PUBLIC COMMENTS

(Individual Letters)

(Chronological Order)

NEW MEXICO
LAND CONSERVANCY

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Preserving New Mexico's land heritage by helping people conserve the places they love.

September 7, 2018

Office of the Mayor
P.O. Box 1293
Albuquerque, NM 87103

Dear Mayor Keller,

I am writing to voice support for the preservation of the Poole Estate Property located in Albuquerque along the Rio Grande immediately west of the Rio Grande Nature Center State Park.

A few weeks ago, I was contacted by Dr. Susan Chaudoir, an Albuquerque resident who lives near the property who shared her concerns about the proposed development of this property into a residential subdivision. Dr. Chaudoir brought to my attention that this property is one of the few remaining, undeveloped tracts of land located along the west bank of the Rio Grande between Paseo del Norte Boulevard and I-40. The approximately 24-acre property contains valuable riparian habitat for wildlife living in and passing through the area and also contributes to a scenic viewshed along the river that many local residents currently enjoy, both of which are conservation values and public benefits that are increasingly compromised by surrounding development.

I subsequently had several follow up conversations with Dr. Chaudoir about possible conservation alternatives to the development scenario currently being proposed and pursued by the landowners. Given the property's location on the river and proximity to the state park, we feel that it would represent a valuable acquisition as either an addition to the state park or as a new Albuquerque Open Space area that could serve as a complimentary buffer for the park. Preservation of the property would also be consistent with the interests of the former and now deceased owner, Susan Poole, who was an active conservationist during her lifetime.

I understand that Dr. Chaudoir has continued to rally support for the preservation of this property and has recently been in touch with your office. I would like to express our general support for her efforts and our willingness to be part of ongoing discussions about possible alternatives to the proposed development plan for the site. If funding could be made available to preserve this property, while we would not have the capacity to own and manage it directly, we would potentially be willing to hold a conservation easement over the property if that turned out to be a more viable and economic option than outright fee acquisition by either providing some tax/financial benefit to the

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current landowner, or potentially enabling the future purchase of the property by a public entity at a reduced and more affordable price.

We hope that you and the City of Albuquerque will see this as a worthy conservation opportunity that is worthy of your consideration. Feel free to contact us if we can be of any assistance. Thank you and best regards.

Sincerely,

J. Scott Wilber
Executive Director

c.c. Dr. Susan Chaudoir

Board of Directors

Executive Committee

Claudette Horn
Chair
Environmental Manager,
PNM Resources
Albuquerque, NM

Lawrence Rael
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New Mexico State University
Las Cruces, NM

Preserving New Mexico's land heritage by helping people conserve the places they love.

September 8, 2018

Office of the Mayor
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Preservation of Poole Property-Rio Grande Oxbow

Dear Mayor Keller,

On September 5th, the Westside Coalition of Neighborhood Associations voted unanimously in support of efforts to preserve this significant landmark along the Rio Grande and its Bosque.

The Poole Property sits on the west bluff overlooking the Rio Grande/San Antonio Oxbow. It is located across the Rio Grande directly west of the Nature Center. The Oxbow, a 40-acre wetland, offers majestic views of the city and the mountains and is considered a significant landmark along the Rio Grande serving as a wildlife preserve for many riparian and aquatic animals.

The Poole estate is also a significant cultural property and one of the first homesteads on the westside. The Poole's arrived in Albuquerque in 1957. They built their adobe homes after purchasing 388 acres of land from the Taylor Ranch family. Their original purchase extended from Montano Rd. to St. Pius, east of Coors Blvd. They were very instrumental in the founding of the Santa Fe opera and Popejoy Hall. Overall, the Poole's made significant contributions to the Albuquerque community as well as the State of New Mexico.

It is our understanding that this property is slated to be developed as a 73-unit residential subdivision following the demolition of the historic structures. We feel this site has added attributes that would serve the Albuquerque public rather than a typical subdivision.

Therefore, Mayor Keller, the Westside Coalition supports your effort to secure and preserve this unique cultural resource as we're rapidly running out of opportunities to preserve precious open spaces.

Sincerely,

Harry Hendriksen , Vise-President, WSCONA

Rene Horvath, Land-use Chair, WSCONA

Dr. Joe L. Valles, Executive Committee, WSCONA

Jerry Worrall, President, WSCONA

September 28, 2018

Susan Chaudoir

I viewed the Poole property Thursday evening, September 20 with Susan Chaudoir. It is located on the west bluff of the Rio Grande just upstream from the "oxbow" and Interstate 40. I would like to see the Poole property kept in a natural state rather than dense housing. Housing would render the Poole property unusable for wildlife and would likely cause more disturbance to wildlife in the Rio Grande. The immediate close by river would be less attractive to migratory birds since they would view a housing area rather than open space. The area to the west of the houses is grassland with some shrubs that produces small mammals that serves as a food base for predators. Around the houses are large trees that can provide nesting and perch sites for raptors. This property is adjacent to the Rio Grande which increases it's value to the river ecosystem.

Sandhill cranes roost along the river and feed in croplands next to the river. Disturbance of roost sites may push sandhill cranes to other less suitable roost sites or cause them to move larger distances to find river areas that are undisturbed. There are several feeding areas in Albuquerque that sandhill cranes use including private cropland, Los Pablanos Open Space, Open Space Visitor Center, cropland adjacent to the Rio Grande Nature Center State Park, and other cropland that Albuquerque Open Space manages. Sandhill cranes need both feeding areas and roosting sites. If roosting areas along the Rio Grande are limited or further restricted, then the sandhill cranes could abandon the area. One of the goals of a new, developing Resource Management Plan for Candelaria Farm Preserve (near the Nature Center) will be to attract sandhill cranes in the winter time. It is crucial that a nearby roosting area be available for cranes.

Brian Hanson

Wildlife Biologist with over 30 years of experience in New Mexico

Somerfeldt, Cheryl

Subject: FW: Please help!

---------- Forwarded message ---------
From: **Shelley And Joe** <sjbnjeb@gmail.com>
Date: Mon, Oct 1, 2018 at 12:47 PM
Subject: Please help!
To: Home <sjbnjeb@gmail.com>

I have written a letter to the mayor ‘s office(Megan Holcombe) on September 27th and am awaiting a reply. I was told by others to not expect a reply! I will attach a copy of the letter so you will know what this is in reference to.

I am not political, nor have I ever sent a communication to any public office. I am a new resident to Albuquerque , and my concerns place me opposite a company who has been here for some time. In just a short time I have seen corners all along Coors Blvd gobbled up by commercialism. I live on the NW side, and am located behind the Susie Poole estate, which runs along the Bosque, next to the Oxbow. This property is sited to become a gated community with 73 homes including “cluster homes”. This is one of the last remaining gems on this side. Not only a natural environmental preserve but historical as well.
I’m sending this to you, to you to ask you to help us keep this magnificent piece of Albuquerque history, and beauty.
Regards,
Shelley Bauer713 594 8429

Hi Megan,
This letter is in regard to the Poole Property purchased, or, maybe in the process of being purchased by the Abrazo home development Company.

I know you have been brought up to date on the situation by others who are concerned about the proposed 73 home development on this precious piece of land.

I am not a native of New Mexico, but have fallen in love with the majestic, historical views this beautiful city is built around. I dont want to get all mushy but I have to tell you sometimes just looking around at the scenery here and the open spaces just calms down the jitters or the speed that modern day life has created. It really is beautiful! This small but beautiful piece of land known as the Poole property (although I don't think it is owned by the Poole's anymore?) is slated to become a housing development with 73 homes including "Cluster Homes". Just the title "Cluster Homes" itself brings a twist to my stomach.....

I'm not learned in law, or in the world or real estate, but....this little piece of land once owned by a person who cared about the beauty of this city, and has done so much to establish it's richness in the arts, animal preservation and culture should should not have her memory or existance erased by a bunch of "cluster Homes". This parcel of land should be admired by all people who decide to enjoy the trails and outdoors here, on this side of town. To turn this into anything but

the remaining little gem that it is, should be considered short sighted! Will we have turned one of the last remaing enviornmental preserves on the west side of the city into another enchroachment on nature's beauty, which can never be replaced.

This majestic portion of the most beautiful city is about to be turned into an overly dense urban type development destoying the life and its inhabitants, which make up the essence and legacy of this beautiful state!!! Upon a neighborhood meeting with the above mentioned developer, when asked about the many, many beautiful trees they informed us that the bulldozer will deal with the trees!!!

FYI, almost every night around sunset, citizens from all over Albuquerque park on Tres Gracias Road, and soak in the beauty of this magnificent property. Come look for yourself, you are always welcome!

Sincerely,
Shelley and Joe Bauer
Andalucia Residents
sjbnjeb@gmail.com

Sent from my iPhone
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This message has been analyzed by Deep Discovery Email Inspector.

LA LUZ LANDOWNERS ASSOCIATION
1A Loop One N.W.
Albuquerque, New Mexico 87120
(505) 897-3030

October 2, 2018

Dear Mayor Keller,

This letter accompanies a Resolution submitted by La Luz Landowners Association Board of Directors. We met on Monday, September 24, 2018 and discussed the proposed development of the Poole property (the property is just south of the La Luz Townhome development and the open space owned by La Luz).

Our community is celebrating our 50th Anniversary this year, and we are fully aware of the multiple benefits of living in an area surrounded by the natural beauty of Albuquerque. Our past history reflects the forward thinking of the architect and developer who built La Luz; we want our future to demonstrate the forward thinking Albuquerque community who will preserve the Poole Property.

We appreciate the time you are taking to read this letter and the resolution. We are sending the resolution to the Environment Planning Commission and want to ensure that it is part of the written record of the hearing.

We look forward to working together to 'think outside the box' and make firm plans to protect and preserve the property.

Best regards,

Kathleen Adams
La Luz Landowners Association
External Affairs/ Member of Board of Directors

LA LUZ LANDOWNERS ASSOCIATION
1A Loop One N.W.
Albuquerque, New Mexico 87120
(505) 897-3030

RESOLUTION
Board of La Luz del Oeste
September 26, 2018

WHEREAS
La Luz del Oeste has conserved 40 acres of Open Space since 1968, and by its commitment to this protected habitat has demonstrated its investment in Open Space in the City of Albuquerque and Bernalillo County;

WHEREAS
The Poole Property sits on the west bluff overlooking /adjacent to the Rio Grande/San Antonio Oxbow and is located directly west of the Rio Grande Nature Center State Park Nature Center;

WHEREAS
The Poole Property offers sweeping views of the city, the Bosque and the mountains; it functions as a wildlife preserve for many desert, riparian, and aquatic plants and animals, as well as functions as a refuge on the Rio Grande flyway; it contains the hydrologically and ecologically important Oxbow protected by the City;

WHEREAS
Bobcat (*Lynx rufus)* has been observed as resident and reproductive on the Poole Property, and the Poole Property provides important linkages to other bobcat habitat due to the high degree of habitat fragmentation associated with urban development;

WHEREAS
The Poole Property is a significant cultural property because of the instrumental philanthropy of the Pooles in co-founding the Santa Fe Opera and Popejoy Hall, and because of architectural features of their 60-year-old adobe home;

WHEREAS
The Poole Property is a rare undeveloped riparian parcel between Shady Lakes and Tingley Beach;

WHEREAS
The Poole Property is proposed to be developed as a 73-unit residential subdivision following the demolition of the Poole's historic structures.

WHEREAS
Residential housing can be developed at many other locations within the Albuquerque area, but riparian open space cannot because of its unique location and attributes;

BE IT RESOLVED
That the Poole Property become part of the Open Space corridor of the Rio Grande, and be linked with the Open Spaces held in public trust by Bernalillo County and the City of Albuquerque.

AND BE IT RESOLVED
That the Poole property in its entirety, including the home, be held by a public or private entity willing to conserve this property, with a view to eventual acquisition of it as part of the Open Space or State Park corridor of the Rio Grande.

Somerfeldt, Cheryl

From: Kenneth Funk <toyfoxthomas@hotmail.com>
Sent: Sunday, October 14, 2018 1:57 PM
To: Somerfeldt, Cheryl
Subject: Project 2018-0014021656 - Overlook at Oxbow - Old Poole Estate

Thank you for returning my phone call last Thursday concerning the subject proposed project. As I stated during our call, my partner and I, as well as a number of homeowners living next to or near the old Poole estate, have a number of real concerns with the impact of such a project, in particular the density of the project and the impact it will have on the bird sanctuary and bosque, which are immediately adjacent to the eastern and southern ends and to some extent the northern end of the estate.

While we always understood the land could be developed, a major concern we have with the proposed development is with the increased density of homes in this project over what many of us originally were advised would be built on the estate. The 73 homes proposed to be built on the estate is far greater than the 1+ acre sites we originally understood would be built out on 22 1/2 acres of the old Poole estate. We have also recently learned the city rezoned the area from 1 acre sites to 1/4 acre sites, which is a complete surprise to us given that it is next to an extremely sensitive area, i.e. the bird sanctuary and wet lands. This may be the only such area, i.e. bird sanctuary, in the city and we would think special efforts would be made by the city to ensure disturbance of the sanctuary by new development be kept to a minimum. The sanctuary is host to a number of domestic and migratory birds, including, egrets, geese, ducks, swans, owls, eagles, hawks, and large flocks of swallows, to name just a few species of birds inhabiting the area. Examples of the beauty of the bird sanctuary include: each evening the swallows gather into large black cloud like flock of birds and fly and dive over and near the sanctuary creating beautiful patterns as they fly; a few month back we counted 11 egrets, including parents and their offspring in the San Antonio arroyo, which had flown from the sanctuary across the old Poole estate and landed in the San Antonio arroyo on the north side of the estate; in the spring the sanctuary is alive with all kinds of birds nesting. Additionally, the sanctuary and bosque are home to beavers, porcupines, coyotes, bob cats, owls, etc. The proposed development of 73 homes, which far exceeds the approximately 22 or so homes that under the original zoning could be built, will have a greater negative impact on the continued success of the bird sanctuary and the bosque and its wildlife. This is one of the last relatively undeveloped pieces of land on the west side so close to the city center and as such it should be developed with a strong emphasis on preserving much of the land in its original state, especially where it is adjacent to the bird sanctuary and bosque. One of the primary reasons we chose to live in this community is because of its near proximity to the bird sanctuary and bosque, which allows us to regularly observe the varied wildlife currently residing in the area. Should such a high density development be approved on the old Poole estate, we as a city can never be able go back and reinstate the natural beauty that currently exists in the oxbow adjacent to the estate!

This high density development also gives us great concerns with the increase in automobile traffic it will bring to the area. Given that the proposed plans call for building 73 homes, this would probably mean an additional 150+ cars travelling on Namaste and Seville, the only two roads that can access the old Poole estate. This large increase in traffic would greatly impact the peace and quite currently enjoyed in the areas immediately surrounding the old Poole estate, including the open space on the west side of the bird sanctuary, surrounding

neighborhoods and most importantly, birds and wildlife that make their home in the bird sanctuary and bosque.

Additionally, we are concerned that while the city rezoning is such that now many more lots, i.e. homes can now be built on the old Poole estate, that the plans submitted to the EPC also call for an "exception", i.e. Consensus Planning is requesting an exception on behalf of the applicant to IDO Section 14-16-5-3(E)(1)(d) which prohibits stub streets and cul-de-sacs. We understand in May of this year a change was made by the City to the zoning laws for this area, which ultimately and positively affected this proposed development by reducing the required minimum lot size from 1+ acres to 1/4 acres. While we do not know why this change came about, although it would seem that it greatly benefits a developer and not the homeowners in the area, that in addition to this favorable change in the law, that the applicant is also requesting the exception noted above in order to put in a stub street and cul-de-sac as we understand to avoid the sensitive lands including steep slopes, floodplains, an arroyo, and the oxbow escarpement. While this exception request sounds on the surface like a very good reason for the request, we feel the real reason for requesting the exception is really to allow the applicant to put more lots on the east side of the proposed development then would otherwise be allowed. This exception request relates to the most environmentally sensitive portion of the old Poole estate! Obviously more lots means more revenue from the project.

Ultimately, we have known for sometime that some form of development will be put in the old Poole estate. However, we would like to see something that is far less dense and therefore less invasive on the natural beauty of the adjacent bird sanctuary, bosque lands and wildlife.

Kenneth Funk
505-301-9132
El Bosque Homeowner

Virus-free. www.avast.com

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This message has been analyzed by Deep Discovery Email Inspector.

