



DEVELOPMENT REVIEW BOARD

MINUTES

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

July 18, 2018

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Christine Sandoval, Parks/Municipal Development

Ben McIntosh, Code Enforcement

Project #PR-2018-001280 (1011396)

**SI-2018-00049 – MAJOR SITE PLAN
AMENDMENT**

CONSENSUS PLANNING agents for **LEGACY HOSPITALITY, LLC** requests a Major Site Plan Amendment for Lots 1-3 and Lots 30-32, Block 28, NORTH ALBUQUERQUE ACRES Unit B, zoned R-MH, located at 6211 ALAMEDA BLVD NE between SAN PEDRO DRIVE NE and OAKLAND AVE NE, containing approximately 4.8 acre(s). (C-18-Z)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Ms. Jackie Fishman, Consensus Planning Inc., 302 8th Street NW - Albuquerque, NM 87102

Mr. Rick Beltramo, RESPEC Engineering, 5971 Jefferson - Albuquerque, New Mexico

Mr. Jeremy Shell, RESPIC Engineering, 5971 Jefferson - Albuquerque, New Mexico

Mr. Faizel Kassam, Legacy Hospitality, 6501 Eagle Rock - Albuquerque, New Mexico.

PERSONS SPEAKING IN OPPOSITION:

Mr. Bob Smith: 8916 Olivine NE - Albuquerque, NM 87113

Mr. James Griffee: 8208 Eagle Rock Avenue NE - Albuquerque, NM 87122

Mr. Jason Young: 6901 Schist Avenue NE - Albuquerque NM 87113

Ava Miller – 8500 Jefferson Street Suite B. - Albuquerque, NM 87113

Frank Capuano - 7204 William Moyers Ave. NE - Albuquerque, NM 87113

MS. KYM DICOME, DRB CHAIR: This first portion of the agenda is normally what's called public hearing items, but we have placed item number one under that category, though it is actually a public meeting as defined by the IDO. That means the DRB decides whether or not to take public comment. We placed it on number one for the exact reason of getting public comment, because we did hear that folks would be here but I just want to make sure the Board is comfortable with taking public testimony on item number one. Is everybody in agreement? It looks that is good to go, so please make sure to keep your comments to what is before the Board because we don't have much discretion. We have to look at the technical issues in the IDO and make sure they meet those requirements. So what we are going to begin with in this first case is, and the other announcement is so, with this, we are going to consider this a public hearing item, item number one, which requires public notification, but in this particular case doesn't require public input but we will accept them. Make sure that you sign up. There is a sign-up sheet of which I have one with four names, but if you are here for item number one make sure to sign in with Angela and your name called when the case is heard, you'll be asked to give your name and address and then sworn in. After the hearing you will receive written notice of the action taken on the case except those cases that are to be deferred.

We'll begin first with item number one, project PR-2018-001280, SI-2018-00049. This is an amendment to a site plan. First we are going to have a presentation by the applicant then we will review staff comments and then we will ask for public input, I will call your name and you will come on up. We will begin with the applicant, please state your name and address for the record and be sworn in by Angela.

MS. JACKIE FISHMAN: My name is Jackie Fishman I am the agent on this request. My address is 302 8th Street NW, Albuquerque 87102.

MR. RICK BELTRAMO: Rick Beltramo, RESPEC Engineering, 5971 Jefferson.

MR. JEREMY SHELL: Jeremy Shell, RESPEC Engineering, 5971 Jefferson.

MR. FAIZEL KASSAM: Faizel Kassam with Legacy Hospitality, 6501 Eagle Rock.

DRB ADMINISTRATIVE ASSISTANT: Thank you, if you'll raise your right hand.

