Since then, she has seen lot of development = change is constant and we approve it; we like it. But whatever change you see, she believed they need to look to the future. She asked what it will look like 20-30 years from now. Will they see a community or a glut of cars, etc. she asked the Commission to please consider the future for children and grandchildren?

Present and sworn was Ms. Lisa Law, 811 Anita Street, one block from the proposed building and she sees the traffic every day, especially on Farmers Market day when we invite people to come and support our farmers. Yet, there is not enough parking especially for those out of town, let alone those who live there. There are not enough parking spaces. She has a show now at El Museo Cultural since December 2 called Flashing on the Sixties and a lot of people coming and going from there, especially on weekends at the Mercado which is supposed to end this weekend. Tonight there is a rehearsal and tomorrow a play and also on Saturday and Sunday and no place to park. The moviegoers use that parking right in front of El Museo Cultural instead of parking in the garage in order to get into the theater faster. That makes it hard for El Museo patrons.

So she saw a large problem with parking and traffic. We have a school on the corner, Tierra Contenta, with lots of traffic during the mornings in the afternoons. With 59 people there and two cars each, it will be horrendous. She related her growing up in Los Angeles and going through and taking children school. Maybe something else could go in there such as art and culture rather than residential. She likes living there and walking to Farmers Market. There are nice things rather than just housing.

There is no affordable housing in that area. They will be fined or not having that. It is supposed to be 30% and there won't be any. She thought it would be a big problem if the Commission allows it.

Present and sworn was Ms. Monica Armenta, 1002 Canyon Road. She said she attends a lot of public meetings. She said she hadn't planned to speak at this meeting but realize this is the only public hearing for it. She wanted to thank Ms. Martínez and Mr. Smith. I year ago, she came to talk with them about a development of their family's property at 1002 Canyon road. It is a little over half acre but her family is really connected to that property. She is not against growth but is here to speak for equity.

Staff were kind enough to provide her with a letter to build three small units in the back and estimated cost of fees to the City would be. There are four pages of steps to be taken. The fees were estimated to be \$43,200. She is not against growth and she doesn't have Dekker, Perrich and Sabatini as an architect but using a laid off car salesman to help with the plans. No one should have to have a portfolio of a millionaire to build here. You charge local people these fees but a developer doesn't have to? They built in the variances already? It is not because there are no places to build but we put the gate, lock and key on the natives and the locals who don't want to move to Rio Rancho but cannot afford \$43,000 with no guarantee after all the hearings that they would even get a permit to build. The City prescribes what color it can be, how high it can be, what kind of windows can be used. The historic ordinance has to be fair. "I don't have corporate attorneys but I'm going ahead. It is a whole lot of work and I'll try to work with the City. For people like me who work, to figure out how city people, everyday people can continue to live and build here, the rules have to be consistent and fair."

Present and sworn was Mr. Jon Pierpoint, 103 Los Hornos, in Lamy. He said he would like to register his opposition as a person who uses the Railyard and drives in from a distance, specifically Saturday mornings for Farmers Market and for performances. Parking is very hard to find. Often the garage is full and makes it difficult and less desirable to drive into town.

Present and sworn was Mr. Ken Marvel, 880 Paseo de Don Carlos. He said he is co-owner of Llewellyn Galleries, directly across from Lot B-1. In 2008-2009 they built there. Now almost 8 years later they pay a lot of ground rent but is happy to do so. He commended Mr. Czoski and his staff for making the Railyard as vibrant as it is and will be more so in the future.

However, he does believe, in considering development, that due regard needs to be given to those who are already investing in development there. The neighborhood, organizations that invested and the businesses that have invested depend on the infrastructure to survive. Parking is a major issue in the Railyard and though we are enthusiastic about development, we are concerned with this project. We calculate 73 parking spaces are taken away. He said he could assure the Commission, being there every day, he couldn't tell the Commission how many times on Saturday morning, he couldn't find one space to park in to open his business. He asked the Commission to think about the impact of taking away 73 spaces. It impacts not only the businesses but the public to attend events and organizations like Farmers Market that operate in the Railyard.

He hoped there is a way that mixed use can proliferate in the Railyard. Santa Fe needs more of it but not at expense to those who have already made the commitment either in homes or businesses. He hoped

this plan could be worked out a way to not take away 73 spaces.

Present and sworn was Mr. Peter Grindle, 3 Scenic Mesa Road, who said he came today to say he thinks this is great. He has worked in the Railyard for a number of years and lived in Santa Fe for 12 years and seen it go through some interesting things in the past couple of years. The bowling alley not working was a big hit for them, and now lost in the effort. There are some businesses that are doing well but many that need help. Foot traffic seems to be the big thing for him that the Railyard could benefit from. There are not many buskers because people don't hang out at the Railyard. With these apartments and people living just blocks away from these businesses, and are wondering what to do at night. They will get out their apartment complex and visit the Railyard. That will lead them to visit downtown, etc. After going to college here 12 years ago, he wondered what to do or where to go. Many of his friends left because housing is expensive. He sees this as a modern response.

Many will find reasons to stay with little things along the way. He watches the Railyard every day and sees it as a major plus and is happy to give this a thumbs up. He didn't think he would have to talk about parking and here is why. "I went to the theater hearings and everyone stepped up with what about parking. I park in the garage and very seldom have to hit the second level. In the third level it just has a bunch of city cars because it never fills up. The parking garage is an untapped resource. It is a giant hub for people to park in." No one uses the third floor because it never fills up. If you have to park there and have to walk to Museo, that is a good thing. If we are looking to generate foot traffic - that generates vibrancies.

Present and sworn was Ms. Gayla Bechtol, 1813 Hano Road. She showed an image to talk about the 2030 architect guidelines as part of the Sustainable Plan. It is from that palette to show how buildings can be sustainable. At this building, there will be rooftop units humming all the time because in the design, there is no cross ventilation. The quality of life in these apartments will be dreadful from lack of ventilation, the lack of light. She wondered where the tenants would put their broom or their mop. They are very tiny. She asked when we are going to require people to do better than what she has seen so far. She was not terribly opposed to three levels but wished it was better architecture. She learned something new at this meeting regarding Master plan amendments. She thought the height ran with the land and not the building. Now she knows differently. She hoped, in site planning or the sustainable plan that every developer is asked to follow the guidelines that were adopted.