October 15, 2018
Susan Chaudoir, PhD
MSC. MA, PGCD
Albuquerque, NM

Dear Dr. Chaudior,

On behalf of the Whitfield Wildlife Conservation Area Friends, we are writing to provide our support towards the efforts to save the Poole Property from development. This is the property that is located directly across the Rio Grande River from the Rio Grande Nature Center. It is our understanding that this property is slated to be developed as a 73 unit residential subdivision following the demolition of the historic structures. We are committed to preserving wetland riparian and aquatic wildlife areas such as ours in Valencia County, known as the Whitfield Wildlife Conservation Area. We are an example of how community efforts can make a difference for the citizens to enjoy a naturally preserved area and also provide environmental science education to all fourth and fifth grade students in our county. We invite the Mayor of Albuquerque to come visit our extraordinary place and learn about what we have accomplished for the citizens of our community by preserving a natural habitat such as the one described as the Poole Property.

We are on record opposing the applicant's request for Site Plan EPC Variance. We also understand the applicant declares the plan as cluster housing, which meets city's IDO definition; however, it is erroneous to claims cluster housing when the plan includes "traditional" or "conventional housing". We would like to be on record stating the plan should not be allowed on the property abutting wetland without further evidence that the property is not ecological sensitive or does not contain riparian habitat or is not an effective wildlife corridor in its current state (as full 24 acres). The applicant lacks evidence that development will not have adverse impacts on public safety, health or welfare and surrounding properties including wetland, river, arroyo and state park.
Please feel free to let your constituents know we support you 100%. We are available to share our lessons learned when an area is set aside to support nature and community science education.

Sincerely,

Eileen L. Beaulieu
President, Whitfield Wildlife
Conservation Area
2424 NM-47
Belen, New Mexico 87002
(505) 249-7929

October 15, 2018

Environmental Planning Commission
Attn: Commissioners
600 2nd St. NW
Albuquerque, NM 87102

Re: Overlook at Oxbow Application from Consensus Planning; 5001 Namaste Road Site Plan – EPC

Honored Commissioners,

The Overlook at Oxbow Application Package of Sept. 27, 2018 is deficient on a number of points.

1). The Application is for a gated, private single-family home development very close to Major Public Open Space on the Rio Grande River. The Application states that the Open Space is to be controlled by the housing HOA and CoA Albuquerque Open Space Division (see eg. below). But it is silent as to what maintenance fees will be charged to which parties to maintain the Open Space and the river slopes that constitute the development's Open Space buffer. Will there be Impact Fees charged to CoA Open Space Division or the general tax base? Any handicapped public person, bringing a car, will have to access the Open Space from 2,000 feet away (see eg. below)

Overlook at Oxbow Application Page 71 of the Application:
LOTS C42 THRU C-50 AND RA-12 THRU RA-23 (HATCHED AREA) SHALL NOT BE ALLOWED TO HAVE PRIVATE, REAR YARD ACCESS TO THE ADJACENT OPEN SPACE. ACCESS TO THE OPEN SPACE AREAS SHALL BE CONTROLLED BY THE HOA AND CITY OF ALBUQUERQUE OPEN SPACE DIVISION.
Page 71 of the Application: PRIMARY VEHICULAR ACCESS IS FROM NAMASTE ROAD, AN EXISTING URBAN LOCAL STREET. THE SUBDIVISION SHALL BE GATED.
PEDESTRIAN ACCESS/CIRCULATION WILL BE PRIVATE, GATED ACCESS.
TRANSIT ACCESS: TRANSIT ACCESS IS AVAILABLE ON COORS BOULEVARD, APPROXIMATELY 2000 FEET TO THE WEST.
A GATED EMERGENCY AND PEDESTRIAN ACCESS IS PROVIDED TO LA BIENVENIDA PLACE.

2). The Application seeks a strong variance to Section 14-16-5-3(E)(1)(D) of the IDO to avoid placing walkways from the development to the "gifted" Open Space slope, which is not buildable (a slope 35 feet to the water) (see below). The project is on sensitive and fragile land, to be gated and fenced, and those are the true reasons the Applicant seeks the variance. The land and floodplain are fragile. The site meets 7 of the criteria cited in the IDO to not build on this site. Has a report from the State Archaeologist (see item 10 below) come in about artifacts found on the site over the years that Susan Poole lived there? This application should be denied or postponed. (see below).

Application Page 71: GENERAL NOTES: 1. WITH THE APPROVAL OF THIS SITE PLAN, THE ENVIRONMENTAL PLANNING COMMISSION GRANTS A VARIANCE - EPC TO IDO SECTION 14-16-5-3(E)(1)(D) STUB STREETS AND CUL-DE-SACS. THE VARIANCE IS JUSTIFIED PURSUANT TO IDO SECTION 14-16-6-6(M)(3).

**IDO: 5-2(C) AVOIDANCE OF SENSITIVE LANDS 5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:

5-2(C)(1)(a) Floodplains and flood hazard areas
5-2(C)(1)(b) Steep slopes
5-2(C)(1)(c) Unstable soils
5-2(C)(1)(d) Wetlands
5-2(C)(1)(e) Arroyos
5-2(C)(1)(f) Irrigation facilities (acequias)
5-2(C)(1)(g) Escarpments
5-2(C)(1)(h) Rock outcroppings
5-2(C)(1)(i) Large stands of mature trees
5-2(C)(1)(j) Archaeological sites

IDO: 5-3(E)(1)(d) Stub Streets and Cul-de-Sacs Stub streets and cul-de-sacs that terminate the road are prohibited, with the following exceptions: 1. Cul-de-sacs are allowed where necessary to avoid those types of sensitive lands listed in Section 14-16-5-2(C).

3). Page 63 of the Application: Item 2 states "The Variance will not be materially contrary to the public safety, health or welfare". The cul-de-sacs and street design can lead to problems with garbage truck transit and or emergency vehicle transit and turn-around. Where are the reports from Solid Waste Dept. and the Fire Dept. that the designed streets comply with the requirements and access by their vehicles? This Application should be deferred until those reports, and others have been placed with the Application for the public to review.

4). The Application seeks to involve City Open Space with the improvements and extension of Namaste Road. The application is silent as to which party will construct the improvements and/ or maintain any improvements to Namaste Road. Will the improvements come out of Impact Fees? Will these fees be waived by the Planning Committee and placed on the general taxing burden of the City because it manages the described Open Space? (see eg.) Will Gamma Development guarantee public access to the wetlands space off of Namaste Road? Will the HOA deny access to the public after a certain amount of time? The Application is silent on these issues.

71: General Notes: 2. THE OWNER WILL COORDINATE WITH CITY OPEN SPACE STAFF REGARDING IMPROVEMENTS TO THE TERMINUS OF NAMASTE ROAD TO FACILITATE TRAILHEAD PARKING AND ACCESS.

(Public Access (from the IDO)5-2(E)(3)(d) For new subdivisions adjacent to existing arroyo corridors, access to existing arroyo corridor trails shall be provided for residents of the

subdivision at an interval of 1,320 feet for unpaved trails and ½ mile for paved trails. Access for the public may be provided at the applicant's option or as required to comply with other provisions of this IDO, the DPM, or other adopted City regulations.

5). Page 56 of the Application states that participants have not received a drainage report about the property from AMAFCA. Has this come in? Does it support the builder or does it identify issues of drainage and water flow that could affect the project and/or jeopardize the Open Space land that is so close to the project?

6). The project is a gated, private, exclusive housing development. No one in Planning or the EPC should be able to waive developer's impact fees if public access is not granted. *No impact fees are discussed in the "Overlook at Oxbow Application Package"*. The site plan discusses access to Major Public Open Space at the Oxbow, but the development is fenced off. An impact fee analysis from the Impact Fee Administrator (IDO: 14-16-6-6-2(G)) should be included in the Oxbow Application before examination by EPC. Particularly, the financial burden on the City should be in detail.

CONCLUSION

There are significant gaps of information and reports that did not accompany this Application. A notable part of the Application is silent about the responsibility the City will have for improvements and maintenance of spaces inside the private areas of this development. The Application must be deferred from approval until the issues generated by those reports are resolved to the satisfaction of all concerned parties.

Respectfully,

Becky C. Davis

Becky C. Davis
Citizen of Albuquerque
Member of IDO Sub-Committee of Westside Coalition of Neighborhood Associations
500 Leeward Dr. NW
Albuquerque, NM 87121

October 17, 2018

Office of the Mayor

P.O. Box 1293

Albuquerque, New Mexico 87103

Re: Preservation of Poole Property-Rio Grande Oxbox

Dear Mayor Keller,

On September 5th, the Westside Coalition of Neighborhood Associations voted unanimously in support of efforts to preserve this significant landmark along the Rio Grande and its Bosque.

The Poole Property sits on the west bluff overlooking the Rio Grande/San Antonio Oxbow. It is located across the Rio Grande directly west of the Nature Center. The Oxbow, a 40-acre wetland, offers majestic views of the city and the mountains; it is considered a significant landmark along the Rio Grande serving as a wildlife preserve for many desert, riparian, and aquatic plants and animals, as well as functions as a refuge on the Rio Grande flyway; it contains the hydrologically and ecologically important Oxbow protected by the City.

The Poole estate is also a significant cultural property because of the instrumental philanthropy of the Pooles in co-founding the Sante Fe Opera and Popejoy Hall, and because of architectural features of their 60-year-old adobe home. The estate is one of the first homesteads on the westside. The Poole's arrived in Albuquerque in 1957. They built their adobe homes after purchasing 388 acres of land from the Taylor Ranch family. Their original purchase extended from Montano Rd. to St. Pius, east of Coors Blvd. Overall, the Poole's made significant contributions to the Albuquerque community as well as the State of New Mexico.

It is our understanding that this property is slated to be developed as a 73-unit residential subdivision following the demolition of the historic structures. Residential housing can be developed at many other locations within the Albuquerque area, but this riparian open space is irreplaceable because of its unique location and attributes. We feel the Poole estate in its entirety, including the home, should be held by a public entity to serve the Albuquerque public rather than a typical subdivision.

Therefore, Mayor Keller, as concerned homeowners of El Bosque community, we support your effort to secure and preserve this unique cultural resource as we are rapidly running out of opportunities to preserve precious open spaces.

Sincerely,

Concerned Homeowners of El Bosque

Printed Name & Signature	Address
1. Kenneth Funk	4908 Camino Valle Tr NW 87120
2. ROBERT ERSELIUS / Robert Erselius	4908 CAMINO VALLE TRL NW 87120
3. Loretta Johnson /	4905 Camino Valle Trl NW 87120
4. William F. Johnson /	4905 Camino Valle Tr NW 87120
5. THOMAS GULLEY	4701 VALLE BONITA LN NW 87120
6. JANE E Gulley Jane E. Gulley	4701 Valle Bonita Ln NW 87120
7. Joann Patton Joann Patton	4804 Valle Santo Trl 87120
8. Michael J Micel Michael J Micel	4812 Valle Santo TRL 87120
9. SAEEUN AUH MICEL	4812 Valle Santo Trl 87120
10. Tina Kouri	4912 Camino Valle Trail NW Albuquerque NM 87120
11. SEAN BERGEN	4808 VALLE SANTO TRL NW ABQ 87120
12. Audrey Bergen	4808 Valle Santo Tr NW ABQ 87120
13. PAULINE HANSEN Pauline Hansen	5020 CAMINO VALLE TRL NW ABQ 87120
14. RALPH S. HANSEN	5020 CAMINO VALLE TRL NW ABQ 87120
15. Toni Richter Toni Richter	4909 Camino Valle Trl NW 87120
16. RON RICHTER Ron Richter	4909 CAMINO VALLE TRL NW 87120
17. Amy Simon	4820 Valle Santo Trl. NW 87120
18. Susan Martinez Susan Martinez	4909 Valle Romantico Way NW 87120
19. Vince Martinez	4909 Valle Romantico Way NW 87120
20. Cara M. Chavez Cara M. Chavez	5012 Camino Valle Tr ABQ 87120
21. Carolyn Bregman	4700 Valle Bonita Ln NW, ABQ NM 87120
22. Donavan Lopez	4700 Valle Bonita Ln NW, ABQ NM 87120
23.	

Printed Name & Signature	Address
24. ERNESTO FRESQUEZ, Ernesto Fresquez	4900 CAMINO VALLE TR. NW
25. Ron Richter, Ron Richter	4909 Camino Valle Trl NW 87120
26. Tioni Richter Tioni Richter	4909 Camino Valle Trl NW 87120
27. Sonya Thompson	4800 Valle Santo Trl NW 87120
28. Charla Durkin (Charla Durkin)	4916 Camino Valle Trl. N.W. 87120
29. Peter Durkin Peter Durkin	"
30. DAVID P MARQUEZ	4800 VALLE BOSQUE NW APT 39 87120
31. Dana Lester Dana	4901 Camino Valle Trl NW 87120
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Concerned Homeowners of El Bosque

Printed Name & Signature	Address
1.	
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5. RON SANCHEZ	4904 CAMINO VALLE TR
6. LYDIA SANCHEZ	4904 CAMINO VALLE
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October 17, 2018
Office of the Mayor
P.O. Box 1293
Albuquerque, New Mexico 87103
Re: Preservation of Poole Property-Rio Grande Oxbox

Dear Mayor Keller,

On September 5th, the Westside Coalition of Neighborhood Associations voted unanimously in support of efforts to preserve this significant landmark along the Rio Grande and its Bosque. The Poole Property sits on the west bluff overlooking the Rio Grande/San Antonio Oxbow. It is located across the Rio Grande directly west of the Nature Center. The Oxbow, a 40-acre wetland, offers majestic views of the city and the mountains; it is considered a significant landmark along the Rio Grande serving as a wildlife preserve for many desert, riparian, and aquatic plants and animals, as well as functions as a refuge on the Rio Grande flyway; it contains the hydrologically and ecologically important Oxbow protected by the City.

The Poole estate is also a significant cultural property because of the instrumental philanthropy of the Pooles in co-founding the Sante Fe Opera and Popejoy Hall, and because of architectural features of their 60-year-old adobe home. The estate is one of the first homesteads on the westside. The Poole's arrived in Albuquerque in 1957. They built their adobe homes after purchasing 388 acres of land from the Taylor Ranch family. Their original purchase extended from Montano Rd. to St. Pius, east of Coors Blvd. Overall, the Poole's made significant contributions to the Albuquerque community as well as the State of New Mexico.

It is our understanding that this property is slated to be developed as a 73-unit residential subdivision following the demolition of the historic structures. Residential housing can be developed at many other locations within the Albuquerque area, but this riparian open space is irreplaceable because of its unique location and attributes. We feel the Poole estate in its entirety, including the home, should be held by a public entity to serve the Albuquerque public rather than a typical subdivision.

Therefore, Mayor Keller, as concerned homeowners of El Bosque community, we support your effort to secure and preserve this unique cultural resource as we are rapidly running out of opportunities to preserve precious open spaces.

Sincerely,
Concerned Homeowners of El Bosque

Printed Name & Signature	Address
1. ERNESTO FRESQUEZ, Ernesto Fresquez	4900 Camino Valle Tr., NW 87120
2. JEANETTE ACOSTA-FRESQUEZ Janette Acosta Fresquez	4900 CAMINO VALLE TR, NW 87120
3.	
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October 19, 2018

Environmental Planning Commission
c/o City of Albuquerque Planning Dept.
3rd Floor
600 2nd St. NW
Albuquerque, New Mexico 87102

Re: Project 2018-001402 Overlook at Oxbox

Dear Chairman Derek Bohannan,

This letter serves to advise the Environmental Planning Commission (EPC) of a number of real concerns we as concerned homeowners in El Bosque have with the impact of such a project, in particular the density of the project and the impact it would have on the wetlands and bosque immediately adjacent to the eastern and southern ends and to some extent the northern end of the estate.