APPLICANTS SWORN IN

MS. FISHMAN: Okay, Madam Chair and members of the DRB, as you all know this is a site plan for building permit that went through the EPC several months ago, it was approved by the EPC. It came to the DRB, it was also approved at this level and IDO was adopted and then interim, and we are here now for an amendment to the site plan for building permit. The site plan lay-out essentially states the same, the building footprints are the same as what was approved and reviewed by this body. The primary change is that we've added a 4th story to three out of the four buildings. So the one building that's along Alameda, which are more town house style apartments, with the garage at the bottom, they stayed at 3 stories, but the 3 larger buildings on the site went to four stories as the increase of 36 units originally was approved for 99 dwell units and now it's at 136, still below the typical old R-2 density and as you all know, the IDO doesn't cap density but we are under *...unintelligible....* . Another thing I wanted to mention which you probably all know as well, at the time we went through EPC, we did a new trip generation analysis because originally the site plan was for a shopping center, which was 4.8 acres so it was a shopping center when we switched to the multi-family. Terry Brown did a trip generation analysis and it showed a huge decrease in the amount of trips generated by *...unintelligible....* .

CHAIR DICOME: Okay, as a point of clarification of the IDO, it's the height restriction, we don't look at floors, it's the height that was previously capped at 39 under the north I-25 sector plan, and 45 is now allowed under the IDO.

MS. FISHMAN: And so our building elevations show that we are in fact at 45 feet. We did a pre-application meeting with some of the neighbors at my office, I don't know what the date was but sometime ago, a month and a half or two and at the time we thought we were going to do a height deviation. We heard from the neighbors, they had some issues about, about that deviation and so we pulled back and we redesigned the building to scrunch it down to 45. So everything that we are requesting today at DRB we should all understand that this is all permissive under the IDO and the R-MH zoning.

CHAIR DICOME: Correct. And what the DRB was also looking at was anything that was affected by the additional units, whether it's parking, landscaping, but not other issues that were previously approved.

MS. FISHMAN: And I would also add that we have enough parking. Most of the parking for, well all the units have their own interior garages, and then the service parking that you see on the site plan is for guest parking. We accommodate all the parking needs generated by the additional units. The other, one other change that I should mention that happened in the last several days was that instead of having all individual trash enclosures on this site and phase one which is to the east, we have elected and solid

waste has reviewed and approved having 39 cubic yard trash compactor in this location. So that only served to add a couple parking spaces and this location along Oakland and this location down here somewhere along Alameda. So that added I don't know, 4 or 5, 6 something like that ...additional parking spaces.

CHAIR DICOME: Okay. Alright, we are going to go through the Board's comments and then I'll ask for public input and then I'll ask you guys to come move so that the public can come on up okay? Thank you. Parks your comments on item number one?

MS. CHRISTINA SANDOVAL, PARKS AND RECREATION: We have no objection.

CHAIR DICOME: Okay thank you. Transportation?

MS. RACQUEL MICHEL, TRANSPORTATION PLANNING ENGINEER: We have no objection, I did go through, we received a letter from the neighborhood association and one of the concerns was traffic so I did double check the trip generation amendment that was submitted in December and approved in January. It did include those 36 extra units so as far as traffic is concerned we have no issue and no objection.

CHAIR DICOME: Thank you. Code Enforcement?

MR. BEN MCINTOSH, CODE ENFORCEMENT: Code enforcement has no objection.

CHAIR DICOME: Thank you. Water Authority?

MR. JON ERTSGAARD, WATER AUTHORITY: I did have a comment related to needing to verify the increased square footage against the Fire One fire protection requirements; it appears that's been done. That is not an issue then at this point and second comment is kind of an informational comment with regard to verifying water and sewer sizes based on the increased population being served and I'm sure that probably been done as well so that's all I have.

CHAIR DICOME: Thank you. Hydrology?

MR. DOUG HUGHES, HYDROLOGY ENGINEER: An approved grading and drainage plan is required, the proposed changes are minor from a hydrology stand point and Hydrology can accept delegation.

CHAIR DICOME: Thank you. Alright I'm going to call for public input. Thank you, and then I will call you guys. First name on the sign-up sheet is Mr. Smith, Bob Smith?