Present and sworn was Ms. Suby Bowden, 333 Montezuma Avenue. She said she has been Railyard planner for over 30 years. Eight years after the recession, she is happy to see housing development in the Railyard. Housing will activate and bring alive to a current scary nighttime asphalt parking lot that she uses practically daily or nightly. The new residents will provide the eyes on the prize overseeing our park, bringing greater safety and security and to support and strengthen the residential neighborhood - not to make it worse. "You will hear rightfully tonight that the adjacent neighbors are very unhappy. This is because they have been told by City Staff and SFRCC that we don't have a parking problem. And we do now. Because she was one of the Master plan designers, she sat at the table and worked on producing the parking charts. They were as Mr. Czoski said, the best guess in 1999 – 2001. But there is a significant difference from charts to reality. The south part has had eight years of parking problems. Site Santa Fé is doing an expansion. We wanted them to have an auditorium. The High School for the Arts is moving into Sanbusco and removing some of their parking to be available to the neighborhood.

She sat at the table with developers and now there are 58 residential units proposed. This is not a time to ignore their complaints. We knew the day would come for that problem and had projected another garage. It called for a 3-level garage at the parking lot of Aberg's drawings with 150 units or more. We promised the neighbors and tenants for 25 years that they would have the southern garage and two additional lots off site before the courthouse was built. It has been in the zoning code for last 10 years - the intention was problem solved. There is no parking study here. Our problem is time and money to build the garage. The city says they don't have the time or the money to build it. But she heard Council say that 30 years ago, 25 years ago, ten years ago. Yet the City invested \$30 million in the Railyard. We have shown we are willing to raise the money. We will rapidly pay off the Railyard and start making money there. This gives us the time and money to build that garage. We want to encourage this developer and not lose his participation. We really have an agreement to build that garage/ Imagine how you would feel if you didn't have enough parking for Meow Wolf. We were promised enough parking for events for Farmers Market, Site Santa Fé and all the businesses clientele. She encouraged a motion for the Planning Commission to approve the request for housing but only with a simultaneous commitment to raise the funds and build the southern garage as rapidly as feasible.

Present and sworn was Mr. Peter Brill, 1021 Camino Redondo, who said he knows many of the people in the room and many who have spoken – lots of rhetoric; a lot of magical thinking. The Commission's charge is to look at the project that comes, not what you would like it to be or the issues that are beyond the Commission's purview. Yes, there is impact to the neighborhoods. There is one in every neighborhood. But in the community, there are issues not being addressed and these types of projects address them – housing, development.

As Sarcon Construction, he is making a proposal to Peter Aberg to build this project. This community needs vibrancy; it needs projects such as this one. One of the reasons Century Bank owns Art Yard is the project failed. Those aren't good things. We have to look at these projects and judge them on their merits and not just for one sector but for the whole community.

Present and sworn was Ms. Sandra Brice, 301 Read Street, Director for Events and Marketing in the Railyard. Due to much success of the many events brought to the Railyard, has brought this conversation tonight. She was surprised by all the statements about parking when a recent housing study said we are short 2,000 residential units in Santa Fé. Her role is communications and is a continual challenge but it is getting better every year about where the parking is located. We printed maps, aired radio ads, and we ask planners to plan for alternate transportation. It is an evolving message as people learn to take other modes. It is true that on Saturday it is quite congested but as on every day, there is a floor left in the garage. There is no one here tonight from the Parking Staff but it would be great to see the real numbers on use of the garage.

Present and sworn was Mr. Steve Robinson, 322 Read Street, who is the President of the Board of the nonprofit Santa Fé Railyard Community Corporation that manages the Railyard under a lease agreement, to clarify about parking and make a general comment. He showed an alternate proposal. Mr. Lawder has a business on the ground floor of Art Yard and mentioned that the original parking proposal would leave no spaces in front of his commercial space. Some time ago, we proposed an alternate plan and this

slide did not stay on the screen long enough. This is what Board approved – an alternate proposal that would move the parking spaces for the apartments to the north and open up the space in front of Art Yard as shared parking. He just wanted to make that clear. The Board understands the need for viability and success of the Art Yard building and this exceeds the code requirement.

He commented that for many years, we have been hearing the need for moderately priced small apartments downtown in Santa Fé and this is endorsed by the Corporation to answer that need. They are relatively small, moderately priced long term rentals and are on city-owned land and exist in the Master Plan of the Railyard which makes it attractive for young and old to rent them and enjoy being in a walkable community. We've heard so much of the need for this and he urged the Commission to approve it.

Present and sworn was Ms. Carmella Nuñez, 628 Alarid Street, who said she has lived there her whole life and been able to hold onto it. She shared the same concerns as others. Their struggles and making their lives more stressful is not a good thing. Her concern is finding tenants to occupy these units. At the ENN meeting they said it is 68 units; four of them two-bedrooms and the rest are "itty-bitty." She said she couldn't live in that small space and have to pay what they are asking. So she is concerned that the project will fail. The neighborhood will suffer because it will have too many vacant apartments. She thought it would be a huge mistake not just for the neighborhood but for the whole city. More thought is needed or another project altogether. Vacant spaces might cause more safety issues and more impact.

Present and sworn was Ms. Helen Walton Mien, 2105 Calle Navidad, who said she has lived here 25 years and coming to the Railyard for classes, El Museo, restaurants and movies regularly over the years. There are many people like me who use the space. She is happy it is growing. Maybe housing does need to happen but if we have to have it, couldn't we have parking underneath that building? It really is jamming there. The parking lots are full in the evenings. Get practical about it. We make it the way it is and can plan it. It is definitely needed. It makes her think of parks in San Francisco at the piers. Let's make it livable. Thank you.

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

Commission's Discussion and Questions

Chair Kadlubek asked that they discuss the issues other than parking and then discuss the parking.