While we have always understood the land could be developed, a major concern we have with the proposed development is with the increased density of homes in this project over what many of us were originally advised would be built on the estate. The 73 homes, including 50 cluster homes, proposed to be built on the estate is far greater than the 1+ acre sites we originally understood would be built out on 22 1/2 acres of the old Poole estate. We have also recently learned the city rezoned the area from 1 acre sites to 1/4 acre sites, which is a complete surprise too many of us given that it is next to an extremely sensitive area, i.e. the bosque and wetlands of the Oxbow. This is the only such wetlands in the city and as such we would think the city would make every effort to ensure disturbance of these wetlands and adjacent bosque by new development would be kept to a minimum. The wetlands is host to a number of domestic and migratory birds, including, egrets, geese, ducks, swans, owls, eagles, hawks, and large flocks of swallows, to name just a few species of birds inhabiting the area. Examples of the beauty of the wetlands include for example: each evening the swallows gather into a large black cloud like flock and fly and dive over the wetlands and old Poole estate creating a beautiful spectacle; a few month back we observed 11 egrets, including parents and their offspring in the San Antonio arroyo, which lies on the north side of the estate; in the spring the wetlands are alive with all kinds of bird, both

domestic and migratory, many nesting in the area. Additionally, the wetlands and bosque are home to beavers, porcupines, coyotes, bob cats, owls, etc. The proposed development of 73 homes, which far exceeds the approximately 22 or so homes that under the original zoning could be built, will have a much greater negative impact on the continued success of the wetlands and the bosque and its wildlife. This is one of the last undeveloped pieces of land on the west side so close to the city center and as such, if it must be developed, it should be developed with a strong emphasis on preserving much of the land in its original state, i.e. an increased amount of land set aside as open space, especially where it is adjacent to the wetlands and bosque. One of the primary reasons we chose to live in this community is because of its near proximity to the wetlands and bosque, which allows us to regularly observe the varied wildlife currently residing in the area. Should such a high density development be approved on the old Poole estate, we as a city will never be able go back and reinstate the current natural beauty of the estate and adjacent lands as well as wildlife, which will move out as a consequence of so many homes being in the immediate area.

This high density development also gives us great concerns with the increase in automobile traffic it will bring to the area. Given that the proposed plans call for building 73 homes, this would probably mean an additional 150+ cars travelling on Namaste and Seville, the only two roads that can access the old Poole estate. This large increase in traffic would greatly impact the peace and tranquility currently enjoyed in the areas immediately surrounding the old Poole estate, including the open space on the west side of the wetlands, surrounding neighborhoods and most importantly, birds and wildlife that make their home in the wetlands and bosque.

Additionally, we are concerned that while the city rezoning is such that now many more lots, i.e. homes can now be built on the old Poole estate, that the plans submitted to the EPC also call for a "variance", i.e. Consensus Planning is requesting an exception on behalf of the applicant to IDO Section 14-16-5-3(E)(1)(d) which prohibits stub streets and cul-de-sacs. We understand in May of this year a change was made by the City to the zoning laws for this area, which ultimately affected this proposed development in the developer's favor, by reducing the required minimum lot size from 1+ acres to 1/4 acres. While we do not know why this change came about, although it would seem that it greatly benefits a developer and not the homeowners in the area, that in addition to this

favorable change in the law for the applicant, that the applicant is also requesting the variance noted above in order to put in a stub street and cul-de-sac as we understand to avoid the sensitive lands including steep slopes, floodplains, an arroyo, and the oxbow escarpement. While this variance request sounds on the surface like a very good reason for the request, we feel the real reason for requesting the variance is really to allow the applicant to put more lots, i.e. homes on the east side of the proposed development then would otherwise be allowed. In other words increasing the density of homes in the area. This variance request relates to the most environmentally sensitive portion of the old Poole estate! Obviously more lots means more revenue for the developer from the project.

Ultimately, we have known for some time that some form of development would be put in the old Poole estate. However, if we cannot at best save this amazing and important property from development, at the least, we would like to see something that is far less dense and therefore less invasive on the natural beauty of the adjacent wetlands and bosque lands and its wildlife.

We have also attached a copy of our letter to the Mayor's office with our support of his efforts to acquire and preserve this significantly historical estate.

Sincerely,

Concerned Homeowners of El Bosque

Printed Name & Signature	Address
1. Kenneth Funk	4908 Camino Valle Tr. N.W Abq 87120
2. ROBERT ERSELIUS	4905 CAMINO VALLE TRL. NW ABQ. 87120
3. Tina Kauri	4912 Camino Valle Trail NW Albuquerque, NM 87120
4. Audrey Bergen	4808 Valle Santo Tr NW ABQ 87120
5. SEAN BERGEN	4808 VALLE SANTO TR NW ABQ 87120
6. Joann Patton	4804 Valle Santo Trl NW 87120
7. William P. Johnson	4905 Camino Valle Tr. NW 87120
8. THOMAS P. GULLEY	4701 VALLE BONITA LN NW 87120
9. JANE E Gulley	4701 Valle BONITA LN NW 87120
10. Loretta Johnson	4905 Camino Valle Trl. NW 87120
11. Michael J. Miceli	4812 Valle Santo TRL NW 87120
12. SaeEunAnh Miceli	4812 Valle Santo Trl NW 87120
13. PAULINE HANSEN	5020 CAMINO VALLE TRL NW ABQ 87120
14. RALPH S. HANSEN	5020 CAMINO VALLE TRL NW ABQ 87120
15. Toni L. Richter	4909 Camino Valle Trl NW 87120
16. RON RICHTER	4909 CAMINO VALLE TRL NW 87120
17. Amy Suman	4820 Valle Santo Trl. NW 87120
18. Susan Martinez	4909 Valle Romantico Way NW 87120
19. Vince Martinez	4909 Valle Romantico Way NW Albuquerque NM 87120
20. Cara M. Chavez	5012 Camino Valle Tr NW ABQ 87120
21. Carolyn Bregman	4700 Valle Bonita Ln NW, ABQ NM 87120
22. Donavan Lopez	4700 Valle Bonita Ln NW, ABQ NM 87120
23. ERNESTO FRESQUEZ	4900 Camino Valle Trail, 87120

Printed Name & Signature	Address
24. Sonya Thompson	4800 Valle Santo Trl. NW 87120
25. Charla Durkin	4916 Camino Valle Trl. NW 8712
26. Peter Durkin	"
27. DAVID P MARTINEZ	4800 VALLE BOSQUE NW ABQ 8712
28. Dana Lester	4901 Camino Valle Trl NW 87120
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Concerned Homeowners of El Bosque

Printed Name & Signature	Address
1.	
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5. RON SANCHEZ	4904 CAMINO VALLE TR
6. LYDIA SANCHEZ	4904 CAMINO VALLE
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Shelley J. Bauer
4616 Almeria Dr. NW
Albuquerque, NM 87120
713 594 8429

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Developmet
Albuquerque, NM 87102
Csomerfeldt@cabq.gov
(505)924-3357

October 19, 2018

Position: I OPPOSE APPLICANT'S REQUEST

My Request: CONSIDER GROUNDS FOR DEFERRAL.

This application may be incomplete until archeological, cultural, historical documentation of house/property and an EIS (Environmental Impact Study) to investigate environmental impact upon wildlife residing on site of said location have been completed.

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 and Case No. S1-2018-00171
Site Address: 5001 Nameste Rd. NW; Between La Bienvenida Place; and: Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Planner Somerfeldt,

I live directly adjacent to the above mentioned address which I will refer to as the "Poole Property" for the remainder of this writing. The Applicant proposes to demolish two significant historical structures and develop a cluster of houses, totally disrespecting the natural beauty of the landscape that now also provides a safe secure habitat to many different species of wildlife!
Approximately 11 months ago, early one morning I was standing in my bedroom facing my bedroom windows when I focused on a pair of eyes staring back at me! My shock was quickly replaced by awe as I realized I was captivated by the beauty of a Burrowing Owl!! This owl was propped on my bench outside my window peering at me possibly as shocked as I was! This small but stunning bird didn't stay long, and took off over my back fence, returning to his habitat on the Poole Property. His greeting, "Hi neighbor, I live on the Poole Property," returns to my memory as I consider the effects of paving his habitat..

Burrowing Owls are unique because their habitats are not in the trees but in burrows in the ground. They have tell tale signs of their habitat that can be identified by wildlife authorities and commissions. The biggest risk to the Burrowing Owl are land developers. It has been found that developers endanger burrowing owls when they grade and scrape the land. Paving destroys their habitat, not only infilling their underground burrows, but crushing their nests and owl babies.

It's anyone's guess whether the burrowing owl visited to leave a plea using his eyes? Nobody can say whether he was using his "look" to ask me for help that only neighboring humans can offer to save his

home from being caved in and paved over by the proposed development. However, on behalf of my owl neighbor, and his fellow habitat dwellers, please consider his plight.

ENVIRONMENTAL IMPACT STUDY REQUIRED
After some research I found out that under the Endangered Species Act the burrowing owl is a protected species under the Migratory Bird Treaty Act in Canada, and the United States and Mexico. In short, the MBTA protects this particular wild life from being wounded, killed , or trapped, etc. Without an EIS or similar in-depth study, it cannot be known whether paving the "Poole Property" will result in destroying the protected habitat of the curious burrowing owl who perched outside my window to look at me,

The Burrowing Owl is not the only inhabitant of this 22.75 acre site but it serves as a stopping and resting spot for the Sandhill Cranes and other birds that fly through this region. The fauna and flora that landscapes this gem of land also serve as home to various types of native wildlife that New Mexico has been identified with.

> **2-6(B)(5)(b) Avoidance of Sensitive Lands (page 91 of IDO)**
> **1. Each Planned Community shall be organized to protect or enhance the following types of natural resources and features, by including such areas in common landscaped areas or dedicated open space or by mitigating the impacts of construction on these features to the maximum extent feasible.**
> > **a. Drainage channels, arroyos, and streams (in addition to floodplains).**
> > **b. Historic or archeological sites designated as significant by the state.**
> > **c. Significant views of the Sandia Mountains or Petroglyph National Monument from high points or public places.**
> > **d. *Riparian wildlife habitat areas and corridors designated as significant by the state.***
> > **e. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rock falls, or expansive soils.**
> **2. Lands that show evidence of slope instability, landslides, avalanche, flooding, or other natural or manmade hazards shall not be included in platted lots.**
> **3. New structures intended for human occupancy shall not be located within 100 feet of any perennial stream, public lake, reservoir, or element of a public water supply system unless the City Engineer determines that a smaller setback would adequately protect water quality and *wildlife habitat*.**
> **4. *Natural features to be protected shall be identified in a site analysis as part of a Framework Plan or with any Site Plan or plat when a Framework Plan is not required.***
>
> **The IDO defines a Framework Plan on page 462:**
> **Framework Plan: A plan that accompanies applications for the creation of a PC zone district that describes, in general terms and without engineering level detail, proposed land uses (based on definitions in this IDO); proposed maximum and minimum intensities of development for each development phase or area; and the location, size, alignment, and connectivity of proposed automobile, bicycle, and pedestrian circulation systems; open space and/or wildlife habitat systems; and storm drainage systems and facilities.**

As cited above, per the IDO, the application is incomplete until a study of the "riparian wildlife and corridors designated as significant by the state" and the environmental impact of the development identifies habitats and natural resources and features and determines whether mitigation measures offered by the developer are feasible or whether any development whatsoever will endanger protected

species and incur federal and state penalties upon the developer and the City of Albuquerque.

I am requesting that the EPC defer their decision until these areas of concern are examined and all parties are notified that the application has been completed and reports are ready for public review and given a minimum of 15 days prior to the deadline for public comments,

Thank you for your kind consideration,

Shelley Bauer

Dr. Jonathan Price

4704 Mi Cordelia Drive, NW
Albuquerque, NM 87120
(505) 259-7937
JPRICE@SWCP.COM

October 19, 2018

Cheryl Somerfeldt
Environment Planning Commission

Against EPC approval of site plan for Poole Property

Project Number PR-2018-001402

Case: SI-2018-00171

Location: 5001 Namaste Road NW

Area: 22.7 acres

Position: Oppose EPC approval of the site plan at this time

Executive summary:

I support any effort to protect and preserve this natural open space for the public. I oppose the proposed development of the Poole property because the site plan:

- Conflicts with several goals and policies of the IDO.
- Risks destabilizing the sand dune it plans to build on, and eroding the cliff with storm water.
- Risks overwhelming the existing Oxbow Outlook with traffic
- Destroys an important cultural and archeological site without proper state study
- Destroys the Poole houses, which could serve as a welcome center for an open space

I suggest that the Commission postpone approval of the site plan while waiting for at last five more impact reports, and a serious exploration of the possibility of acquiring this site as an extension of the Oxbow Outlook open space, immediately adjacent.

What is the Oxbow?

The Oxbow is a 40-acre wildlife preserve for birds, animals, and fish that depend on the still waters of the oxbow, the surrounding mud and swamp, and the isolation from human beings. The oxbow is overlooked by a steep cliff, the forward edge of a large sand dune.

The protected cliff area offers an asphalt path, a sandy footpath, and fences to visitors who want to look out over the river, and across the city toward the mountains.

A dirt parking lot gives access to these trails on the South side, and to the Poole property immediately adjacent on the North side.

What the developers claim in their application

The developers propose a development at 5001 Namaste Rd NW between Tres Gracias Drive, La Bienvenida Place, and the Rio Grande Bosque. The developers describe it as a design challenge because:

> The property is unique in that it narrows to a point at the eastern end of the property, includes steep slopes and lowland Bosque areas within the oxbow, and the property is also adjacent to an arroyo.
>
> …
>
> The irregular shape and open space adjacency make development more difficult in this area.

The developers claim to have adopted

> specific land sensitivity measures and design standards pursuant to the IDO Major Public Open Space Edges provisions.

But the "measures" that they mention are often weak, or non-existent.

The project plan in fact ignores many important goals in the IDO, and sidesteps the relevant policies. In their responses, the developers often assert compliance, without proof.

As a result, the whole proposal sometimes seems like smoke and mirrors, obscuring the proposed destruction of a precious natural area.

Violating the spirit and the letter of the IDO

Most importantly, the developers' proposal violates Policy 4.1.5, because the plan wipes out all the existing vegetation, the natural setting, and the ecosystem, with no attempt to remediate this damage.

The proposal also ignores Goal 5.3, which urges developers to maximize the use of existing infrastructure. Instead, the developers plan to tear down two existing structures, claiming they are old. Both are strong adobe homes that could serve as a welcome center for an open space.

The proposal ignores Policy 7.31, which urges developers to preserve, enhance, and leverage natural features and views. The developers claim that these features and views are treated with care. What does this mean? The plan wipes out the natural habitat (aka, the features). 17 lots will have good views looking south; the other 56 houses will just overlook other houses. Even though the development features single story houses, they will effectively block the view of neighbors who live just to the west and north of the property.

6-6(H)(3)(e) urges developers to mitigate any significant adverse impacts on the surrounding area to the maximum extent practicable. But the applicant talks about building houses that are similar to other ones in the neighborhood, claiming that this design decision will "mitigate any adverse impact on the views for neighbors to the

west." Again, according to the plan, 17 of the new homes would have good views looking south across the oxbow; the other 56 homes would just look at other houses.

And the applicant points out that the plan includes "several open space and recreation amenities to the site plan to mitigate impacts to the adjacent open space." There are two pocket parks in the plan, and a narrow strip of undeveloped land between the house lots and the cliff, where walking would be dangerous. This token "open space" is too unstable and steep to use for development. But the houses and the wall around them will prevent animals from moving through the area, and as we will discuss later, the traffic, drainage, and construction may significantly damage the "surrounding area."

The Coors Boulevard CPO-2 demands a 100-foot Bosque Buffer Strip. The developers ignore this requirement at the eastern tip of their project, where it towers over the bosque. Instead, they point to a triangle of land on the northeast corner, between the development and the arroyo, an area with such steep slopes that you could not build houses there. "The steep slope areas, greater than 10%, are preserved as part of the open space buffer." This odd chunk of land does stand between the development and the bosque, in that quadrant. But the other strip of undeveloped land around the outside of the development is not 100-feet wide, and it in fact gets narrower as it gets closer to the slope leading down into the bosque. The claimed buffer, then, is a lot less of a buffer than it seems.

The Coors Boulevard CPO-2 also urges developers to avoid the floodplain, and to designate a majority of the floodplain as open space. Which areas of this tract are above the 100-year floodplain? Perhaps the developers could carry out a study of the effect of a real flood in this area?

Destabilizing the sand dune, and eroding the cliff

The proposal puts houses extremely close to the cliff that drops down into the bosque, and the swamp of the oxbow. This site is a sand dune. The heavy traffic and construction at the top of the cliff risk destroying the stability of the compacted sand, crumbling the escarpment, and eventually tumbling some of the houses as the sand gives way beneath them.

The current site absorbs rain. But the development's streets and houses would form an impermeable barrier for storm water, which would rush downhill. Some would be captured by two pond areas, but much would head past those, and pour over the cliff into the bosque, eroding the slope.

Suggestion:

> Perhaps you could ask the developers to perform a land stability study, and an analysis of storm-water management.

Overwhelming the existing Oxbow Outlook with traffic

The Oxbow Outlook is right next to the property, and could suffer a lot of damage from the traffic leading into this development.

The only entrance to the development will be off of Namaste, at the spot where it

dead-ends in a dirt parking area, serving the existing Oxbow Outlook, a natural preserve open to the public.