MR. BOB SMITH, NORESTE ASSOCIATION: I'm Bob Smith, Jim Griffee and Jason Young. We're with the Noreste Neighborhood Association Development Committee and we would like to speak as a group because we have some issues.

CHAIR DICOME: Have a seat. You'll need to state your name and address and be sworn in.

MR. BOB SMITH: My name is Bob Smith, 8916 Olivine, 87113.

MR. JAMES GRIFFEE: James Griffiee, 8208 Eagle Rock Avenue Northeast, 87122.

MR. JASON YOUNG: Jason Young, 6901 Schist Avenue Northeast, Albuquerque.

PERSONS SIGNED IN TO SPEAK SWORN IN

CHAIR DICOME: Go ahead and start.

MR. SMITH: On June 8th, we met with the applicant/agent Consensus Planning for a dialogue on the proposed amendments and (...*unintelligible*...) concerns. The agent presented a draft of the revised site plus plans, I guess that they * *rendered elevation of use* for the proposed fourth story buildings. These plans are the Markana phase one build out. No formal request or comments were made by either party, you need to consider this an information gathering, sharing they need to be followed by more formative post application facilitated meeting should the applicant decide to proceed with the request for the amendment since they clarified that's been changed. On June 22nd NENA received notification from the applicant that it was submitting the application for the amendments that's discussed at the June 8th neighborhood meeting, however the site plan that was included with this notification is not the one presented at the June 8th meeting. The elevation plans that changed from the tile pitch roof design to a far less attractive flat roof design in (...*unintelligible*...) with the architecture of phase one looks different, quite different. (*Unintelligible*...) almost looked what we considered institutional. It's just that these plans were changed and we weren't notified until June 22nd of all this, so it was not originally discussed at the first meeting on June 8th. Here's our concerns; the zone map conversion (...*unintelligible*...) from SU-2 HDR as defined and controlled by the North I-25 SDP to the IDO's R-MH zone district as a major (...*unintelligible*...) for allowed residential density building and building height and therefore not an appropriate conversion rule. The applicants currently approved site plan is consistent with a R-ML zoning other than its height exceeds the 35 foot maximum but not by the more than 10% (...*unintelligible*...) allowance. Traffic at Alameda and San Pedro and continue to the Alameda and I-25 interchange is already worse than portrayed by the model based traffic impact studies and will only get worse due to a residential build out east of I-25 the improvements in the Alameda corridor west of I-25 therefore we feel that the application for this (...*unintelligible*...) should not be allowed to go forward. Jim do you have anything?

MR. JAMES GRIFFEE: Thank you. Jackie Fishman and her (...unintelligible...) here this morning noted that we did have concerns about a deviation request was to go above the 45 foot and that was discussed but there no discussion about alternatives or any agreement and that we were as soon as we got notice that they had made that change in their elevation. That's more a reason we thought to have a facilitated meeting with our constituency to see if they would agree to a slightly higher elevation height for a more pleasant looking façade. We did not get that opportunity before this meeting so, on that point. On another point the traffic I think I heard that the, you're using a December dated study. Since then there's been another 35 units approved along Alameda in a R-1 zoning, effectively R-1 zoning at the time, because there was pre-IDO and this adds another 36 units that was not considered in that plan. So I'd just like, if there has been growth since that trip-gen was done...

MS. RACQUEL MICHEL: If I may real quick, traffic impact studies generally consider growth in their models

MR. GRIFFEE: In their models...fair enough.

CHAIR DICOME: Thank you.

MR. GRIFFEE: One other thing, I hope, I may be wrong on this so, if the applicant can correct me later if I am. It looks like the garages that they are offering in this build are hidden garages. I can't count as many garage units as doors, they, some, 60 some garage units but theirs only 30 something doors in their design. That implies it's a tandem type garage? If so, if that is the case I wonder if the IDO or in your assessment take into fact that tandem garages aren't used very effectively, there's times where their (...unintelligible...) one care because of inconvenience of shuffling cars and I wonder if that is the case that that was taken into consideration for your parking count?