He asked Mr. Esquibel if the height would be going from 26' to 35' or from 34' to 35'.

Mr. Esquibel referred to the picture that identifies the way the mass was approved. Several schemes were sent to Council and some are 34' and some are 27'.

Chair Kadlubek asked if the previous approval of the Mask Building at 34' carry over to this application.

Mr. Esquibel said yes. "We will take the previous resolution and amend it to this particular configuration."

Commissioner Kapin asked if the last one was a pitched or a flat roof.

Mr. Esquibel said it was flat but it had some pitched parts too.

Commissioner Kapin asked what the height of Site Santa Fé and of Warehouse 21 are.

Mr. Esquibel said he didn't remember but if Warehouse 21 had no waivers, it would be either 26 or 34 feet.

Mr. Czoski said the Art Yard building on lot A-1 is at 34 feet.

Mr. Esquibel said Warehouse 21 was either 26 feet or 34 feet because they had no waiver when it was developed. Since the roof is flat, it is 26 feet.

Commissioner Gutierrez asked how many more feet the HVAC units would add to the height.

Mr. Witherspoon said in the Master Plan document, those units cannot be counted in the height but it is a rooftop cooling system. It depends on the manufacturer but the condensers are normally 24-30 inches tall.

Commissioner Greene asked if there is no consideration for rooftop solar panels.

Mr. Witherspoon said no. They do have some skylight panels and they are in full compliance with design guidelines that requires them to be no more than one foot above the roof surface.

Commissioner Hogan said regarding the process, that he remembered that the designs get reviewed by the Railyard Corporation before consideration by the Commission.

Mr. Esquibel agreed and that was done

Commissioner Hogan asked if they recommended approval.

Mr. Czoski agreed, with the proviso that the height be amended and the build-to line which don't comply with the Railyard Mater Plan architectural requirements.

Chair Kadlubek noted public comment on veering away from the Railyard Master Plan. Attached to that was also the suggestion that the Railyard Master Plan asked for only 16 rental units. He asked what the residential plan was originally and whether there are other major veerings away from the Master Plan in this development plan.

Mr. Esquibel said he would probably have to research the number of units. But the Master Plan is a resolution just like the General Plan is a resolution. The rules and regulations guiding Master Plans are built into our ordinances. So when we look at a project and the parameters, those rules and regulations

were promulgated as a result of General Plan issues. And they must be approved using all of the criteria from each department to meet all of the philosophical ordinances. If they meet all criteria, they are in the public interest. So when he looks at the table of design guidelines which are more governed toward commercial such as what kind of glass can go on or the ratio of wall to floor - they are commercial. So we have to adapt for residential but he didn't find in the design criteria any that limit this in the project.

Mr. Smith added that there are previous amendments in the packet and the City Attorney determined the square feet mix is voluntary, not mandatory.

Chair Kadlubek noted in the map that shows area 2 and saw Warehouse 21 and Lot B-1 with the parking and three other east west facing buildings. Right now it is parking but in the Master Plan, it was thought to be three large buildings. He asked if that is the case.

Mr. Czoski said the layout of the entire area has changed since the 2002 Master Plan and is the product of shifting density around. The three buildings were intended to be residential. It was moved further away. Previously they would have been 50 feet away from the fence. All of it has changed for the better and resulted in the number of parking spaces there now.

Chair Kadlubek reasoned that after extensive planning of the Railyard Master Plan, the thinking was that this land was not going to be a parking and meant losing those spaces to residential or live/work. From his vantage point, it was part of the understanding of the developer that these spaces were not meant to be a parking lot. That was good for clarification.

Commissioner Hochberg asked who they envisioned the tenants would be. Most of the units are small so he asked if they are appealing to young people. He didn't see any elevator and had not seen a single building of three floors without an elevator. Not all seniors can walk and would have to have a car. So he asked who the target market is.

Mr. Aberg said they did a market study and had a focus group and lots of thought given about the customer. After considerable time, he liked the term "like-minded demographics." It is people who think alike on their living environment. Could be ages 25 -80 if they can walk up the stairs. But they didn't want to be exclusive to one age group or demographic. They thought the multiple floor plans would be attractive to many different people regardless of age or income level. The objective has always wanted to provide moderately priced long term housing in Santa Fe specifically in the urban core and with the Railyard being so walkable, it is an A++ location They tried to make a design that meets the needs of many types of people. It is a place where people can congregate and share ideas.

Commissioner Hochberg could see it as a place for a second dwelling for some. So it might result in having units paid for but vacant most of the time.

Mr. Aberg said they haven't concluded all the costs. Small studios at 470 square feet would be priced right around \$900 to \$1100 for the larger studio. He added that their marketing strategy is to the local community and not allow any sub-leasing or putting it on the web.

Commissioner Propst said with the train on one side and the performance lawn on the other, there is a potential for lots of noise on both sides there. She asked what plans are made to minimize the noise and ensure that people who choose to live there understand that noise is part of the deal and not prone to complaining about it.

Mr. Aberg said they would build a retaining wall on the railroad side to help diffuse the noise. They also stood on the site numerous times when the train went by. He didn't think noise for the tenants will be a problem. People who want to live in the Railyard will enjoy the vibrancy of it. It is not for everybody but there is demand there to live in the urban core.

Commissioner Gutierrez recalled someone testified about the shortage of apartments of 2,000 - 2,200. But that number is for affordable housing units of about \$600-800 per month. He also heard about paying a fine in lieu of Affordable Housing for these apartments.

Mr. Esquibel said a person is here from Affordable Housing to speak to it.

Ms. Margaret Anderson, from Affordable Housing, said her understanding is that a Santa Fé Homes Program fee-in-lieu agreement between the developer and the Office of Affordable Housing has been drafted which will allow them to pay a fee in lieu. The fee is calculated on the difference between HUD fair market rent and the average rent for the one and two bedroom studios. She didn't know if the rental agreement is a public record but it has been calculated and due at a certain point and will go into the Affordable Housing Trust Fund to provide assistance.

Chair Kadlubek asked that they turn to questions and discussion on parking issues.