> Rufus Poole, the previous owner of this property, persuaded the Army Corps of Engineers to redirect the river out of the oxbow, to slow the erosion of the sand dune that forms the basis for the existing outlook. This area now has a paved path, a foot trail, and rough wooden fence to keep people from falling over the cliff, into the swamp below. But the cliff continues to crumble.

The only entrance to the development would go through this dirt parking lot, near the edge of the cliff.

Adding a daily inflow and outflow of trucks and cars to service 73 residences would make a heavy impact on the existing outlook, which is so fragile that it is constantly eroding already.

Suggestion:

The developers should commission an independent environmental impact study, to prove that the construction, occupation, and traffic in this area will not destroy the very sand dune it is built upon, accidentally eating away at the existing oxbow outlook.

Archeological risk

According to the former employee of the Pooles, the couple collected innumerable potsherds, fragments of pots, and other evidence of native Americans occupying these lands. What preparations have been made for an archeological investigation before approving construction on this site?

Suggestion:

The developers should commission an independent archeological investigation of the site, following the guidelines of the New Mexico Department of Cultural Affairs, New Mexico Historic Preservation Division, using consultants who hold a General Archaeological Investigation Permit and/or an Annual Unmarked Human Burial Excavation Permit.

Destroying the Poole houses, which could serve as a welcome center for a new open space.

The Poole houses are well built, and in good shape.

I have talked with a man who worked for the Pooles for 25 years, doing maintenance on their two houses, and the property. He says that these houses are solid, and need only a good dusting to be opened to the public.

Unlike a dense residential development, an open space would allow people to walk through the area, and meet with other folks at the classic adobe homes of the Pooles. These houses are still perfectly usable, despite the disparaging comments from the developers, who just want to tear them down to make room for more houses.

Suggestion:

Turn these houses into a welcome center for the open space extending along the oxbow.

Therefore we should postpone approval pending further study.

The Commission should demand independent studies into

- The stability of the sand dune
- The effect of excess storm water, eroding the cliff
- The actual impact of a 100-year flood
- The environmental impact of a dramatic increase in traffic
- The archeological and cultural impact of development on this site
- The possibility of turning the land and houses into an extension of the Oxbow Outlook open space, for the use of the public

A better idea: Open space that protects the river, and invites gentle usage.

The property now acts as a buffer between existing development and the fragile but complex ecology of the river: the sand dune, the bosque, the swamp, and the shoreline of the river itself.

We cannot keep allowing houses to go down to the edge of the river, sacrificing the longterm health of the river for the sake of short term private profits.

I suggest that the Poole Property become part of the Open Space corridor of the Rio Grande, and be linked with the Open Spaces held in public trust by Bernalillo County and the City of Albuquerque, or that there be a conservation easement to allow protection and preservation of the land, and the historic houses.

Sincerely,

Jonathan Price

Susan Chaudoir, edu.chaudoir@gmail.com, 985-302-2878
Rene' Horvath, aboard10@juno.com, 505-898-2114

Preserve Poole Estate: Oxbow Wetland

"This has got to be the most important land use issue on the west side in 20 years."
- Westside resident

Overview

We are advocates who desire to preserve the Poole estate at the Oxbow wetland on the Rio Grande River. Mayor Tim Keller supports it and our city's comprehensive plan prioritizes "signature" open space. We believe this property qualifies as a signature landscape worthy of preserving. There are a number of compelling reasons to conserve this unique property in its entirety. Those reasons have been categorized into three (3) areas: historic/cultural relevance, ecological relevance, and public amenities. We invite you to walk the property as soon as possible to discover for yourself the unique treasure of this place.

This property is at risk of a conventional 73 single-family housing development. The proposed plan intends to raze the existing 60-year mid-20th century adobe revival homestead and build homes that abutt the boundary of the wetland and bosque. The proposed site plan is not unique, can be built anywhere suitable for conventional housing, and can be replicated elsewhere. This landscape is irreplaceable, incapable of being replicated elsewhere. It touches the Oxbow wetland, Rio Grande River, the Rio Grande Valley State Park, the Bosque, a public park, public open space, and private open space. What other property in Albuquerque claims this uniqueness? It has unparalleled views, it is a wildlife corridor with habitat for avian "species of concern" and connects the biodiversity of river habitat. The property has key natural resources and cultural assets with social and economic benefits.

Historic/Cultural Relevance

- Previous owners, Rufus Poole and Suzanne Hanson Poole, have an important story to tell in the history of New Mexico. Both shaped the cultural fabric of pueblo relationships and rural agricultural living. Both were generous philanthropists, supporters of the arts, education, and public access to beautiful spaces.
- There legacy touches cultural landmarks that make "New Mexico True" such as: Taos Pueblo Blue Lake, Santa Fe Opera, National Hispanic Cultural Center, Popejoy Hall, Chamber Orchestra of Albuquerque, Bosque School, Albuquerque Academy, El Rancho Hotel in Gallup, the film industry, and relationships with past US presidents, famous entertainers, star performers, wealthy industry magnates, business leaders and philanthropists.

- **Rufus Poole legacy included:**
    - Raised more than $500,000 to build Albuquerque's first concert hall, Popejoy Hall.
    - Top advisor to US Secretary of the Interior, Fred Seaton, during Eisenhower administration. In 1957, Seaton sent Poole to New Mexico with ambitions to become governor of New Mexico. That dream was not realized; Rufus died of cancer in 1968.
    - As an attorney, Rufus advocated and reinstated pueblo land and water rights, returning rightful ownership to the pueblos. His landmark case was the Taos Pueblo Blue Lake.

- Created the Oxbow as we see it today. He led efforts with Army Corps of Engineers to align the Rio Grande River naturally and create a bow-shaped wetland to protect eroding banks of the west bluff.
- In broader US issues, Rufus had a role conservation history. He drafted and advised America's first Wilderness Act 1964 with Sigurd Olson, Gaylord Nelson, and members of the Wilderness Society.

- **Suzanne Hanson Poole legacy included:**
  - New York broadway performer and singer, a generous supporter of the arts, and educational sponsor for talented debut artists who were economically disadvantaged.
  - Co-founder of Santa Fe Opera and a Summit Donor who contributed more than $10M. The SFO's Suzanne Hanson Poole Production Center is named in her honor.
  - Community advocate for the cultural arts
    - For more than 40 years, she was a critical supporter of cultural, artistic, musical, and performing artists all through New Mexico.
    - Her focus was to remove the economic barriers so that talented individuals could achieve successful careers in the performing arts. Her (often anonymous) financial contributions gave thousands the education supports needed to thrive in their respective fields of art.
    - When she heard that the Albuquerque symphony musicians had not received wages for 3 years, she paid their wages in full.
    - She created hundreds of educational and public outreach programs to improve access to the arts and to connect art, technology, and science.
  - Advocate of nature conservation
    - Funded management of the wetland; planted and seeded the river banks.
    - Financed and contributed to programs associated with Middle Rio Grande Conservation Initiative 2012 (implemented by Mayor Barry administration).
    - Instrumental in ongoing conservation of Rio Grande Bosque.
    - Intervened often to conserve wildlife habitat and flora along the river.
  - Advocate of education
    - Underwriter for performance projects for debut artists
    - Created dozens of scholarships to fund students in the arts
    - Generous supporter of Bosque School and Albuquerque Academy
  - Influential philanthropists joined Mrs. Poole in contributing to significant cultural projects in New Mexico and around the United States. Well known families included Rockefeller, Getty, Gates, Ford, Morris, Andrew Mellon, and Lady Britt.
  - Suzanne Hanson Poole spared no expense to advance the health and well-being of people and places that were special to her.
  - Friends describe her as a person who "*had her pulse on people who were striving for excellence, whether they were conservationists, educators, researchers, writers, performers, businessmen or tradesmen; she helped everyone.*"

Susan Chaudoir, edu.chaudoir@gmail.com, 985-302-2878
Rene' Horvath, aboard10@juno.com, 505-898-2114

- **Facts about the Homestead:**
    - Unique mid-20th century adobe pueblo revival (c.1958). Original, well-maintained architecture and construction with artisan craftsmanship.
    - Contains exemplary and distinctive adobe revival great room, fireplace, ceilings, flooring, and archways.
    - Mrs. Poole maintained the homestead in pristine condition until her death in 2012, spending up to $400,000 annually.
    - Several additions to the house, making 11,000 sq. feet of livable space. Design takes advantage of Albuquerque's spectacular views and encompasses artisan craftsmanship throughout the house, surrounding structures, and natural landscape.
    - The homestead is a remnant of Taylor Ranch. Rufus and Suzanne Poole purchased 388 acres from the Joe Taylor Ranch family.
    - Home has historic value and is documented by the state archeologist.
    - Architectural connections to George Pearl, John Gaw Meme, and Antoine Predock
    - It is one of the few remaining original 20th century estates built on west side.
    - Amenities of the home can still be used today and re-purposed.
    - Location for several major motion films and commercials. Her kitchen was the set for several national Jell-O commericals.
    - Landscape includes native flora. Very few invasive species have invaded the landscape since her death in 2012 (e.g., thistle)
    - Portions of the original homestead sold to local developer who worked with famed architect Antoine Predock to construct the nationally recognized La Luz residential complex.
        - La Luz serves as a contemporary example of "cluster housing."
        - La Luz is renown for its terraced design, preserving 30 acres of sensitive habitat as private open space between the homes and the river and assuring each residence has spectacular views of the Bosque and mountains.

Ecological Relevance

- Property may be integral to Middle Rio Grande Conservation Initiative and Migratory Bird Treaty Act.
- Corridor for species of concern; breeding and nesting habitat for thousands of birds, reptiles, amphibians, & mammals. Adjacent wetland is roosting site for Sandhill Cranes.
- Evidence of ongoing Willow Flycatcher research being conducted adjacent to this property. Willow Flycatcher is marked a "species of concern."
- Directly above, and connects to, the San Antonio Oxbow, a 60-acre wetland of the Rio Grande River.
- Directly across the Rio Grande Nature Center State Park, a facility in Bernalillo County whose primary focus is fostering positive human interactions with river ecosystems.
- Likely includes native and drought-tolerant plants appropriate for this landscape.
- Neutral, open green space (for people and wildlife)
    - **This is *significant* green space in vital proximity to river and habitat**
    - The property provides needed buffer between nearby housing developments and the river.

Susan Chaudoir, edu.chaudoir@gmail.com, 985-302-2878
Rene' Horvath, aboard10@juno.com, 505-898-2114

Public Amenities

- Majestic panoramic vistas of surrounding landscape, not found elsewhere in New Mexico.
    - Fully uninhibited views of Sandia Mountain to the east, Manzano Mountains to the south, and mountain peaks of the Santo de Cristo Mountains to the north.
    - Unmatched views of the Bosque, River Valley, City of Albuquerque, and miles of Pueblo landscape to the north and south.
- Property overlooks the San Antonio Oxbow wetland, which is a significant landmark of the Rio Grande River. The oxbow is a large wetland providing excellent wildlife habitat.
- Homestead includes two swimming pools, natural gardens, large outdoor venue for special events, and pedestrian walking trails, bosque cottonwoods, and river.
- Namaste Road was named by Suzanne Hanson Poole to represent the spiritual peace, tranquility, and healing powers brought by “mother earth.”
- This is a unique location for viewing the Oxbow wildlife, sunrises, sunsets, moon rises, snow caps on the surrounding mountains in winter and the monsoon rain showers in the summer, and to see all the local Albuquerque events such as the international balloon fiesta and fireworks for July 4 and New Years.

Somerfeldt, Cheryl

From: Connie Adler <cadler33@me.com>
Sent: Saturday, October 20, 2018 8:48 AM
To: Somerfeldt, Cheryl
Subject: Poole Property: PR-2018-001402

Cheryl Somerfeldt

One of the attributes that makes Albuquerque a wonderful place to live is the wise decisions to preserve land along the Rio Grande for careful public use. These lands are well used by populations all around the area as well as generating tourism from around the world to see the birds and other wildlife that live there. It would be a very poor decision to develop these lands as other subdivision rather than preserve it as a part of the grand open space that defines Albuquerque.

We don't need another subdivision that serves a few families. We do need to preserve and enhance our open spaces that serve many thousands of people every year.

Connie Adler
50 year resident of Albuquerque=
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Walter Gerstle <gerstle@unm.edu>
Sent: Saturday, October 20, 2018 4:53 PM
To: Somerfeldt, Cheryl
Subject: PR-2018-001402

Dear Ms. Somerfeldt,

I oppose the development of the Poole Property. Please consider preserving this open space for public enjoyment.

Sincerely,

Walter

_____

Walter Gerstle, Ph.D., P.E.
1709 Neat Lane SW
Albuquerque, NM 87105

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Wendy Keller <wendynashkeller@hotmail.com>
Sent: Saturday, October 20, 2018 11:40 AM
To: Somerfeldt, Cheryl
Subject: Poole Property

To whom It May Concern:
The construction of a commercial development on the wetlands area of the Rio Grande would devastate the bird life and wildlife currently living there. It would destroy this pristine area. We must prevent destruction of this river corridor. Preserving this area would provide a sanctuary to current flora and fauna as well as migrating a birds and animals. This precious area must be protected from development. Just as the Rio Grande Nature Center is protected, so should the Poole Property. Sincerely, Wendy Nash Keller

Sent from my iPad=
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Laurence Lattman <laurencelattman7@gmail.com>
Sent: Saturday, October 20, 2018 12:20 PM
To: Somerfeldt, Cheryl
Subject: Poole Property

Please- save these wetlands. More and more we are losing the vital wetlands permanently. There is no substitute for them. Their loses affects all of us. Your help would be so welcome.

Laurence Lattman

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Rodenhauser, Paul <prodenh@tulane.edu>
Sent: Saturday, October 20, 2018 9:27 AM
To: Somerfeldt, Cheryl
Subject: PR-2018-001402

Dear Ms. Somerfeldt,

Regarding project number PR-2018-001402 please add my name to the list of people opposed to the development of the Poole Property for any purpose. That natural environment is critical to the support of wildlife habitation, both riparian and aquatic.

Evidence of the effects of encroachment on wildlife is abundant and unquestionable. Financial profit at the expense of the natural environment is extremely short-sighted.

Thank you,

Paul Rodenhauser, M.D.
Corrales, New Mexico

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Carrie Starr <carrie_starr@yahoo.com>
Sent: Saturday, October 20, 2018 9:20 AM
To: Somerfeldt, Cheryl
Subject: Poole Property development

I just received a notice from the Central NM Audubon Society that there are plans afoot to place a 73 unit development on the Poole Property. I am writing to protest that plan. My husband and I live in Ramah, so we're not directly involved, but it is our opinion that the last thing Albuquerque needs is to wreck another chunk of wildlife habitat.

New Mexico's environment is already deeply at risk from mining, indiscriminate use of water and unnecessary over-building. Please do not approve this project. My husband and I are registered voters, and we do vote, for what that's worth.

Thank you for your attention to this matter. Carrie Starr and Ernest Kirk.

Sent from my iPad
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Alice Turner <yobt643@gmail.com>
Sent: Saturday, October 20, 2018 10:42 AM
To: Somerfeldt, Cheryl
Subject: From Toby Turner Comments to Poole Property Project PR-2018-001402

Cheryl, I am a citizen of New Mexico, living on the westside of Albuquerque, in Rio Rancho. I am only too cognizant of the rampant, greed driven home development going on, in a time of severe drought. It is appalling to me that an owner/builder would even imagine to have this project, but to take away an important 40 acre wetland, by the Poole Property, PR-2018-001402, when the Rio Grande river is in crisis in the present drought. The NM State Hydrologist says there may not even be enough water to flow in the River by the end of this month! Where does the builder expect these 73 units to get water going into the future? I expect this project to b cancelled immediately, as a wreckless endangerment to the health of the River and the wetland, and also to the ongoing water supply for Albuquerque. Sincerely, Toby Turner

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Jo Marie Anderson <jmzia@comcast.net>
Sent: Sunday, October 21, 2018 3:49 AM
To: Somerfeldt, Cheryl
Subject: Project PR-2018-001402

Dear Ms. Somerfeldt,

I am writing to let you know that I am vehemently opposed to the development of the old Poole Property. I should be preserved as a natural open space for the enjoyment of the public.

Sincerely,

Jo Marie Anderson

3505 Campbell Ct., NW

Albuquerque, NM 87104

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Robert Bone <rchapin38@gmail.com>
Sent: Sunday, October 21, 2018 9:12 AM
To: Somerfeldt, Cheryl
Subject: Project # PR-2018-001402

Ms. Somerfeldt
I was born in Albuquerque and as a young person I explored the bosque in this area and learned a great deal from those experiences in my younger years. As an APS teacher, I tried to teach my students the need for wild areas without development. As such, I would counsel that this development would be counterproductive to this natural bosque area. Please reconsider the plan for this large development and save this wonderful area.
Robert Bone

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Brandt Magic <brandtmagic@gmail.com>
Sent: Sunday, October 21, 2018 10:33 AM
To: Somerfeldt, Cheryl
Subject: PR-2018-001402

Ms Somerfeld,

This email is to express support for the Central New Mexico Audubon Society's proposal that the Poole property addressed in PR-2018-001402 be used for conservation.