CHAIR DICOME: I don't remember that being counted but as far as behavior goes, if somebody doesn't pull their car in, you can't, that's a behavior thing we can't really, we don't have much say on that. If they meet the numbers then, they meet the numbers. But exactly, if tandem, if there's a problem with the parking, that's not really an issue before us, just to clarify that.

MR. GRIFFEE: We had the same, similar concerns that the garage is going to be used for storage or a shop, (...unintelligible...) that's up to the apartment management to enforce parking policy...

CHAIR DICOME: Exactly...

MR. GRIFFEE: We understood that... and that gave the (...unintelligible....) if these are tandem that they would have to enforce that to make sure we don't end up with all street parking along Oakland to the north.

CHAIR DICOME: Thank you.

SPEAKER: One other thing on the transportation traffic studies, as I left my house this morning. I live on Alameda I pull right out onto Oakland. I use that thoroughfare three, four times a day at that intersection and as, if you don't know, as you're going north on San Pedro it stops right there at Oakland. Now as right down this, (unintelligible...) right there, that's obvious so that's kind of like a bottle neck. I don't know how much traffic goes that way to these houses here. On the other hand too, as I was pulling out this morning Larry H. Miller had one of their car (...unintelligible...) as they often do during the day on (...unintelligible...), again too it's a behavioral thing we understand that. But the point I'm trying to make is this is a quarter to eight in the morning, this is rush hour and all these cars coming out from these apartments there are people going to work or whatever you know, those are things that are not taken into consideration in these traffic studies I understand, but they affect us. They affect us directly. It's a safety issue.

MS. RACQUEL MICHEL: I understand that. I would encourage you to call 311 as often as you see it, to see if you can get someone out there to take a look at that. I, there's nothing that this board can do for that.

SPEAKER: No, no...we have to live with it ...

MS. RACQUEL MICHEL: I understand.

SPEAKER: Jason, do you have anything?

MR. JASON YOUNG: I think you guys hit everything but I think other than (...unintelligible...) question on whether or not we're getting a facilitated meeting or not I think is a whole other issue that needs to be resolved. I know the IDO has changed and this whole neighborhood thing, but when I can specifically recall going to an IDO, you know one of the initial, "here's how the IDO is supposed to work" meetings, was explained to us that there'd be a change with the neighborhood meeting initially, but that we would also have an opportunity for facilitated so, requested one. So I guess that's still kind of up in the air as to whether or not we'll be granted one.

SPEAKER: We knew within the time-frame that...

MR. JASON YOUNG: Because obviously if, had we known there was more importance placed on initial neighborhood meeting, we would have kind of responded differently and maybe had more opportunity to get the word out to our members in the neighborhood perhaps, we would have attacked it differently.

CHAIR DICOME: Okay. But a facilitated meeting is the City, my understanding of the IDO is the City needs to basically require or request a facilitated meeting. I think part of the

concern here was I'm not sure what the facilitated meeting would do in the sense of what the DRB is tied to with the IDO requirements. We don't have room for negotiating as far as like architectural style. If they meet the height, they meet whatever requirements are in the IDO then they comply.

MR. JASON YOUNG: You don't look at the context issues of flat roof versus pitch roof...

CHAIR DICOME: But having said that, we can certainly ask the applicant and the City would work with you, but my question is again that I'm not sure what would be accomplished but you know, if you feel as though you could negotiate, we could ask the applicant if that's amenable to set up a facilitated meeting.

MR. JASON YOUNG: Well we requested it and sent the paperwork in and we're just, we just requested it yesterday...

SPEAKER: The timeline....

CHAIR DICOME: No I understand, but what I'm, well, there was an internal debate so I apologize for that because it had to be answered a little bit higher than my altitude, but having said that, again, we can certainly talk to the applicant. But my question is what do you think can be accomplished I guess, at the facilitated meeting.