Commissioner Hogan raised a point of order. There are two things in front of the Commission. The amendment of the Master Plan hinges on the height requirement and it doesn't appear that will affect the number of units. He suggested, for clarity, acting on that first. That seems an easier thing to start with.

Chair Kadlubek asked staff if that procedure was acceptable.

Mr. Smith said Staff had no objection.

Commissioner Hogan moved to approve Case #2016-23 - 701 Camino De La Familia Railyard Flats Master Plan Amendment as proposed. Commissioner Hiatt seconded the motion.

Mr. Esquibel had no issues and asked that the action includes the portion of that amendment make sure it includes the build-to line that they are allowed to step back one foot.

Chair Kadlubek clarified that the case only addresses the height and asked if the Commission is also amending the massing requirement.

Mr. Esquibel said currently in the Railyard Master Plan, there are no lots. So the Commission would not look at this the way they would look at a normal development. They are lease parcels and allowed to

build at 100% with the requirement that the building is built to the line designated for the area it is in. They would like to take it one foot back from the Railyard tracks.

Chair Kadlubek understood that but his question was whether the Commission is voting on that or not.

Mr. Esquibel said it is part of that Master Plan.

Chair Kadlubek said the Commissioners have not had any preparation on that. Our case specifically reads, Santa Fe Railyard Company and Dekker, Perrich, Sabatini Architects, agents for Aberg Property Company, requests a master amendment to the Railyard Master Plan to increase the allowable height on these parcel A-2 to 35' high for a flat roof."

Commissioner Propst added that there are staff conditions on the Master Plan amendment.

Chair Kadlubek said that is on the other case.

Chair Kadlubek asked if the additional amendment is what is being called "massings" is the same thing as what Mr. Esquibel was talking about.

Mr. Esquibel said the massing would address the height and the block shape of the building, itself.

Chair Kadlubek said they need clarity from Staff as to whether the Commission is voting on that set back.

Mr. Smith agreed it is not clear that matter was properly presented to the Commission for action.

Commissioner Hochberg added that it cannot be amended because it has not been properly published.

Mr. Shandler said that is correct.

Mr. Smith asked Mr. Shandler what the minimum notice requirement is.

Mr. Shandler asked for a few minutes to think about this.

Chair Kadlubek asked for some information and clarification on what the other part is and reiterated that the Commissioners didn't prepare or listen for that during the presentations.

Mr. Esquibel referred to Exhibit D in the packet, page 6, where it identifies in the upper half a built to line example. It is a portion of the Master Plan that was pulled out for that. He read it, the reinforcement of historic relationship of structures built to the to the rail tracks have been established on some of the parcels. Built to line requires a new infill be built up to those lines without exception and new infill buildings will thus maintain a similar string pattern as seen in the existing borders on the building façade of the built-to line... "It basically places them right up against the Railyard tracks. And unfortunately, that would

be the build to line for this particular leased parcel.

Chair Kadlubek ask what the request was; the amendment and the reason for the amendment.

Mr. Esquibel said it was to push it back one foot.

Chair Kadlubek asked the applicant for some clarification. With regards to this amendment, he asked for clarification of the request and a reason why.

Mr. Czoski clarified that they are asking to move the west build to lines so that the build to line closest to the neighborhood would be moved back. The previous build to line that was approved in the Master Plan amendment for the Mask Building went to the back of sidewalk on the side that faces the neighborhood. They are now asking to pull the build to line 4' to the east away from the sidewalk and away from the neighborhood. So it is further away from the neighborhood; further away from the parcel line; further away from the sidewalk.

Commissioner Greene asked if any of the designations for private parking would be pertinent to the Master Plan. That might be something to approve before discussing parking.

Chair Kadlubek said no. Height is one and this pushback is the other.

Mr. Esquibel referred to page four of the memo where it shows the build to line for the Mask Building.

Commissioner Gutierrez asked for some background thinking about this. The build to lines require the new infill to be built up to those lines without exception. He asked what the thinking was at the time.

Mr. Esquibel explained that it is looking also a development in the Railyard theme so the entire Master Plan for the Railyard was identified in a Railyard theme when it had those long buildings in the Railyard and they were built to the Railyard in order to establish offloading of goods, etc. By keeping that theme alive, it maintains that overall design they were looking for within the Railyard.

Commissioner Gutierrez asked if that was something that was put down in code.

Mr. Esquibel said it is part of the Railyard Master Plan. In a typical master plan, you have a master plan and a development plan. There, you don't have a development plan; you just have the Master plan which provides those design parameters. We still have to address those issues relevant to allowing this particular setback of that parcel line so it can move to a safer standpoint from the tracks.

Commissioner Hiatt asked to hear from Mr. Czoski.

Mr. Czoski said when that area was re-configured from the three buildings in the east-west orientation, that changed the build to lines immediately. And then was amended again when the Art Yard project was amended in 2006. And then it was amended again for the Mask Building. The original build to lines in the Master Plan for that area have changed considerably.

He argued that this is a benefit in that the footprint is smaller than in the previously approved building. It is also 4 feet further away from the neighborhood which he thought would be of benefit to the neighborhood. It is a small change and a more technical requirement that we have to request approval.

Commissioner Hogan amended his motion to include a 4' variance from the build to line to the east, as proposed. Commissioner Hiatt accepted the amendment as friendly.

Mr. Shandler opined that the public has to be on notice for what is posted. Since it is a shrinking of footprint and it is a recommendation to the Governing Body, the Commission can do it but he was not happy with how it was done.

Chair Kadlubek added that there will be a public hearing at the Governing Body meeting.

Mr. Smith clarified that the motion is not for a variance but for a modification. Commissioner Hogan agreed. The motion passed by majority (7-1) voice vote all voting in favor except Commissioner Hochberg, who was opposed.

Commissioner Greene said regarding the parking and circulation issue, he asked if this could be shared parking and not fenced. Secondly, in Chapter 14, we are urged to connect our streets and one of these streets, Camino de la Familia, connects with Alarid and there is some potential there coal some traffic away from Alarid for circulation onto the Railyard property. Thirdly, when he parks in that area, it is a rat's nest and this proposal won't make it easier to get in and out. So he recommended continuing La Familia through so it has two exits.