Despite the many negative lists Albuquerque appears on, it remains a beautiful place to live due to the foresight of its citizens, the city of Albuquerque, and Bernalillo County who have worked to acquire open space.

I have led nature walks to the stretch of the river that looks across to the San Antonio Oxbow. I am currently in the Bernalillo County Master Naturalist program. I have seen the benefits to myself and others of the many publicly accessible natural areas.

Our community would be poorer without the Rio Grande Nature Center, the Rio Grande Valley State Park with its multiple bosque access points, Ellena Gallegos Open Space and many Cibola National Forest trailheads, the Valle de Oro National Wildlife Refuge, Petroglyph National Monument, and the extensive Open Space properties of the City of Albuquerque and Bernalillo County.

Please consider the long-term benefit to the community of adding easily accessible natural areas. These are amenities that other urban areas across the nation cannot offer.

Brandt Magic
brandtmagic@gmail.com
(505) 985-2087
==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Alison Simari <amsimari17@gmail.com>
Sent: Sunday, October 21, 2018 4:08 PM
To: Somerfeldt, Cheryl
Subject: Regarding the development of the Poole Property, PR-2018-001402

Dear Ms. Somerfeldt,

I'm writing to express my deep concerns about the proposed development of the Poole Property, project number #PR-2018-001402.

As a resident of Albuquerque, and a member of the Audubon Society, I can see no benefit to the destruction of historic structures, and the environmental impact of yet more, unneeded housing units. Do we not have enough empty houses out there without building more?

Please consider what will be lost if this development goes forward. Now, more than ever, we need to conserve what little wetland we have left for the enjoyment of future generations and for the sustainability of other species.

Please, please prohibit this development from taking place.

Yours very truly,
Alison Simari

Member of the Central New Mexico Audubon Society
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Joe Bauer <luckybauer28@gmail.com>
Sent: Monday, October 22, 2018 9:56 AM
To: Somerfeldt, Cheryl
Subject: Project no: PR- 2018-001402 case number s1-2018-00171

Follow Up Flag: Follow up
Flag Status: Flagged

Joseph E Bauer

4616 Almeria Drive NW

Albuquerque, New Mexico 87120

713 303 7085

Cheryl Sommerfeldt, Planner

Planning Department

Urban Design & Development

Albuquerque, NM 87102

csomerfeldt@cabq.gov

(505) 924-3357

October 22

Position ; I OPPOSE APPLICANTS REQUEST

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.

THIS APPLICATION IS INCOMPLETE UNTIL ARCHEOLOGICAL, CULTURAL, HISTORICAL DOCUMENTATION OF HOUSE/PROPERTY HAVE BEEN COMPLETED

EPC: Environmental Planning Commission Hearing

Project No: PR-2018-001402 Case No: SI-2018-00171

Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space

Applicant: Gamma Development, LLC

Dear Planner Sommerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Letter of Justification, page 2, paragraph 3 "EXISTING LAND USE AND ZONING," the applicant proposes to demolish two architecturally significant and contributory structures:

> **"The site contains twos single-family dwellings which are proposed to be razed."**

As I understand it, the proximity to U.S. waterways requires a federal investigation to ensure compliance to the M4S permit and to insure compliance with the "Mid-Region Conservation Initiative Agreements" signed by Matthew Schmader, *Superintendent, Open Space Division, City of Albuquerque*, Amalia Kenward, *New Mexico Archeological Council*, and Charles Walter, *New Mexico Museum of Natural History*, among other notable signatories, tendered to the *U.S. Department of the Interior* on July 1, 2012.[1]

The applicant has failed to submit archeological, cultural and historical documentation on the homes and property that are proposed for demolition in this application. By law, studies establishing the structures' historic and cultural preservation value to Albuquerque and New Mexico are required. These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow these demolitions.

The homes are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as a

historically significant property, as detailed below. The homes are contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures, per the IDO:

6-6(B)(3) Review and Decision Criteria 6-6(B)(3)

a. **The Historic Preservation Planner shall review the demolition permit application based on the following criteria:**

See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.

I believe this property, the Poole Home, is an historic gem and a cultural "time capsule" portraying Albuquerque history circa the 1950's. Owned and lived in by the Poole family for many years it is an extension of their love and dedication to beautifying, enhancing and preserving this unique property! Bordering both the Oxbow and the Bosque it is one of, if not ,the last pristine pieces of property being threatened by development which will enrich a few but destroy forever a place worthy, by any measurement to be a great asset to the people of this great city!

2. The structure's potential to contribute to the city's economic development or tourism industry.

The potential is HUGE!! Almost immeasurable!! The property, structures, and accompanying acreage are, simply put , MAJESTIC!!! In a city with such a creative, artistic heritage this property could become "THE LIGHT OF ALBUQUERQUE!" if properly managed and restored. A serene retreat from the bustling city, an educational nature center, a museum, a park, which would become Albuquerque's finest!!! The potential is infinite and mind boggling as to what it can be!! But a subdivision will offer nothing of value to the community except the destruction of this majestically beautiful property!

3. The structure's potential to enhance the city's heritage and historical identity.

Again the potential is enormous! Rather than espouse on it, I challenge and welcome anyone who has a keen interest in preservation of our history to come out and simply observe and walk this property!! Let your mind "IMAGINE" what could be and you will be enveloped by beautiful, timely and culturally powerful ideas of "What can be built and preserved instead of what shall be destroyed!! The Poole family was a legendary New Mexican family that has contributed an enormous amount of charitable and cultural legacies for New Mexicans to enjoy for generations!! We now have the opportunity to honor that legacy by the preservation of this stunning property for all New Mexicans, as well as all folks from anywhere to cherish, enjoy and respect those who came before us and made Albuquerque what it is today!!!! As Joni Mitchell said many years ago "You pave paradise and put up a parking lot!" Lets say no to,that here in this beautiful city!!

6-6(B)(3)

(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

Based on the criteria above, I request City Planning to refer any demolition request made by the developer to the LC for a 120-day review period during which the LC may authorize studies conducted to determine the finding of facts, in consideration of the public good over private interests intent on destroying these structures, that these structures be preserved as historic landmarks.

I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be preserved or rehabilitated rather than demolished. I submit that the structures fulfill the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be designated as a landmark, according to the LC criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) or that the entire property be classified as an Historic Overlay Zone according to its qualifications under Part 14-16-3-5(A) as outlined below.

Razing these contributory architectural treasures will irretrievably erase years of fine craftmanship and exemplars of artistic and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)

"…strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics. This property possesses all 5 of these characteristics:

These works of art and craftsmanship cannot be replaced.

The missing studies that document the archeological, cultural and historical of these homes renders this application incomplete.

EPC RULES: Page 6, Rule7: "Incomplete submissions are grounds for deferral."

Please defer the EPC hearing of this application until

1. archeological, cultural, and historical documentation of the house/property have been completed, the studies have been submitted to public record, and all parties have received notification that the application is compete and reports are ready for public review, a minimum of 15 days prior to the deadline for public comments.
2. A 120-day review period has been invoked followed by a public hearing held by the LC according to 6-6(B)(3)(c) to determine whether the structure should be designated as a landmark, according to the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

As quickly as the archeological, cultural, and historical documentation and application to LC for designating these structures as landmarks may be available for public view, please notify me by email: @ luckybauer28@gmail.com or by phone @ 713 303 7085

Thank you for your consideration

Mr. Joseph E Bauer

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, WSCONA

Member, TRNA

Member, Bosque Montano HOA

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This message has been analyzed by Deep Discovery Email Inspector.

Wendy E.S. Caruso
5123 Sevilla Ave. NW
Albuquerque, NM 87120
wcaruso24@gmail.com
(505) 350-3606

Ms. Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

October 22, 2018

RE: CLUSTER DEVELOPMENT SUBMISSIONS GROUNDS FOR DENIAL.
This application is misinterpreting Part 14-16-4:Use Regulations; 4-3:Use-specific Standards; 4-3 (B)(2) Dwelling, Cluster Development

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Somerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Appendix: Conceptual Site Plan: Applicant proposes to divide the 22.75acres project site into 2 areas, one for Cluster Development at 14.42 acres and the second for 23 R-A lots at 4 acres. The open space provided on the applicant's conceptual plan breaks up the open space into several small parcels instead of a consolidated area as intended by the requirements of a Cluster Development. The area shown as Open Space would not qualify as Major Open Space or be able to be dedicated to the City as such. The Open Space also does not meet the minimum 35' width requirement and a significant amount is in the form of a 'spite strip' at the east portion of the project area. It should also be noted that this area would not be able to be developed without significant cost due to slope and proximity to flood areas. Per the IDO:

4-3(B)(2) Dwelling, Cluster Development

The cluster development project site shall include a common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.

1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.
2. The common open space shall have a minimum length and width of 35 feet.

3. The common open space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.
4. No structure is allowed in the common open space except if necessary for its operation and maintenance.
5. Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department.

The application does not request a variance to the above requirements of a Cluster Development and therefore renders this application incomplete.

Thank you for your consideration,

Mrs. Wendy E.S. Caruso

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, WSCONA
Member, TRNA
Member, Bosque Montano HOA

Somerfeldt, Cheryl

From: Laurie Marnell <lmarnellaz@yahoo.com>
Sent: Monday, October 22, 2018 11:09 AM
To: Somerfeldt, Cheryl
Subject: development of the area above the Oxbow.

Ms. Somerfeldt, the Oxbow area of the Rio Grande Bosque is a unique wildlife habitat and it would be seriously impacted by development of the land above it. Albuquerque has enough development along the Rio Grande. We need to preserve this property as it is.

Lorraine Marnell, Ph.D
5501 Timberline Ave NW
Albuquerque NM 87120

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This message has been analyzed by Deep Discovery Email Inspector.

Una E. Medina, Ph.D.
3512 Yipee Calle Ct NW
Albuquerque, NM 87120
uemedina@gmail.com
(505) 314-3116

EMAILED: OCTOBER 22, 2018

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

October 22, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
THIS APPLICATION IS INCOMPLETE: ARCHAEOLOGICAL, ARCHITECTURAL, CULTURAL, AND HISTORICAL DOCUMENTATION OF HOUSE/PROPERTY HAVE NOT BEEN COMPLETED
REQUIRED BEFORE DEMOLITION: 120-DAY REVIEW BY LC FOR LANDMARK DESIGNATION

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402; Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Planner Somerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Letter of Justification, page 2, paragraph 3 "EXISTING LAND USE AND ZONING," the applicant proposes to demolish two architecturally significant and contributory structures:

"The site contains two single-family dwellings which are proposed to be razed."

While the applicant asserts that private property ownership confers upon him the right to demolish structures on the site, to fill and regrade the site and to redirect waters away from these lands that replenish the U.S. managed wetlands, in fact, without a permit, federal water law prohibits slowing surface waters in their course to the Rio Grande river for more than 96 hours or diverting surface waters that decrease or stop their flow from reaching its destination along the western edge of Oxbow wetlands as designed by the Army Corps of Engineers and agreed upon by the original owner and designer of the wetlands (see "Penalties" page 5). In the case of these wetlands, water laws automatically

confer upon the federal government superior rights over individual property rights. Additionally, it may be argued that any groundwater diversion rights, if they ever existed, were ceded to the U.S. by the original developer of this property when that owner designed the Oxbow wetlands to be replenished along its western edge by ground waters infiltrating through the unpaved soils on this property (See ENGINEERING SIGNIFICANCE, page 8).

According to federal water law (pages 2-6), the applicant is required to obtain permits before plans for grading or redirection of the drainage (June 2011, U.S. Army Corps of Engineers).[1] Further, because the permitting process also involves this site's flood plain, the permitting process triggers a federal mandate to conduct federal investigations into structures on this site for possible historical merits of structures and possible underground archaeological artifacts on this site.[2]

Two separate legislations, and an agreement signed by City of Albuquerque, require investigations into archaeological and historical preservation significance, and these investigations (such as the National Historic Structures Preservation Act) are triggered by the *Section 106 Review* tied to the mandatory federal water law (NEPA 404 Permit, M4S) permitting process. More locally, the City of Albuquerque has signed agreements to comply with federal water laws and concomitant water permitting process and the City of Albuquerque IDO (Integrated Development Ordinance) mandates that the Historical Preservation Planner shall review any demolition permit. The details unfold as follows:

(1) **<u>THE IDO:</u>** Since the structures possess archaeological, architectural, cultural and historical significance (see facts meeting criteria for investigation, pages 3-6 of this letter), according to the IDO, **6-6(B)(3) Review and Decision Criteria 6-6(B)(3) The Historic Preservation Planner shall review the demolition permit.**

(2) **<u>NATIONAL HISTORIC STRUCTURES PRESERVATION ACT; NATIONAL ENVIRONMENTAL POLICY ACT:</u>** The same historical significance facts as those stated in the IDO (discussed in pages 2-5) indicate the structures on the site that are proposed for demolition also meet criteria for additional investigations under a process known as *Section 106 Review* of the **National Historic Structures Preservation Act**[3]. The *Section 106 Review)* is triggered by a M4S review under the

[1] ***Environmental Assessment for the Middle Rio Grande Bosque Restoration Project***. (June 2011) U.S. Army Corps of Engineers Albuquerque District. (Request download link from uemedina@gmail.com).

[2] The June 2011 report prepared by the Army Corps of Engineers averred there was no need at that time for historical or archaeological studies for structures on the mainland during restoration of the wetlands, yet that is not the case in this situation since the engineered flood plain and groundwater flows on the mainland are proposed to be altered, and since it is now known that the site yielded Native American artifacts and contains architecturally and historically significant structures that are proposed to be demolished (pages 6-7).

[3] Since the Poole property development changes to the groundwater diversion, proposing to pump away and redirect ground water to the San Antonio Arroyo, an application and reevaluation of the current federal M4S permit is required by federal mandate. Under through a process known as *Section 106 Review,* the moment there is a federally permitted M4S project review, that review automatically triggers a historical and archaeological investigation of the Poole property through the NHSPA (National Historic Structures Preservation Act of 1966). Among other provisions, the NHSPA mandates federal agencies to conduct an

NEPA (National Environmental Policy Act). Due to the relationship between the two Acts, all **NEPA** regulation reviews, such as the M4S permit review required for the Poole property, automatically triggers investigation of the site for

a. archaeological sites and
b. evaluation of historic structures on the property.

The triggering mechanism for a historical review study (**National Historic Structures Preservation Act**) occurs when there is any federal permit or review, such as review of changes associated with any developments adjacent to federally managed waterways. The **NEPA 404 Permit** (M4S permit) program triggers a **National Historic Structures Preservation Act** provision requiring historical investigation of the structures.

The relationship between **NEPA and the National Historic Structures Preservation Act** underscores and requires further investigations to insure compliance to the City of Albuquerque's NEPA M4S water permit but also requires investigation into the historical structures' preservation due to adjacency to U.S. waterways.

Additionally, due to its function as a U.S. waterways shallow groundwater infiltration site, this property triggers a **Historic Structures Preservation** review due to federal permitting required to negate the Army Corps of Engineers Oxbow Wetlands Restoration Project, the north corner of the property flood plain. Filling the Poole floodplain would negate part of the $25 million wetlands restoration work conducted by ACE during 2011-2012. The Poole property floodplain and 22.75 acre infiltration lands filter storm runoff and feed the wetlands with purified waters. These seasonal storm-fed shallow ground waters feed the floodplain under the federal jurisdiction of the *"Section 404 of the Clean Water Act"*[4]. *Section 404* also *requires a federal permit review before any development may be approved*. Permit review and enforcement is conducted by the Army Corps of Engineers. In June 2011, the Army Corps engineers, ABQ District conducted a $25 million project that included "***work in the San Antonio Oxbow to restore wetland function***"[5].

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archaeological review and a historical review whenever a review of a federally funded or permitted project occurs, such as the re-permitting of the M4S permit.