MR. GRIFFEE: So if you would in their rebuttal, if you would have asked them if they would be willing to reconsider the façade the roof line, if we were to concede to go along with the deviation within the IDO allowance (...unintelligible...) the 10 percent maximum.

CHAIR DICOME: And keep in mind also with a deviation there's some tests in in the IDO that you have to meet for a deviation and I'm not 100% sure based on what I've seen that they would necessarily 100% get that so, that's a chance too. We still have to look at the technical issues. I hope you understand that so let me just call this other person Ava Mueller and see if she's got comments if you want to step aside. Thank you very much. And Frank did you want to come up to save time or you want to speak separately? It's up to you.

AVA MILLER AND FRANK CAPUANO SWORN IN

MS. MILLER: I'm here representing the Oakland Estates Home Owner Association which is right across Oakland Avenue from the construction site in the apartments all together. Their main concern is that the traffic has gotten pretty bad on Oakland Avenue specifically. They're a lot less concerned with Alameda and (...unintelligible...) because they use (...unintelligible...) and at the gate where they wait for their kids to get picked up by the buses, multiple times it's been reported that somebody was flying and the speeding is just going nuts and that a couple children were almost hit at the end of the

school year which was very terrifying for us while I was there on my own doing a landscaping walk through I saw many speeding and it was just out of hand, unnecessary, I saw people come to a complete halt and turn and whiplashing it into the apartments. That's their main concern is the amount of people driving absolutely wild and it's not exactly what they consider to be a good regulation on that happening at the moment which wasn't that much of a problem before, is that you know the traffic obviously increased greatly at the time and that the safety is a big issue. However, they are also worried about the amount of people that this is going to be increasing people by you know, a whole floor's worth and that's going to affect their parking because Oakland Avenue is their overflow and they don't have great parking street wise inside the gated community so for them to have all the people on the road parking on the sides, people flying around, children can't get to the bus their main concern is the safety issue with that. They understand a safety traffic study was done but we'll probably be requesting one again soon because of the fact that their terrified of it. They are very worried about their kids into the next semester with more people flying around. They said that they'd already started construction, vehicles are parked on the street which makes a bigger amount and the hard thing is that I've gone in...I have a Ford Focus and I struggle to get through on a couple occasions with multiple people for residential type parking as well as with construction vehicles, things like that. They are very concerned with that primarily.

CHAIR DICOME: Okay, and you do understand that a lot of that is behavior...

MS. MILLER: And they understand that this (...unintelligible...) it's going to be something that needs to be studied and looked into and maybe the association that's running the apartments might able to regulate a little bit better, just anything to make it so that they feel safer with their children going to school in the next coming months.

MS. MICHEL: Can I ask, where is, is their school in that area?

MS. MILLER: No but the bus comes over Oakland Avenue to pick them up so they stand right outside the gate because, you know they can't get inside the gate to come around so they stand right there and its, I think where the apartment building is like sort of ends going east, that's where the gates start, so they stand there and it's about in the middle of that road so, it's just been crazy.

MS. MICHEL: Okay, I would suggest that, the City of Albuquerque's department of Municipal Development has a traffic management program, so I would suggest you go on the website and see if you can put in a request for them to do a study to look into any kind of speed management in that area.

MS. MILLER: Okay, will do.

SPEAKER: Unfortunately what's not counted is (...unintelligible...) behavior too, so I'm sorry but you know, I live near La Cueva high school and so Alameda is a very important artery for us for a commuters standpoint and we're very concerned about the fact that Alameda is two lanes in one direction and one lane in the other, and with that left turn lane being the one lane we, that backs up very easily in the San Pedro intersection and beyond, and that concerns us in that respect and just the impact of having more people in that area, the areas very sought after for middle school and the high school. I see a lot of families probably moving into that area. I don't hear anybody talking about the impact on APS enrollment and that concerns me that you know teachers are stressed enough, the APS is stressed enough I want to make sure my kids get a decent education. I want to make sure everyone gets a decent education and I don't see anybody target, looking at those numbers and that concerns me a little.