Mr. Esquibel responded that the Railyard Master Plan had an infrastructure proposal that went to BCD DRC and was approved as such and went through the entire approval process including Public Works. That land is actually owned by the City. So it would require a different process to change those developed areas in order to change those parameters and that is not part of this application. As far as parking is concerned, those spaces that were put into Railyard Corporation lease parameters - in other words, no longer part of the city - allows the Railyard Corporation to allocate parking, as required by ordinance for the Business Capital District, which is one space per dwelling. So it becomes part of that project but for traffic access and changing of thoroughfares, would require talking with John Romero to make those changes and the Commission can't make that recommendation here at this meeting. It is not the applicant or the building but actually the City or Railyard Corporation. Perhaps Mr. Czoski had a better explanation.

Mr. Czoski said a major parameter of the Master Plan was to not have that connection from Camino de la Familia to Alarid Street. In fact, it is listed as one thing they would have to go to Council to change. The neighbors did not want any traffic from such a connection. So at the end of that street, there are removable bollards for emergency access by the Fire Department but the Master Plan prohibits that connection. And the way it accesses Paseo de Peralta, he visited with John Romero and asked him about reconfiguring it if there was any requirement for that. And as part of the traffic study, that was addressed. Mr. Romero said no changes are required.

Commissioner Greene asked if they are going to City Council to change the Master Plan he asked them to please consider going there with that request in order to help with the Alarid traffic load.

Commissioner Hochberg raised a point of order and asked if they are working on the amended Planning Commission agenda from April 13, 2016 or a later one which he didn't seem to have.

Chair Kadlubek said it is the April 21st Planning Commission agenda.

Commissioner Hochberg said no. He was referring to the version of the agenda and asked when it was amended. There was one amendment and "this is it." The first resolution was to lift to 34' or 35' as in the testimony?

Mr. Smith said the motion and testimony was 35', as he understood it.

Commissioner Hochberg thought the agenda was for 34'.

Chair Kadlubek said to clarify, "we have the front agenda and then we have the case description on the case, itself which scratches out the 34 and puts the number 35."

Commissioner Hochberg asked which one was published to the public. It is the agenda. Is that correct? We have it to appeal what we are supposed to be addressing.

Mr. Smith said he believed that the agenda, as posted for the formal public notice did specify 35 feet. He said he could not be a hundred percent certain of that.

Commissioner Hochberg said he was not trying to bash Mr. Smith but he did not have that.

Mr. Smith apologized for the confusion on the multiples of the agendas and said they would be more diligent on it.

Commissioner Hochberg said that when people try to second-guess legislative action, then the most ripe place for litigation is proper notice and attention. This is confusing and why he was raising it. There was a motion on something that was not listed at all on the agenda. He said it is no one's fault but just to say it was ripe for litigation.

Chair Kadlubek said the process here was to take amendments and Mr. Shandler gave a solid opinion that also included some dissatisfaction but the Commission is a recommending body on this so Mr. Shandler felt comfortable and allowing.

Commissioner Hochberg said Mr. Shandler was addressing the issue if could add to the lot line. We all conceded that was a benefit. But we didn't all agree it was 35' instead of 34.

Commissioner Propst said the agenda stated 34' and that was what was noticed.

Chair Kadlubek asked Staff what the Commission should do with this.

Mr. Shandler understood it is factually different as an expansion of what was noticed, but he still said it was okay because the Commission is a recommending body and because it is stated correctly in the memo - that the members of the public are aware it was something different going on. He thought it is still permissible but duly noted.

Chair Kadlubek said the motion was for 35' and was seconded for 35'. And the vote was for 35'.

Chair Kadlubek said it seems like the issue of parking is largely a Saturday thing or a special event thing. He wanted to have a person who is involved with the Railyard to describe how often the parking garage reaches capacity so the Commission can have some clarification of data on it. A lot of people have said it never gets to full capacity, but is their data to support that.

Ms. Brice said that she was sorry we don't have anyone from parking present. It would be illuminating. She said she is there all the time. Saturday mornings are the heaviest. In talking with Parking, the third level is rarely full. During Indian Market Week last year, the parking structure was full frequently during those three days. She thought the Parking Staff could answer that.

Mr. Czoski said there are 407 spaces there in the garage.

Chair Kadlubek said they do have a table from the applicant that says at 1 pm they have negative 3 parking spaces but doesn't break it down by day.

Mr. Czoski said the table was taken out of the Master Plan and he used the same methodology. The chart looks at the various uses and it applies a demand multiplier to get to the unadjusted parking demands and weighted by the hour of the day. The original assumptions came from the Master Plan and originally assumed 780 spaces would be needed. These are the actual projected numbers with every parcel completed. That is a standard methodology for parking studies.

Commissioner Hogan commented that this chart anticipated 74 dwelling units.

Mr. Czoski said there were fewer units in the original Master Plan.

Commissioner Hogan asked if he had that.

Mr. Czoski said there were 16 dwelling units in the original Master Plan.

Commissioner Hogan asked if there are any other residential projects planned for the Railyard.

Mr. Czoski said no.

Mr. Esquibel said he did talk to the Parking Division regarding how often the parking structure did get full. That person said they were not able to collect those numbers so he does not have any data on how

many times it was full at any time over the course.

Commissioner Propst asked about the possibility of underground parking that came up in public comment. While that would be extra expense to the applicant, it would be a nice solution of located parking for this facility. She asked if that would be a possibility on this property.

Mr. Czoski replied that, on a broader basis, an above ground parking was also mentioned.

Commissioner Propst said he is talking about the southern parking garage. The existing garage is a significant distance for people to walk, even if it is not full.

Mr. Czoski said the Master Plan raised the possibility of a southern parking structure and the neighborhood, in public meetings regarding the infrastructure in 2005, was overwhelmingly against it. So, because it was put in the Master Plan has a future option - a possibility, they abandoned it because of that opposition. Underneath that parking lot is storm water detention pond comprised of 3300 feet of five-foot pipes. All the storm water collected in the Railyard goes into that detention pond. So a facility could not be built under the parking lot and not underneath the building.