[4] www.epa.gov

[5] "Section 404 of the Clean Water Act (CWA) requires analysis under the EPA's 404 (b) (1) Guidelines if the Corps proposes to discharge fill material into water or wetlands of the United States. A 404 (b) (1) Evaluation was completed for this project and is enclosed as Appendix E.; …and under Nationwide Permit 27 (Aquatic Habitat Restoration, Establishment, and Enhancement Activities) for proposed ***work in the San Antonio Oxbow to restore wetland function***. All conditions under Nationwide Permits 33 and 27 would be adhered to during construction. A water quality certification permit under Section 401 of the CWA would also be required. The Corps would coordinate activities and schedule with the New Mexico Environment Department (NMED) to allow water quality monitoring during project implementation." ***Environmental Assessment for the Middle Rio***

> "Wetlands would be established or restored at appropriate locations to create a diverse and high value habitat. Storm water outfalls were numerous throughout the bosque in the Albuquerque area and would be modified to function as wetlands, increasing diversity of habitat and providing some water quality treatment. There is an existing oxbow wetland that would also be restored to function more naturally. Restoration of wetland habitat was critical to ensuring that the dynamic mosaic of the bosque ecosystem's structure and function was perpetuated."
>
> "…Abandoned channels or depressions deep enough to intersect the regional ground water table often support permanently or semi-permanently flooded ponds and marshes. The San Antonio Oxbow is an example of this type within the Proposed Action Area, and is one of the largest wetland complexes in the Middle Rio Grande valley. This wetland's water regime is influenced by shallow groundwater, and surface water from the Rio Grande, San Antonio Arroyo, and the riverside drain.
>
> Under the No Action Alternative, additional wetlands and reconnection within the floodplain would not occur***. There would be a continued loss of wetland habitat and connection between the river and bosque without the project***."

The Army Corps of Engineers have established (June, 2011)[6] that without the Poole property storm water purification of shallow groundwaters, the Oxbow wetlands and its wildlife habitat will be lost. An important component of the Oxbow wetland recharge is the north corner of the Poole property where a FEMA Flood Plain area is maintained as a benefit to the wetlands. In such a case as the City allowing the applicant to "raze" the historic structures on site, to develop the Pool property and the Poole flood plain in particular without an **M4S permit**, should the City allow the developer to proceed, ignoring the **NEPA 404 Permit program**, ignoring *"Section 404 of the Clean Water Act"*(EPA, 2008)[7] and its trigger that invokes a review under the **National Historic Structures Preservation Act**, then according to the ACE report, the wetlands would be disconnected from important seasonal flooding sources, the very undoing of the $25 million Army Corps of Engineers' 2011-2012 restoration project.

Mitigation: Compensatory Mitigation is possible (EPA, 2009)[8], however the compensatory proceedings and guidelines are administered by the U.S. Army Corps of Engineers.

Grande Bosque Restoration Project. (June 2011) U.S. Army Corps of Engineers Albuquerque District. (Request download link from uemedina@gmail.com).

[6] ***Environmental Assessment for the Middle Rio Grande Bosque Restoration Project*. (June 2011)** U.S. Army Corps of Engineers Albuquerque District. (Request download link from uemedina@gmail.com).

[7] ***Section 404 of the Clean Water Act* (2008).** U.S. Environmental Protection Agency. www.epa.gov/cwa-404/section-404-permit-program, Retrieved October 22, 2018.

[8] **Compensatory Mitigation Guidance (2009).** U.S. Environmental Protection Agency. www.epa.gov/cwa-404/compensatory-mitigation, Retrieved October 22, 2018.

Penalties: "Under section 309(d), the U.S. EPA may seek civil penalties of up to $27,500 per day per violation in the federal district courts, for CWA violations including the unauthorized discharge of dredged or fill materials into waters of the United States, violation of a Section 404 permit, or violation of a Section 309(a)" (EPA. 2001)[9]. The state of New Mexico penalties represent a later amendment to the EPA penalties table than quoted above: "amounts in the multi-day penalty matrix range from 5% to20% (with a minimum of $110 per day) pf the penalty amounts in the corresponding gravity-based matrix cells. Enforcement personnel also retain discretion to impose multi-day penalties: (1) of up to $27,500 per day, when appropriate under the circumstances, and (2) for days of violation after the first 180, as needed to achieve deterrence" (June 2003, EPA).[10]

Under federal law, until a permit is granted, and historical and archaeological reviews are conducted by the federal government, the City possesses no legal right to grant the developer permission to fill and pave the Poole floodplain nor to redirect shallow groundwaters into the San Antonio Arroyo, nor to conduct development. Without a **NEPA M4S permit**, reviewed by the Army Corps of Engineers, and without the conduct of the attendant **National Historic Structures Preservation Act** triggered by the *"Section 404 of the Clean Water Act"*[11] in the **NEPA 404 Permit (M4S permit)** program, it appears to pe prudent for the City to defer this application to the EPA.

To reiterate, the City and the applicant will be liable for federal penalties if the EPC hearing, scheduled for November 8, 2018, proceeds without first obtaining a **NEPA M4S permit**, reviewed by the Army Corps of Engineers, without the conduct of the attendant **National Historic Structures Preservation Act** triggered by the *"Section 404 of the Clean Water Act"*[12] in the **NEPA 404 Permit (M4S permit)** program. Therefore, the City will find a deferral of the hearing to be prudent, until all federally granted permits and investigations are completed. On July 1, 2002, The City signed a transmittal letter (see Appendix), promising to comply with the U.S. Department of the Interior, under the Mid-Region Conservation Initiative Agreements:

(3) **U.S. DEPARTMENT OF THE INTERIOR, MID-REGION CONSERVATION INITIATIVE:** Under **Department of the Interior** agreements, to which the City of Albuquerque Open Space Division, archaeologists, and historians have agreed to comply, The "**Mid-Region Conservation Initiative Agreements**" require compliance to the

[9] **CWA Section 404 Settlement *Section 404 of the Clean Water Act* (2008).** U.S. Environmental Protection Agency. www.epa.gov/cwa-404/section-404-permit-program, Retrieved October 22, 2018.U.S. Environmental Protection Agency. www.epa.gov/sites/production/files/documents/404pen.pdf, Retrieved October 22, 2018.
[10] **EPA RCRA Civil Penalty Policy (6-2003).** US Environmental Protection Agency. www.env.nm.gov/HWB/Guidance_docs/EPA%20RCRA%20Civil%20 Penalty%20Policy%202003.pdf, Retrieved October 22, 2018.
[11] ***Section 404 of the Clean Water Act* (2008).** U.S. Environmental Protection Agency. www.epa.gov/cwa-404/section-404-permit-program, Retrieved October 22, 2018.
[12] Ibid.

investigations discussed above. The Agreement was signed by Matthew Schmader*, Superintendent, Open Space Division, City of Albuquerque*, Amalia Kenward, *New Mexico Archaeological Council*, and Charles Walter*, New Mexico Museum of Natural History*, among other notable signatories. The agreement was tendered to the *U.S. Department of the Interior* on July 1, 2012.[13]

The site and its structures are documented by the New Mexico State Archaeologist. The applicant has failed to submit archaeological, architectural, cultural and historical documentation on the homes and property that are proposed for demolition in this application. As declared above, federal investigations establishing the structures' historic and cultural preservation value to Albuquerque, New Mexico and the United States are mandated by law. When the most recent review of the site's NEPA occurred in 2011 These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow the applicant to alter the engineering operations of the U.S. Army Corps or Engineers (June, 2011)[14] or to "raze" these federally protected structures.

The adobe haciendas are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as a historically significant property, as detailed below. The homes are contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures. Rather these structures possess the criteria that qualify them for review by the City of Albuquerque Historic Preservation Planner, per the IDO:

6-6(B)(3) Review and Decision Criteria 6-6(B)(3)

(a) The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.

HISTORIC SIGNIFICANCE:

a. ARCHAEOLOGICAL HISTORICAL SIGNIFICANCE: The main structure is documented by the New Mexico State Archaeologist. The property itself has yielded artifacts of pre-conquistador Native American dwellings. Specimens of Native American pottery were excavated on this site during the building of the walls surrounding the property. The original owner, Mrs. Suzanne Poole, a patron of the arts, displayed these potteries in specialized display areas in her main house on this site. She purposefully forbade grading on the greater property surrounding the haciendas such that the archaeological treasures that

[13] "Middle Rio Grande Conservation Initiative: Transmittal Letter" July 1, 2002. www.mrg_final_report.pdf, Retrieved October 19, 2018. See Appendix.

[14] ***Environmental Assessment for the Middle Rio Grande Bosque Restoration Project***. (June 2011) U.S. Army Corps of Engineers Albuquerque District. (Request download link from uemedina@gmail.com).

are hidden there would remain undisturbed for future discovery. Archaeological investigation should be conducted in the vicinity of the walls on this property and at interval grids across the undeveloped sectors of the site. Studies establishing the archaeological significance of the site have not been yet undertaken or completed. If heavy demolition and grading equipment is allowed to scrape and compact the soils, subterranean treasure troves of archaeological finds will be crushed and broken, permanently and irretrievably destroyed.

b. MID-20th CENTURY HISTORICAL SIGNIFICANCE: The mid-20th century authentic adobe revival main hacienda (c. 1958), and its adjacent caretaker's hacienda reflects the historic 20s-60s boom among New Mexico architects and artisans. This site boasts highly crafted exemplars of a historical architectural style recognized as distinctively New Mexican: the Mid-20th Century Pueblo Revival style. Further historical significance is found in the list of historic impresarios and cultural icons who sojourned in this hacienda (see CULTURAL SIGNIFICANCE, page 8-9).

ARCHITECTURAL SIGNIFICANCE:

The architecture of the homes on this property is attributed to the famous New Mexico architect George Clayton Pearl (1923-2003), who initiated a new "regionally-responsive design that led to the creation of the University of New Mexico's School of Architecture and Planning's program in Historic Preservation and Regionalism (HPR) through engaging contemporary design and planning movement to foster economic development and enhance the quality of life in local communities while contributing to the conservation of our [unique New Mexico] architecture."[15]

The color palette for the homes on this property was developed in the 50's and 60's by the significant architect John Gaw Meem (1894-1983), the internationally known father of the distinctively unique New Mexico Pueblo Revival Architecture. Meem also designed Zimmerman Library at the University of New Mexico and other famous New Mexico architectural treasures that have contributed to the distinctive character and flavor of the New Mexico experience, "Santa Fe style," which attracts tourism from around the world.

ENGINEERING SIGNIFICANCE:

[15] "An ode to New Mexico's historic preservation and regionalism" New Mexico Architectural Foundation, March 19, 2015, www.newmexicoarchitecturalfoundation.org, Retrieved October 19, 2018.

The property's engineered "Oxbow Wetland" is a manmade wildlife refuge, an example of a "jurisdictional wetland." One of the largest of wetland complexes in the Mid-Rio Grande area, the "Oxbow Wetlands" was engineered by the site's original owner Rufus G. Poole, Sr., Assistant Secretary of the U.S. Department of the Interior. He led efforts with the Army Corps of Engineers to align the Rio Grande River naturally. This engineering feat accomplishes four main purposes:

1. Establishes an environmentally and naturally recharged wetlands wildlife refuge,
2. Designed so that seasonal weather events naturally maintain the bow-shaped wetland,
3. The engineered design also serves to protect eroding banks of the west bluff
4. Provides bordering trails and paths, dedicated to the City of Albuquerque Parks and Open Space Division, to attract tourism and enhance public recreation, making possible non-invasive "photo-safari" views of the natural habitat where endangered species may be observed.

The engineered wetland consists of a series of shallow basins that are arranged adjacent to, but which reach far inland from, the Rio Grande River. The wetland complex is seasonally and temporarily flooded by shallow and surface groundwater seepage from the adjacent Poole property to its west, and from surface water trickling down from the San Antonio arroyo to its north, feeding the wetlands as the river flows north to south. This north corner of the Poole property is designated as a FEMA Flood Zone area. The wetland water regimes (storm water recharge cycles) are influenced by shallow ground water, surface water that seeps into the engineered wetlands from the Rio Grande to the east, San Antonio Arroyo to the north and from the west: seasonal storm water drainage infiltrating through 22.75 acres of unpaved soils on the Poole property.

The western edge of the Poole property provides a significant naturally sustained storm water infiltration that maintains the health of the wetlands: purified seepage partially replenishes the wetlands from storm water runoff that infiltrates (filters) through the 22.75 acres of the unpaved soils of the Poole property to become the shallow ground water that Rufus G. Poole and the Army Corps of Engineers designed and maintain to seasonally replenish the Poole Oxbow wetlands.

CULTURAL SIGNIFICANCE:

Original owners Rufus G. Poole and Suzanne Hanson Poole shaped the cultural fabric of New Mexico, knitting Native American Pueblo relationships (the return of Blue Lake ownership to Taos Pueblo) and demonstrating how to live in cooperation with nature, reshaping the river

to protect embankments while simultaneously providing wildlife wetland habitats around the property, initiating, founding and maintaining cultural bright spots throughout New Mexico: Founding members and annual donors to Santa Fe Opera ($10 million/year in perpetuity via their trust), donations of land to The Bosque School (adjacent to and north of the Poole flood plain and wetlands), founding donors of UNM's Popejoy Hall, the National Hispanic Cultural Center, the Chamber Orchestra of Albuquerque, Film Industry grants, contributions to the Middle Rio Grande Conservation Initiative of 2012. Additionally, the Pooles leveraged their own funding of NM cultural improvements by recruiting other major U.S. philanthropists: Rockefeller, Getty, Gates, Ford, Morris, Mellon, and Lady Britt, all of whom were guests at this 11,000 SF hacienda on the bosque wetlands. The Pooles hosted fabulous soirees at this rambling 11,000 SF Hacienda: a panoply of guests from the famous to the infamous: Dwight D. Eisenhower and John Fitzgerald Kennedy to Richard Nixon. The private performing arts theatre surprised and amused guests with impromptu performances from famous Broadway and Hollywood stars.

2. The structure's potential to contribute to the city's economic development or tourism industry.

The property offers the grandest example of the New Mexico hacienda experience in the uniquely New Mexican "Santa Fe style," which attracts tourism from around the world. Surrounding parks provides trails and paths, dedicated to the City of Albuquerque Parks and Open Space Division, to attract tourism and enhance public recreation, making possible non-invasive "photo-safari" views of the natural habitat where endangered species may be observed.

3. The structure's potential to enhance the city's heritage and historical identity.

The authentic adobe structures are a novelty, architectural anachronisms that offer heritage-rich respite from modern urban pace. The haciendas possess a potential to promote the City's heritage and historical identity by continuing as a public amenity the role that it has always played to private guests: a retreat for the extremely wealthy, industry tycoons, highest level politicians, movie and Broadway stars. The property can easily continue to be employed as a destination retreat for executives and a showplace for the City to host its VIP guests, while showing off the unique flavor of our heritage and roots: quaint and relaxing Southwest Pueblo Revival architecture. There is an opportunity, in this site, to promote an urbanized version of the Santa Fe styles that might be popularized as "Albuquerque Style." In-residence artists and performers can still be hosted from New York and Los Angeles, Europe and Asia, a destination treat for traveling performers who find their tours passing through the magical southwest.

4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.
A one-of-a-kind arched custom stained-glass window shimmers jewel-like where mermaids cavort across an opening in the thick white adobe walls of the natatorium. Carved vines twine around hand-carved doors under a serene Bosque canopy. The original owner spared no expense in continually commissioning artistic embellishments throughout the property, embellishments that rival and exceed the most luxurious homes currently being built in Albuquerque and Santa Fe. The high artistic value lavished upon details of the home continually delight and impress the most discerning visitor.

The haciendas on this property, having been designed and embellished by the most talented and famous architects and artisans in New Mexico, are high-end cousins to these artists' other cost-conscious commissions across the southwest. It is rarely the case that an architect or artist is blessed to be commissioned by a wealthy patron to create their best work with "no holds barred." Mrs. Poole was such a patron of the arts. Her home offers an experience of the best of the best of the artisans and architects who have designed and built landmark buildings in registered historic districts in New Mexico.

5. The structure's condition.
Mrs. Suzanne Poole lavished $400,000 per year on maintenance and new construction embellishments until the day of her death, July 4, 2012. Subsequently, the house was maintained by her caretaker to present it for sale. The property has been standing unimproved for about 5 years, however any small cosmetic issues such as peeled or cracked plaster may easily be restored.

6-6(B)(3)
(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
Based on the criteria above, City Planning hereby requested to refer any demolition request made by the developer to the LC for a 120-day review period during which the LC may authorize studies to determine the finding of facts, in consideration of the public good over private interests intent on destroying these structures, such that these structures may be preserved as historic landmarks.

I am submitting the following facts that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be preserved or

rehabilitated rather than demolished. I submit that the structures fulfill the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation. 6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).
The following facts support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be designated as a landmark, according to the LC criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) or that the entire property be classified as an Historic Overlay Zone according to its qualifications under Part 14-16-3-5(A) as outlined below.