CHAIR DICOME: They made comments when this went before EPC. They were given an opportunity just fyi.

SPEAKER: Okay that's fine, like I said, I'm just a resident so.....

CHAIR DICOME: That's fine, we understand.

MS. MICHEL: I have to take my daughter up that road for school every day too so I understand. The City is working on trying to finish that section so they get that little bottle neck ...

SPEAKER: I understand, my understanding is Albuquerque finishes the road once the land is developed. But if they could just do something a little in advance there that would...

MS. MICHEL: Yeah we're in the process of trying to figure that out.

SPEAKER: Okay, that would be greatly appreciated okay.

CHAIR DICOME: Any other comments?

SPEAKER: That's really what I had.

CHAIR DICOME: Thank you for coming down, we appreciate it. Is anyone else signed up to speak on this? Okay can I have the applicant and ...come back up? Michael did you get a hold of ADR? Did they call you back?

MR. MICHAEL VOS, PLANNER: They left a message this morning and they can, they didn't give a specific amount of days, but they did say they could turn around a meeting very quickly if ...

CHAIR DICOME: ADR is the organization that handles the facilitated meetings. Again I tried to explain what I think the issues are and what could and could not be resolved but it's certainly up to you. He contacted his ADR office, they can turn around fairly quickly, but that's up to agent and applicant. We can have it ready; I don't know what could be done but...

MR. FAIZEL KASSAM: I am more than willing, I actually live in Oakland Estates I live at 8905 (...unintelligible...) block, so I know the area very well. My corporate office is actually located in 6501 Eagle Rock, that's a transfer station so we do business there. I go by there every day. And I wouldn't want to put a product there that would compromise our neighborhood. I think we heard you loud and clear with the facilitated meeting at Jackie's office saying, "hey, it's too high" so that's why we reduced it and made it something, and we, we're drawing within the box what's outlined by the City code. If you feel that we need to work (...unintelligible...) traffic mitigation, if there's an operational thing with my construction sites, I'll give you my contact information. I can introduce you to my superintendent and we can work on that. Whatever I can do to help out, I'm more than willing to.

CHAIR DICOME: My understanding is, you did at the pre-hearing, whatever we're calling it, the neighborhood meeting prior to the submittal, that you did have a pitch roof and that there was concerns about the height and so you addressed that by reducing it but you had to make it flat because otherwise...

MS. FISHMAN: We couldn't keep that roof design and make it 45' and with the comments that we received from the neighborhood, and you know the lack of the guarantee that we would get the deviation, the Kassam's went to some expense to have the architect redesign these buildings to fit within the IDO plan so, you know, it wasn't a matter of just you know, throw a new roof on, they had to redesign the whole building to stay within that footprint and design, so hearing that "oh now we want you to go back to the taller roof" you know, sort of gives me a little pause, as Mr. Kassam said we are willing to do a facilitated meeting but as you said I don't, I'm not clear what we will accomplish at that meeting but if it makes everyone feel better, that we're going to do a meeting we're ready to but I do think that of the board it sound like we could be delegated today so if you know, we're willing to do it but...

CHAIR DICOME: What could happen is, yes what we could do is take action with the delegation then if you want to have a meeting between them, you could do that, so it gets you off the agenda but still, before I sign if there's some kind of sign that you've had a facilitated meeting or did not or

MS. FISHMAN: Or if there is some change...

CHAIR DICOME: Right, we can, because that would be, what it sounds like, it's not the layout, it would potentially be the elevations. You understand that, folks? Okay, does

that work? Okay. Alright, with that Angela on item number one we will go ahead and conditionally approve the site plan amendment with delegation to Hydrology and Planning. And contact us and we'll work out with A.D.R what would be the soonest. Do we have one of your contact information...we have your information correct? Okay.