He said one of the goals of the project is that it be moderately priced. There is not a need for luxury apartments but there is demand for moderately priced.

Mr. Aberg said they looked at this briefly and had Dekker do some research. It looked like to go underground would require \$25,000 per space so it is not feasible.

Mr. Czoski said in 2005, funding would have been achievable. The City was in a different financial position then. They could have afforded it then but much less today.

Commissioner Kapin said this is the first she had heard about the parking garage concept and asked if it was to be above ground.

Mr. Czoski agreed. It was not underground. The southern parking structure was a possibility; but the northern facility was solid. But the neighborhood opposed it so we abandoned it and when it went through the approval process, it was not included. Over time, the detention that was going to be surface pond was where the Art Yard has gone. They had to have a pond so they put it underground because they were no longer concerned with the parking structure because it could be built above ground.

Commissioner Kapin recalled someone mentioned that parking is to be taken away from Sanbusco with development of the school. If Saturday is heaviest, we don't know if that would be filled up on Saturday - Do we know how many go to the Farmers Market on Saturday. If we are going to lose parking there, while they benefit from foot traffic, it is a deterrent.

Mr. Czoski said he spoke with New Mexico School for the Arts and attended a public meeting for NMSA. They prohibit students from driving to school but their staff parks there. They will keep the part in front of Borders as public parking. They said it would be public on weekends. But he added that he cannot

guarantee that. They also have to go to HDRB with any changes.

Mr. Smith said Mr. Esquibel has information on Sanbusco.

Mr. Esquibel said they are looking at parking spaces allocated to Sanbusco which the school purchased under auction. The code requirements for school fell right in line with what they have. They have to cover four businesses that will stay on the premises plus a school with a theater. The actual parking was never included as shared parking for the area. It was technically part of their lease and never part of the Railyard. Now it is specific to the school. It is not for students and there is some flexibility. He was not sure if they lease any parking and they would have to amend their special use permit if they did.

Commissioner Gutierrez said the Commission just approved offsetting the lease line and, looking at it, he wondered if they are taking out eight parking spaces or if that is to the build to line.

Mr. Esquibel explained that the build to line is the part that is closest to the tracks and to the residents. A-2 and A-1 are not build to requirement parcels.

Commissioner Gutierrez said that in our packet it doesn't show any parking gate to block that off to the resident community.

Mr. Czoski said those gates were eliminated because the Fire Chief would not allow them. At the ENN meeting, the gates were proposed but the City eliminated them. The only part is for the Art Yard.

Commissioner Gutierrez asked about when a visitor parks in that area and goes across the street to another building.

Mr. Czoski said all they are not city spaces any longer. The enforcement will be by the property management company.

Commissioner Gutierrez asked then, if they are not opposed to any enforcement for shared parking.

Mr. Czoski said there are 853 spaces in the Railyard and 76 would be reserved out of that. The balance of them are shared. They are required to dedicate one space off street for each unit and they are dedicating 2 spaces for the seven 2-bedroom units.

Commissioner Gutierrez said there were 18 people who testified. Of them, one was worried about equity and four who either worked for you or wanted to work for you. And there were 13 who were worried about parking. Parking is a big issue. If a management company is taking this over, and the tenants are complaining, they will either have them booted or impounded on this property or not enforce that dedicated parking.

Mr. Czoski said it is a limited number of spaces and the property management company will only manage those 76 parking units. The City enforces the remaining 780 spaces. It would be just like parking in a private parking lot without permission.

Commissioner Gutierrez said they just need to pay more attention to the parking issue. It will be a problem because that enforcement will also be an expense.

Mr. Shandler asked for the record, in the alternate proposal, if the blue spaces will still have pay-to-park machines or a sign saying reserved for Joe's Fitness.

Mr. Czoski said the blue spaces behind the red line are included in the Art Yard Building's lease. So those are free. If the Art Yard wants to charge there, they can charge their tenants and the remaining blue spaces would be shared public spaces. The Parking Director said on April 12 that he would consider making them dedicated for Art Yard tenants but they would have to pay the monthly rent for them.

Mr. Shandler asked, if Century Bank doesn't want to pay for those spaces, if the customers would require a permit or just a reserved sign for going to the fitness business.

Mr. Czoski said the Parking Director also mentioned an endorsement system where customers could get an endorsement for a certain time or a monthly pass but he had not made a decision yet.

Mr. Shandler understood the yellow spaces would have a sign "Reserved for Railyard Flats" on them.

Mr. Shandler asked, even though Century Bank has not responded to the alternative proposal, if the Railyard is still offering that, based on the testimony today or if the motion would be on the original proposal.

Mr. Czoski said they are still offering that. But the Commission is not voting on parking. Those have already been leased to the Railyard and that is not part of the case this evening. The Commission is voting on the building.

Mr. Shandler clarified that the Commission could recommend with a condition concerning arrangement of parking and circulation of vehicles and pedestrians. Someone testified that the Parking Director is open to having parcel B-1 become parking. He asked if that was the City Parking Division's position or just a discussion point.

Mr. Czoski said he was not privy to that conversation and did not know.

Mr. Smith reminded the Commission that parking within the Railyard is by and large city-owned and city-managed common spaces with a few exceptions that were discussed. The method of allocating per code requirement and Master Plan compliance is well established through the Master Plan and Council's previous action on development of this parcel. Mr. Shandler is correct and Land Use Staff concurs that the Planning Commission does have some authority to establish reasonable conditions on parking allocations but not for specific spaces. If the Commission determines that there is some public hazard or overriding public interest, then in allocating spaces, the Commission definitely could recommend denial and staff would have to review that in light of the previous decisions on parking in the Master Plan adoption of amendments.

Commissioner Hogan pointed out that this is obviously complex and he understands the dynamic on maximizing the use of the property. He didn't know how critical this project is. He agreed with Peter Grindle that circulation on the site generates activity and he is swayed with the argument that there is surplus in the garage. Parking is a Railyard-wide issue in what the Commission has heard tonight. It seems unfair to make one project shoulder the whole parking problem. It is a good problem because it shows the success of the Railyard. He hoped there are other ways to relieve the parking problem. It takes a while before people's behavior changes. And he was not sure how clearly parking is tied to this proposal. He did not want to take away the viability of the project.