The homes are over 50 years old, and in sound structural condition**.** Razing these contributory architectural treasures will irretrievably erase years of fine craftmanship and exemplars of artistic, archaeological and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)

"…strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics. This property possesses all 5 of these characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.
The architecture of both homes offer fine examples of Pueblo Revival Architecture, carvings of rounded doorways, carved doors, and multiple finely crafted details.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.
The architecture reflects the historical 20s-60s boom among New Mexico architects and artisans that became known as the distinctively New Mexico Pueblo Revival. The architecture of the homes on this property is attributed to the famous New Mexico architect George Clayton Pearl (1923-2003), who initiated a

new "regionally-responsive design that led to the creation of the University of New Mexico's School of Architecture and Planning's program in Historic Preservation and Regionalism (HPR) through engaging contemporary design and planning movement to foster economic development and enhance the quality of life in local communities while contributing to the conservation of our [unique New Mexico] architecture."[16]

The color palette for the homes on this property was developed in the 50's and 60's by world famous architect John Gaw Meem (1894-1983), the father of the distinctively unique New Mexico Pueblo Revival Architecture. Meem also designed Zimmerman Library at the University of New Mexico and other famous New Mexico architectural treasures that have contributed to the distinct character and flavor of the New Mexico experience the "Santa Fe style," which attracts tourism from around the world.

3-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.

Whole specimens of fine Native American pottery were excavated on this site during the building of the walls surrounding the property. The original owner, Mrs. Suzanne Poole, a patron of the arts, displayed these potteries in specialized display areas in her main house on this site. She purposefully forbade grading on the greater areas surrounding the homes such that the archaeological treasures that are hidden there would remain undisturbed for future discovery. Archaeological investigation should be conducted in the vicinity of the walls on this property and at interval grids across the undeveloped sectors of the site. Studies establishing the archaeological significance of the site have not yet been undertaken or completed. If heavy demolition and grading equipment is allowed to scrape and compact the soils, subterranean treasure troves of archaeological finds will be crushed and broken, permanently and irretrievably destroyed.

3-5(A)(4) Possess high artistic value.

A one-of-a-kind arched custom stained-glass window shimmers jewel-like mermaids cavort across an opening in the thick white adobe walls of the natatorium. Carved vines twine around hand-carved doors under a serene Bosque canopy. The original owner spared no expend in continually commissioning artistic embellishments throughout the property, embellishments that rival and exceed the most luxurious homes currently being built in Albuquerque and Santa Fe. The high artistic value lavished upon details of the home continually delight and impress the most discerning visitor.

[16] "An ode to New Mexico's historic preservation and regionalism" New Mexico Architectural Foundation, March 19, 2015, www.newmexicoarchitecturalfoundation.org, Retrieved October 19, 2018.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.
The homes on this property, having been designed and embellished by the most talented and famous architects and artisans in New Mexico, are high-end cousins to these artists' other cost-conscious commissions across the southwest. It is rarely the case that an architect or artist is blessed to be commissioned by a wealthy patron to create their best work with "no holds barred." Mrs. Poole was such a patron of the arts. Her home offers an experience of the best of the best of the artisans and architects who have designed and built landmark buildings in registered historic districts in New Mexico.

These works of art and craftsmanship cannot be replaced.
The missing studies that document the archaeological, architectural, cultural and historical of these homes renders this application incomplete.

EPC RULES: Page 6, Rule7: "Incomplete submissions are grounds for deferral."
Please defer the EPC hearing of this application until archaeological, cultural, and historical documentation of the house/property have been completed, the studies have been submitted to public record, and all parties have received notification that the application is compete and reports are ready for public review, a minimum of 15 days prior to the deadline for public comments.

As quickly as the archaeological, architectural, cultural, and historical documentation may be available for public view, please notify me by email: uemedina@gmail.com or phone (505) 314-3116.

Thank you for your kind consideration,

Una E. Medina Olmsted, Ph.D.

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters. The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:
Member, WSCONA
Member, TRNA
Member, Bosque Montano HOA

A

Middle Rio Grande Conservation Initiative

Transmittal Letter

July 1, 2012

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Salazar:

The *Secretary's Committee for the Middle Rio Grande Conservation Initiative* hereby transmits the enclosed report for your consideration.

You appointed the Committee in January 2012, and charged it with developing recommendations to achieve the objectives of the America's Great Outdoors initiative by enhancing conservation, recreation and education in the Middle Rio Grande. Since then, we have conducted a wide-ranging review. We consulted numerous public and private organizations and also sought input from the general public, especially the people of New Mexico and the residents of the region. What we heard reflected the incredible importance of the river and the public's deep concern for it's future.

Much has been accomplished to improve management of the Middle Rio Grande and a great deal of outstanding work is underway. This report builds on prior successes and achievements, including a variety of prior reports and plans. But much more is needed in order to expand the benefits of conservation, recreation, and education. Indeed, an unprecedented effort—based on partnerships among local, state, federal and tribal entities, and numerous public and private organizations—is essential if the Rio Grande is to endure as a vibrant, resilient system that sustains people, culture, and nature as our climate changes.

Thank you for commissioning this report and for your commitment to a healthy Rio Grande. We were honored to serve on the Committee and look forward working with you and many other partners to achieve an America's Great Outdoors vision for the Rio Grande, one of America's truly great rivers.

Sincerely,

Kelly Gossett
New Mexico Outdoors Coalition

Matthew Schmader, Superintendent
Open Space Division, City of Albuquerque

Amalia Kenward
New Mexico Archaeological Council

Oscar Simpson
New Mexico Backcountry Hunters and Anglers

Derrick Lente, Chairman of the Board
Middle Rio Grande Conservancy District

Charles Walter, Executive Director
New Mexico Museum of Natural History and Science

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Planning Department
Urban Design & Development
Albuquerque, NM 87102
[illegible]
(505) 924-3357

October 22, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
THIS APPLICATION IS INCOMPLETE UNTIL ARCHEOLOGICAL, CULTURAL, HISTORICAL DOCUMENTATION OF HOUSE/PROPERTY HAVE BEEN COMPLETED and 120-DAY REVIEW BY LC FOR LANDMARK DESIGNATION

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Planner Somerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Letter of Justification, page 2, paragraph 3 "EXISTING LAND USE AND ZONING," the applicant proposes to demolish two architecturally significant and contributory structures:

"The site contains two single-family dwellings which are proposed to be razed."

As I understand it, the proximity to U.S. waterways requires a federal investigation to ensure compliance to the M4S permit and to insure compliance with the "Mid-Region Conservation Initiative Agreements" signed by Matthew Schmader, *Superintendent, Open Space Division, City of Albuquerque*, Amalia Kenward, *New Mexico Archeological Council*, and Charles Walter, *New Mexico Museum of Natural History*, among other notable signatories, tendered to the *U.S. Department of the Interior* on July 1, 2012.[1]

[1] "Middle Rio Grande Conservation Initiative: Transmittal Letter" July 1, 2002. [illegible], Retrieved October 19, 2018.

The applicant has failed to submit archeological, cultural and historical documentation on the homes and property that are proposed for demolition in this application. By law, studies establishing the structures' historic and cultural preservation value to Albuquerque and New Mexico are required. These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow these demolitions.

The homes are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as a historically significant property, as detailed below. The homes are contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures, per the IDO:

6-6(B)(3) Review and Decision Criteria 6-6(B)(3)

(a) The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.
The Poole's had so much insight to build on the west side of Albuquerque. Look how big it is now as our beautiful city has grown with vibrant families. The Poole place was the start of this.

2. The structure's potential to contribute to the city's economic development or tourism industry.
There is so much potential for the city to use this property as something similar to the nature center but on the opposite side of the river where the views of the city and mountains are spectacular!

3. The structure's potential to enhance the city's heritage and historical identity.
Our heritage is the river. That is why Albuquerque is where it is. The Poole property provides beautiful vistas. This is heritage enough for me.

4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.
The 27 acres which I consider to be the structure of the property is full of wildlife, views, and vistas. I have seen so many rainbows across the property that shed a beautiful light on Albuquerque!

5. The structure's condition.
A representative from Gamma Development led us to believe that the house is falling down. Based on recent eye witness accounts the house is in excellent condition. It just needs some tender loving care as Mrs. Poole would do if she were alive.

6-6(B)(3)
(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
Based on the criteria above, I request City Planning to refer any demolition request made by the developer to the LC for a 120-day review period during which the LC may authorize studies conducted to determine the finding of facts, in consideration of the public good over private interests intent on destroying these structures, that these structures be preserved as historic landmarks.

I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be preserved or rehabilitated rather than demolished. I submit that the structures fulfill the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).
I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be designated as a landmark, according to the LC criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) or that the entire property be classified as an Historic Overlay Zone according to its qualifications under Part 14-16-3-5(A) as outlined below.

Razing these contributory architectural treasures will irretrievably erase years of fine craftmanship and exemplars of artistic and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)

"...strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics. This property possesses all 5 of these characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.
The architecture of both homes offer fine examples of Pueblo Revival Architecture, carvings of rounded doorways, arched lintels and doors, and many fine custom-crafted details.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.
This blend of old and new housing from the 1950s shows Albuquerque past and present.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.
This property is part of the Oxbow. One cannot remove it and have the Oxbow remain complete.

These works of art and craftsmanship cannot be replaced.
The missing studies that document the archeological, cultural and historical of these homes renders this application incomplete.

EPC RULES: Page 6, Rule7: "Incomplete submissions are grounds for deferral."
Please defer the EPC hearing of this application until

(1) archeological, cultural, and historical documentation of the house/property have been completed, the studies have been submitted to public record, and all parties have received notification that the application is compete and reports are ready for public review, a minimum of 15 days prior to the deadline for public comments.
(2) A 120-day review period has been invoked followed by a public hearing held by the LC according to 6-6(B)(3)(c) to determine whether the structure should be designated as a landmark, according to the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

As quickly as the archeological, cultural, and historical documentation and application to LC for designating these structures as landmarks may be available for public view, please notify me by email: [redacted] or phone (505) 123-1234.

Thank you for your consideration,

Ms. Jody Mostyn

Ms. Deborah K. Stumpff
5316 Sacate Ave NW
Albuquerque, NM 87120
debistumpff@sbcglobal.net
913.461.6213

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
505.924.3357

October 22, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL
This application is incomplete until an EIS (Environmental Impact Study) that can inform a Development Framework Plan has been completed.

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Nameste Rd. NW; Between La Bienvenida Place; and: Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Somerfeldt,

I am writing to share my concerns and my opposition to Project No. PR-2018-001403, Overlook at Oxbow.

The property overlooks the San Antonio Oxbow Open Space. There is a sign as you enter the public trail that states the following:

Welcome to the San Antonio Oxbow Open Space

What is an Oxbow? An Oxbow is a long, broad, crescent-shaped lake formed when a river abandons a meander and changes course. The San Antonio Oxbow is approximately 40 acres and provides excellent wildlife habitat for many creatures. Some of the resident wildlife includes waterfowl, wading shorebirds, song birds, semi-aquatic mammals, amphibians and fish species. One of the largest species of bird found here is the Great Blue Heron. The Heron is sensitive and will take flight if approached by humans or K-9s. Like the Heron, the Oxbow itself is sensitive. The San Antonio Oxbow is a rare resource and is not open to the public. Use binoculars to look for such birds and stay in designated viewing areas.

City of Albuquerque
Parks and Recreation
OPEN SPACE DIVISION
452-5200

On Sunday morning, October 21, 2018, as I was walking this trail as I frequently do, I witnessed a Great Blue Heron for the first time. It was the most breath-taking thing I have seen in this area. I realized this bird was just steps from where some of the homes in the proposed Overlook at Oxbow community would border. The only "man-made" sound I heard at the time was the whir of traffic on I-40 a couple of miles in the distance. I started to imagine, if this community becomes a reality, what other man-made sights and sounds the great blue herons, the sandhill cranes, the geese, and all of the other wildlife that inhabit this area would see and hear – cars driving on the streets, lawn mowers and leaf blowers, smoke from BBQ grills and fire pits, and sounds of children playing (not that children playing are a bad thing). Having a community so close to this area would certainly drive some of the wildlife away over time. Other hazards which would intuitively be harmful are the residents' use of pesticides and herbicides that would wash into this area.

I have talked to other Andalucia residents who have seen burrowing owls fly back and forth between their property and the Poole property. According to the website, defenders.org, *the greatest threat to burrowing owls is* ***habitat destruction and degradation caused primarily by land development****. Despite their protected status, burrowing owls and their burrows are routinely destroyed during the development process.* The burrowing owl is protected by the Migratory Bird Treaty Act.

ENVIRONMENTAL IMPACT STUDY REQUIRED
Without an Environmental Impact Study, it cannot be known whether developing the "Poole Property" will result in destroying the protected habitat of endangered, threatened, or species of concern.

This 22.75 acre site serves as a stopping and resting spot for the Sandhill Cranes and other birds that fly through this region. The fauna and flora in this area also serve as home to various types of native wildlife that the City of Albuquerque is obligated by law to protect according to state and federal statutes and also according to the IDO:

> **2-6(B)(5)(b) Avoidance of Sensitive Lands (page 91 of IDO)**
> **1. Each Planned Community shall be organized to protect or enhance the following types of natural resources and features, by including such areas in common landscaped areas or dedicated open space or by mitigating the impacts of construction on these features to the maximum extent feasible.**
> > **a. Drainage channels, arroyos, and streams (in addition to floodplains).**
> > **b. Historic or archeological sites designated as significant by the state.**
> > **c. Significant views of the Sandia Mountains or Petroglyph National Monument from high points or public places.**
> > **d. *Riparian wildlife habitat areas and corridors designated as significant by the state.***
> > **e. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rock falls, or expansive soils.**
> **2. Lands that show evidence of slope instability, landslides, avalanche, flooding, or other natural or manmade hazards shall not be included in platted lots.**

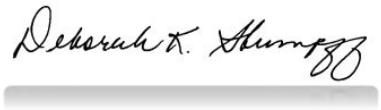
3. New structures intended for human occupancy shall not be located within 100 feet of any perennial stream, public lake, reservoir, or element of a public water supply system unless the City Engineer determines that a smaller setback would adequately protect water quality and *wildlife habitat*.
4. *Natural features to be protected shall be identified in a site analysis as part of a Framework Plan or with any Site Plan or plat when a Framework Plan is not required.*

The IDO defines a Framework Plan on page 462:
Framework Plan: A plan that accompanies applications for the creation of a PC zone district that describes, in general terms and without engineering level detail, proposed land uses (based on definitions in this IDO); proposed maximum and minimum intensities of development for each development phase or area; and the location, size, alignment, and connectivity of proposed automobile, bicycle, and pedestrian circulation systems; open space and/or wildlife habitat systems; and storm drainage systems and facilities.

As cited above, per the IDO, the application is incomplete until a study of the "riparian wildlife and corridors designated as significant by the state" and the environmental impact of the development identifies habitats and natural resources and features and determines whether mitigation measures offered by the developer are feasible or whether any development whatsoever will endanger protected species and incur federal and state penalties upon the developer and the City of Albuquerque.

I am requesting that the EPC defer their decision until these areas of concern are examined and all parties are notified that the application has been completed and reports are ready for public review and given a minimum of 15 days prior to the deadline for public comments,

Thank you for your kind consideration,



Ms. Deborah K. Stumpff

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, Andalucia HOA

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Ms. Cheryl Somerfeldt, Planner
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505.924.3357

October 22, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
THIS APPLICATION IS INCOMPLETE UNTIL ARCHEOLOGICAL, CULTURAL, HISTORICAL DOCUMENTATION OF HOUSE/PROPERTY HAVE BEEN COMPLETED

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402; Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Somerfeldt,

I am a resident in the Andalucia subdivision. Although I have been a permanent resident in Albuquerque a short three years, I am strongly opposed to Project No. PR-2018-001402, Overlook at Oxbow. The reasons for my opposition are detailed below.

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Letter of Justification, page 2, paragraph 3 "EXISTING LAND USE AND ZONING," the applicant proposes to demolish two architecturally significant and contributory structures:

"The site contains two single-family dwellings which are proposed to be razed."

The applicant has failed to submit archeological, cultural and historical documentation on the homes and property that are proposed for demolition in this application. By law, studies establishing the structures' historic and cultural preservation value to Albuquerque and New Mexico are required. These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow these demolitions.

The homes are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as an historically significant property, as detailed below. The homes are contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures, per the IDO:

6-6(B)(3) Review and Decision Criteria 6-6(B)(3)

(a) The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.