Chair Kadlubek said there are three other issues that are City issues that should probably be addressed by the Governing Body and are not necessarily related to this application but may be triggered by this application.

First is the enforcement of parking in residential areas. The Commission needs to look at stricter enforcement tactics for neighborhoods in the area so people don't take away the street. Second is creating a park and ride system for the Farmer's Market. People go there for green organic reasons but they might be able to use public transit. Maybe we can promote some other way. And the third is continuing the efforts to get people to understand there is space in that garage. It is not clear that you can turn into La Familia from Paseo de Peralta. He asked if the City could put up bigger signs for parking that points to the left at Paseo. He thought this was not meant to be a parking lot and they were not supposed to have it to begin with.

Commissioner Hochberg said he is also torn about this project. The parking problem is the success of the Railyard. When did development originally was envisioned, he understood it was mixed use. He heard someone say this specific lot was for 16 residential units and asked if that is true.

Mr. Czoski said 17 units was an assumption in the parking study but the number of units has changed over time.

Commissioner Hochberg asked if it is true that commercial ventures need more parking spaces.

Mr. Czoski said the difference is that commercial spaces change often. Maybe there are 6-10 during the day for transient parking. In terms of how it is utilized, reserved parking is 24 hours per day.

Commissioner Hochberg assumed it is out of the picture for everyone else then.

Mr. Czoski agreed.

Commissioner Greene left the meeting at approximately 9:18.

Mr. Esquibel commented that in the past, this body has seen a couple of apartment complexes that identified ratios in the City. One that was identified at 97% was just apartments.

Commissioner Hochberg understood – the City is in a dire shortage for apartments.

Action of the Commission

Commissioner Hochberg moved to recommend to City Council the approval of Case #2016-25 - 701 Camino De La Familia Railyard Flats Development Plan. Commissioner Hiatt seconded the motion for discussion.

Commissioner Hiatt asked if the Commission has to make specific findings in the motions.

Mr. Shandler said Staff provided the findings in a separate memo [attached in Exhibit 3].

Commissioner Hiatt requested a condition of approving the alternate plan for parking. Commissioner Hochberg accepted it as friendly if it is what is marked as alternative proposal.

He also included the recommended Staff conditions

Commissioner Propst noted the Water Division Staff condition might not have been in Exhibit A. – “An approved water plan will be required for the agreement to construct and dedicate to construct the infrastructure. Prior service requirements lot to be determined by the Fire Department prior to development.”

Mr. Shandler said for the record, that is the March 2 memo from the Water Division Engineer.

Chair Kadlubek restated the motion to clarify - we are recommending approval of the case with the six staff conditions in Exhibit A including the missing staff condition from the Water Division Engineer from March 2 and including the condition of approval to use the alternate parking proposal.

Chair Kadlubek clarified that #3 is not a condition from wastewater but just a statement for information and #4 refers to # 3 for a manhole requirement.

Mr. Smith simplified the wastewater condition that the wastewater infrastructure will be constructed to the approval of the Wastewater Division. Commissioner Hochberg and Commissioner Hiatt accepted that as friendly.

Commissioner Gutierrez asked before voting if some of the parking is covered.

Mr. Aberg agreed that 22 spaces are covered.

Commissioner Gutierrez asked if they would be at a premium.

Mr. Aberg agreed. Mr. Czoski spoke to overall parking in the Railyard. This project must have dedicated parking for it to be successful. It is also a code requirement.

Chair Kadlubek also noted for Council that they have more parking for this development than necessary with the 2-bedrooms having two spaces and we could pull that back. He asked how many extra that would be.

Mr. Czoski said it would be seven more as there are seven 2-bedroom apartments.

Mr. Aberg said those 7 are important to the success of the project. It helps the neighborhood and the project. People will need to park somewhere. And it is important to position it for successful leasing.

The motion to recommend approval passed by unanimous roll call vote with Commissioner Hogan, Commissioner Kapin, Commissioner Kadlubek, Commissioner Gutierrez, Commissioner Propst, Commissioner Hiatt and Commissioner Hochberg voting in favor and none voting against. Commissioner Greene was not present for the vote.

Commissioner Gutierrez left the meeting at this time (9:27 p.m.).

Ms. Martinez said she would make sure someone from Parking is at the Council meeting. It is critical to have them here but it has been hard to get them here.

- 4. Case #2016-20. Spectrum Senior Housing at Las Soleras Development Plan.** Tierra West, LLC, agent for Spectrum Retirement Communities LLC, requests approval of a development plan to construct a 138-unit senior apartments and residential care facility with a density greater than ten dwelling units per acre. The proposed project is located at 5011 Las Soleras Drive, Lot 10 of the Las Soleras Subdivision. The property is approximately 8.03 acres and is zoned C-1 (Commercial – allowing for 21 residential units per acre). (Noah Berke, Case Manager)

Staff Report

Mr. Berke gave the staff report for Case #2016-20 – Spectrum Senior Housing at Las Soleras Development Plan. The staff report is incorporated herewith into these minutes as Exhibit 4. Please refer to Exhibit 4 for details of the staff report.

Mr. Berke went to a rendering at the easel to show a Master Plan map with the amendments that were just done. The proposed project is to provide one 3-story building with 132 dwelling units and three duplexes with a total of eight dwelling units. The parking requirements are met with the proposal. It is not defined as a continuing care facility. The underlying zoning is R-27 and the average here is 17 per acre. It also includes amenities - utilities, housekeeping, meals, activities, transportation, laundry, emergency care service, etc.

Staff recommended approval subject to staff conditions in the packet and in the memo handed out at the meeting [attached as Exhibit 5]. He hoped the Commission reviewed the tables, the parking ratios, and sizes of units within the development.

Applicant's Presentation

Mr. Joe Hernandez, Registered Civil Engineer, 5571 Midway Park Place, Albuquerque, was sworn. With him were Mr. Mike Runfel and Mr. Ron Bohanan with Spectrum. Mr. Hernandez thanked the staff for their diligent review. He offered to give a brief overview of the project and stated that they agree with the conditions of approval and would stand for questions.

Public Hearing

There were no speakers from the public regarding this case.

Commission's Discussion and Questions

Commissioner Hochberg asked if this facility is this assisted living, independent living or a combination of both. He asked if it would have nursing. He heard about 24-hour emergency care.

Mr. Mike Runfel, was sworn. He said they are proposing independent living. In the amenities, regarding 24-hour care, it is provided in independent living by outside agencies as home-health care. He clarified that Spectrum does provide assisted living and memory care at other locations but not here.

Commissioner Hochberg recalled someone said they are providing three meals a day. New Mexico does not require three meals a day for independent living facilities.

Mr. Runfel said even though not required, they elected to do that. Spectrum currently has 32 communities and 20 more are in development in eleven states including one in Albuquerque. Earlier on, some of the Spectrum facilities did not serve three meals a day but due to market conditions and competitive advantage, serving three meals each day is a positive change for the company.

Commissioner Hochberg reasoned that they do not have a resident nurse - just bringing people in.

Mr. Runfel agreed and said they won't dispense medications. We have ADL provided by them. Staff services include housekeeping and linens. it is not just nightly but all day/ all night and activities are very robust. He explained that he is not an operator but an architect. The Company has 2,000 employees and 20 of us are in development.

Chair Kadlubek said it would be nice in Las Soleras projects provided an updated map for the Commission to show what was approved when. It would just be nice to see it or remember all that the Commission has approved.

Commissioner Kapin agreed. With trails connectivity .it probably has the detail but the Commissioners can't see it.

Mr. Berke agree and said he would work on that. There are quite a few more changes coming and big projects so he would make sure they get integrated. It is posted on his office wall.

At the easel without a microphone, he reviewed what has been approved with the Commission.

Commissioner Kapin said she looked through the drawings but as far as paths and connectivity, and open space, she asked how that would be addressed.

Mr. Berke said the Commission has in front of them an amended Las Soleras Master Plan with roadways and trails moved around. This is the whole connectivity plan. Lot 10 doesn't have primary or secondary trails through it but adjacent to a sidewalk along Beckner Road which is slated to be completed by July 1. The construction schedule has to move those for Pulte. The bridges going across Arroyo Chamisos are connected with different parcels. He will talk more about that when the hospital comes forward.

Commissioner Kapin asked the developers if there is a desire for walkability. She was looking at the way it is laid out and it appears to have a lot of parking. Beckner Road is fairly busy. The Las Soleras road up toward the bridge is to the left.

Mr. Berke said next to the residential tract, the shaded part is the flood zone but there are trails along that arroyo. It won't be triggered until the development is there.

Commissioner Kapin asked if there would be sidewalks on both sides.

Mr. Berke agreed and it will exceed private open space for this development.

Action of the Commission

Commissioner Hochberg moved approval of Case #2016-20 - Spectrum Senior Housing at Las Soleras Development Plan with staff conditions in Exhibit B. Commissioner Hiatt seconded the motion and it passed by unanimous voice vote.

G. STAFF COMMUNICATIONS

Mr. Smith said the next meeting will be on May 5 and he didn't anticipate one on May 19.

Ms. Martinez announced that in next few days, the Finance Committee will have lots to hear on budget proposals. One proposal is from the City Manager from a functional and budget standpoint that includes moving Long Range Planning and the MPO under the authority of the Land Use Department. There has

been lots of discussion about that in the past. That is moving forward and she will keep the Commission posted.

Commissioner Hiatt said the Commission should vote on that and asked if they could.

Mr. Shandler said he would not recommend a vote but the minutes can reflect the wish of the Planning Commission.

Mr. Smith said he needed for Commissioner Propst and Chair Kadlubek to sign documents after adjournment.

H. MATTERS FROM THE COMMISSION

Commissioner Hogan asked if there is a difference between being absent and being excused.

Mr. Smith was not aware of any formal policy but Commissioner Hogan was excused last time.

Commissioner Propst said they had two escarpment variances at the last meeting and only got one of the Findings of Fact and Conclusions of Law.

Commissioner Hochberg said the Commission was told it would be at the next meeting.

Commissioner Propst said this was a tough meeting and Chair Kadlubek did a good job. She also heard that from the public as they were leaving.

Commissioner Kapin that she would not be present on May 5. She will be in Florida with her family and asked to be excused.

Chair Kadlubek had a procedural question. In the Railyard case, he asked if there is such a thing as formal recommendations to the Governing Body. He asked if they should attach it as a condition of approval or how they should communicate in the most effective way. He asked if the Commission could request something be bolded and capitals in the minutes.

Mr. Smith said the Commission can recommend that Council take a particular action with regard to Commission duties but not with regard to the case.

Commissioner Hiatt agreed - like Suby Bowden recommended putting in the garage. We could have done that.

Commissioner Hochberg asked if the Commission should say where or just say it is needed. He thought the Commission could do that.

Chair Kadlubek added the request for more enforcement of parking in residential neighborhoods.

Commissioner Hochberg pointed out that we have applicants who have already spent a lot of money and it is not fair to put it all of the onus on them. Parking has a cumulative effect - it is very busy.

Commissioner Hogan recalled that at one time, Council would hear from the Chair of one body to make a presentation and address the recommendation in the case for discussion of the background.

Mr. Shandler said Mr. Esquibel will do a good job for the Commission.

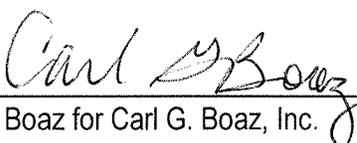
I. ADJOURNMENT

Upon motion by Commissioner Hochberg and second by Commissioner Hiatt, the meeting of the Planning Commission was adjourned at approximately 10:00 p.m.

Approved by:

Vince Kadlubek, Chair

Submitted by:



Carl Boaz for Carl G. Boaz, Inc.