- Previous owners, Rufus Poole and Suzanne Hanson Poole, were generous philanthropists and supporters of the arts, education, and environmental initiatives. Mr. Poole passed away in 1968, and Mrs. Poole continued her philanthropic efforts for many years until she passed in 2012.
- Their legacy includes landmarks such as: Taos Pueblo Blue Lake, Santa Fe Opera, National Hispanic Cultural Center, Popejoy Hall, Chamber Orchestra of Albuquerque, Bosque School, Albuquerque Academy, El Rancho Hotel in Gallup, the film industry, and relationships with past US presidents, famous entertainers, and wealthy philanthropists.
- Their private residence is a unique mid-20th century adobe pueblo revival (c.1958), with original, well-maintained architecture and construction with artisan craftsmanship.
- Mrs. Poole maintained the homestead in pristine condition until her death in 2012, spending up to $400,000 annually.
- There were several additions to the house over the years, resulting in 11,000 square feet of livable space.
- The design takes advantage of Albuquerque's spectacular views and encompasses artisan craftsmanship throughout the home, surrounding structures, and natural landscape.
- The homestead is a remnant of Taylor Ranch. Rufus and Suzanne Poole purchased 388 acres from the Joe Taylor Ranch family.
- There are architectural connections to George Pearl, John Gaw Meem, and Antoine Predock. ***A long-time employee of Mrs. Poole has stated that a hand-written letter from Mr. Gaw Meem once existed which stated the formula for the colors of the adobe exterior. This priceless letter was most likely destroyed when many of her personal documents were shredded after her death (by other supposedly "loyal" employees).***

2. The structure's potential to contribute to the city's economic development or tourism industry.

- What a beautiful location this could be today for the film industry. In the past, the home was the location for several major films and commercials. Her kitchen was the set for national Jell-O commercials.

- Amenities of the home can still be used today and re-purposed. The homestead includes two swimming pools, natural gardens, a large outdoor venue for special events, pedestrian walking trails, and access to the river.
- This will be the perfect venue for weddings and other celebrations. Since the Pooles were avid supporters of the arts, what a lovely venue it will be for symphony and opera performances. Mrs. Poole wanted the arts to be accessible to all residents and was an advocate of education, underwriting performance projects and creating scholarships to fund students in the arts.

3. The structure's potential to enhance the city's heritage and historical identity.

- The property overlooks the San Antonio Oxbow Open Space. This area provides excellent wildlife habitat for many creatures. Some of the resident wildlife includes waterfowl, wading shorebirds, song birds, amphibians and fish species. One of the largest species of bird found here is the Great Blue Heron. I have personally observed a Great Blue Heron in the wetlands which is just steps from this property.
- Namaste Road was named by Mrs. Poole to represent the peace and tranquility that this area exhibits.

4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.

- This home is one of the few remaining original 20th century estates built on the west side.
- The landscape includes native flora. Very few invasive species have invaded the landscape since her death in 2012 (e.g., thistle)
- As mentioned above, there are architectural connections to George Pearl, John Gaw Meem, and Antoine Predock.

5. The structure's condition.

- Contrary to what the current owner has reported, this home is structurally sound and the interior is in excellent condition. Mrs. Poole passed away in 2012 in her home. How can a well-built structure like this possibly deteriorate in only six years? It is certainly plausible that some repairs are needed. Mrs. Poole was a perfectionist and maintained the home in pristine condition until her death, per a long-time employee.

6-6(B)(3)

(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

Based on the criteria above, I request City Planning to refer any demolition request made by the developer to the LC for a 120-day review period during which the LC

may authorize studies conducted to determine the finding of facts, in consideration of the public good over private interests intent on destroying these structures, that these structures be preserved as historic landmarks.

14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation. 6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).
I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be designated as a landmark, according to the LC criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) or that the entire property be classified as an Historic Overlay Zone according to its qualifications under Part 14-16-3-5(A) as outlined below.

Razing these contributory architectural treasures will irretrievably erase years of fine craftmanship and exemplars of artistic and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)

"…strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics. This property possesses all 5 of these characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.
The architecture of both homes offer examples of Pueblo Revival Architecture, carvings of rounded doorways, arched lintels and doors, and many hand-carved details.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.
The architecture of the home is attributed to the famous New Mexico architect George Pearl. Today, the George Pearl Hall is home to the University of New Mexico School of Architecture and Planning and the Fine Arts and Design Library.

The color palette for the home was developed by the famous architect John Gaw Meem. Mr. Gaw Meem also designed the beautiful Los Poblanos Historic Inn, as well

as many other significant and historical structures throughout New Mexico, Colorado, and Texas. He was the official architect of the University of New Mexico.

3-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.
Over the years, Native American pottery shards were found on the property, and Mrs. Poole displayed her collection proudly.

3-5(A)(4) Possess high artistic value.
One-of-a-kind stained-glass windows, custom tile, custom gates, and wood carvings are a part of this home. Mrs. Poole spared no expense in making this home very unique.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.
Mrs. Poole's home offers a collection of some of the best architects and artisans who have designed and built landmark buildings in registered historic areas in New Mexico.

These works of art and craftsmanship cannot be replaced.
The missing studies that document the archeological, cultural and historical aspects of these homes renders this application incomplete.

EPC RULES: Page 6, Rule7: "Incomplete submissions are grounds for deferral."
Please defer the EPC hearing of this application until

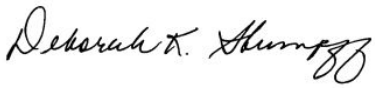
(1) archeological, cultural, and historical documentation of the house/property have been completed, the studies have been submitted to public record, and all parties have received notification that the application is compete and reports are ready for public review, a minimum of 15 days prior to the deadline for public comments.
(2) A 120-day review period has been invoked followed by a public hearing held by the LC according to 6-6(B)(3)(c) to determine whether the structure should be designated as a landmark, according to the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

Some may wonder how I can oppose this development when my home sits on property previously owned by the Pooles. Mrs. Poole did sell parcels of her property for development, but according to her closest friends, her plan was that her private residence and the last 20+ acres of her estate be used in a manner that would benefit the community; either as a library, a veterans home, an arts center, etc.

If I had been living in Albuquerque when the El Bosque subdivision was planned, I would have opposed that development as well, due to the environmental impacts. However, the primary difference between El Bosque and the Overlook at Oxbow is that *no historical homes* had to be demolished to develop the El Bosque area.

As quickly as the archeological, cultural, and historical documentation and application to LC for designating these structures as landmarks may be available for public view, please notify me by email: debistumpff@sbcglobal.net or phone 913.461.6213.

Thank you for your consideration,



Ms. Deborah K. Stumpff

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, Andalucia Homes Association

Wendy E.S. Caruso
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Ms. Cheryl Somerfeldt, Planner
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Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

October 22, 2018

RE: CLUSTER DEVELOPMENT SUBMISSIONS GROUNDS FOR DENIAL.
This application is misinterpreting Part 14-16-4:Use Regulations; 4-3:Use-specific Standards; 4-3 (B)(2) Dwelling, Cluster Development

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Somerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Appendix: Conceptual Site Plan: Applicant proposes to divide the 22.75acres project site into 2 areas, one for Cluster Development at 14.42 acres and the second for 23 R-A lots at 4 acres. The open space provided on the applicant's conceptual plan breaks up the open space into several small parcels instead of a consolidated area as intended by the requirements of a Cluster Development. The area shown as Open Space would not qualify as Major Open Space or be able to be dedicated to the City as such. The Open Space also does not meet the minimum 35' width requirement and a significant amount is in the form of a 'spite strip' at the east portion of the project area. It should also be noted that this area would not be able to be developed without significant cost due to slope and proximity to flood areas. Per the IDO:

4-3(B)(2) Dwelling, Cluster Development

The cluster development project site shall include a common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.

1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.
2. The common open space shall have a minimum length and width of 35 feet.

3. The common open space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.
4. No structure is allowed in the common open space except if necessary for its operation and maintenance.
5. Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department.

The application does not request a variance to the above requirements of a Cluster Development and therefore renders this application incomplete.

Thank you for your consideration,

Mrs. Wendy E.S. Caruso

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, WSCONA
Member, TRNA
Member, Bosque Montano HOA

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Cheryl Somerfeldt, Planner
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October 22, 2018

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As I understand it, the proximity to U.S. waterways requires a federal investigation to ensure compliance to the M4S permit and to insure compliance with the "Mid-Region Conservation Initiative Agreements" signed by Matthew Schmader, *Superintendent, Open Space Division, City of Albuquerque*, Amalia Kenward, *New Mexico Archeological Council*, and Charles Walter, *New Mexico Museum of Natural History*, among other notable signatories, tendered to the *U.S. Department of the Interior* on July 1, 2012.[1]

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The applicant has failed to submit archeological, cultural and historical documentation on the homes and property that are proposed for demolition in this application. By law, studies establishing the structures' historic and cultural preservation value to Albuquerque and New Mexico are required. These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow these demolitions.

The homes are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as a historically significant property, as detailed below. The homes are contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures, per the IDO:

6-6(B)(3) Review and Decision Criteria 6-6(B)(3)

(a) The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.
When I first considered moving to the Andalucia neighborhood I read Mrs. Poole's obituary when I saw that we were so near her home. I have since researched a lot about she and her husband and all the fabulous people who they came in contact with during the formative years of Albuquerque. It would be a shame to demolish her property and the pristine beauty that surrounds it.

2. The structure's potential to contribute to the city's economic development or tourism industry.
There is so much potential for the city to use this property as something similar to the nature center but on the opposite side of the river where the views of the city and mountains are spectacular!

3. The structure's potential to enhance the city's heritage and historical identity.
The homes and the land are where investment in the west side of Albuquerque began. What foresight the Poole's had to envision Albuquerque expanding out west.

4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.
The 11,000 foot home is very unique as it was originally built by Mr. and Mrs. Poole then expanded upon. I was able to talk with a woman from Baca's Trees who described the care that Mrs. Poole took to care for each plant and tree on their property. The vistas are breathtaking from the pool and garden area!

5. The structure's condition.
A representative from Gamma Development led us to believe that the house is falling down. Based on recent eye witness accounts the house is in excellent

condition. It just needs some tender loving care as Mrs. Poole would do if she were alive.

6-6(B)(3)
(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
Based on the criteria above, I request City Planning to refer any demolition request made by the developer to the LC for a 120-day review period during which the LC may authorize studies conducted to determine the finding of facts, in consideration of the public good over private interests intent on destroying these structures, that these structures be preserved as historic landmarks.

I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be preserved or rehabilitated rather than demolished. I submit that the structures fulfill the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).
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Razing these contributory architectural treasures will irretrievably erase years of fine craftmanship and exemplars of artistic and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)

"...strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics. This property possesses all 5 of these characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.
The architecture of both homes offer fine examples of Pueblo Revival Architecture, carvings of rounded doorways, arched lintels and doors, and many fine custom-crafted details.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.
This blend of old and new housing from the 1950s shows Albuquerque past and present.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.
This property is part of the Oxbow. One cannot remove it and have the Oxbow remain complete.

These works of art and craftsmanship cannot be replaced.
The missing studies that document the archeological, cultural and historical of these homes renders this application incomplete.

EPC RULES: Page 6, Rule7: "Incomplete submissions are grounds for deferral."
Please defer the EPC hearing of this application until

(1) archeological, cultural, and historical documentation of the house/property have been completed, the studies have been submitted to public record, and all parties have received notification that the application is compete and reports are ready for public review, a minimum of 15 days prior to the deadline for public comments.
(2) A 120-day review period has been invoked followed by a public hearing held by the LC according to 6-6(B)(3)(c) to determine whether the structure should be designated as a landmark, according to the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

As quickly as the archeological, cultural, and historical documentation and application to LC for designating these structures as landmarks may be available for public view, please notify me by email: [illegible] or phone (505) 123-1234.

Thank you for your consideration,

Barbara Tegtmeier

Ms. Barbara Tegtmeier

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, WSCONA
Member, TRNA
Member, Bosque Montano HOA

Somerfeldt, Cheryl

From: EW <em@srmna.org>
Sent: Monday, October 22, 2018 1:58 PM
To: Somerfeldt, Cheryl
Subject: PR-2018-001402 (Poole Property)

Dear Ms. Somerfeldt:

Please include in the EPC hearing packet for November 8, 2018, this statement of opposition to the housing development proposed on the sensitive lands east of Namaste Rd. NW and south of La Bienvenida Pl. NW, known as the Poole property. This area abuts open space along the Rio Grande and should be considered for open-space acquisition and historical preservation rather than a 73-unit residential development as shown to West Side residents.

I had the good fortune of being a guest of Ms. Poole on multiple occasions more than a decade ago and know first-hand the specialness of the property. Please recommend against approval of the proposed project.

Thank you,

Ms. E. Ward
==========
This message has been analyzed by Deep Discovery Email Inspector.

Mrs. Audrey Esquibel
4624 Almeria Dr. NW
Albuquerque, NM 87120
aeoe5@yahoo.com
(505) 417-6049

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

October 22, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
THIS APPLICATION IS INCOMPLETE UNTIL ARCHEOLOGICAL, CULTURAL, HISTORICAL DOCUMENTATION OF HOUSE/PROPERTY HAVE BEEN COMPLETED and 120-DAY REVIEW BY LC FOR LANDMARK DESIGNATION

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Planner Somerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Letter of Justification, page 2, paragraph 3 "EXISTING LAND USE AND ZONING," the applicant proposes to demolish two architecturally significant and contributory structures:

"The site contains two single-family dwellings which are proposed to be razed."

As I understand it, the proximity to U.S. waterways requires a federal investigation to ensure compliance to the M4S permit and to insure compliance with the "Mid-Region Conservation Initiative Agreements" signed by Matthew Schmader, *Superintendent, Open Space Division, City of Albuquerque*, Amalia Kenward, *New Mexico Archeological Council*, and Charles Walter, *New Mexico Museum of Natural History*, among other notable signatories, tendered to the *U.S. Department of the Interior* on July 1, 2012.[1]

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The applicant has failed to submit archeological, cultural and historical documentation on the homes and property that are proposed for demolition in this application. By law, studies establishing the structures' historic and cultural preservation value to Albuquerque and New Mexico are required. These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow these demolitions.

The homes are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as a historically significant property, as detailed below. The homes are contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures, per the IDO:

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(a) The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. **The structure's historic, architectural, engineering, or cultural significance.**

The west side of Albuquerque is relatively new and there are not very many sites to be considered historic, however the Poole home and property are the exception. Mr. and Mrs. Poole exercised great insight building a home with such charm and beauty on the west side.

Many years back the Alvarado Hotel faced a similar situation (progress), it was demolished and many of us still see that as a great historical loss to our city. Let's not make the same mistake. The developer's plans for homes can be placed in many other locations that will not be destructive to such a historical property.

2. **The structure's potential to contribute to the city's economic development or tourism industry.**

The property could have multiple uses by the city – it could house a restaurant, a place for weddings and receptions or a nature center on the west side where tourists could visit or school children could have field trips.

3. **The structure's potential to enhance the city's heritage and historical identity.**

The Rio Grande river is part of the city's heritage and historic identity. The expansion to the west side was started by the Poole's and their property is definitely part of the heritage and historical identity, not to mention the amazing view of the river and bosque from their land.

4. **Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.**

From what we know of the home, it is indeed, very unique. The Poole's built a compound unlike any other located on the west side. It was well thought and planned to blend with the surroundings.

5. The structure's condition.

Having never been inside the home I can only say that homes constructed at that time were built to last. I cannot imagine that a home that was cared for and loved could already be in such disrepair that it must be torn down. The outside appears to be in good shape.

6-6(B)(3)

(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

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3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.

The architecture of both homes offers fine examples of Pueblo Revival Architecture, carvings of rounded doorways, arched lintels and doors, and many fine custom-crafted details.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.

The southwest style of the home, the natural color, the way it blends with its surroundings, all these are uniquely New Mexico, past and present.

3-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.

The Pooles were early builders on the west side, at a time when very little was being developed. They had the vision to build a compound that blended with nature and provided an incredible view of the Rio Grande river, bosque and valley.

3-5(A)(4) Possess high artistic value.

Artistic value is very subjective and differs for many people, however, I view this compound as extremely valuable as it is unique, historic and we should do all we can to preserve it for the future of Albuquerque

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.

This site has "outstanding historical significance". How many other sites are there in this city or any other city in New Mexico? There are very few in this state.

These works of art and craftsmanship cannot be replaced.
The missing studies that document the archeological, cultural and historical of these homes renders this application incomplete.

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Thank you for your consideration,

Audrey Esquibel

Mrs. Audrey Esquibel

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The specific opinions in this letter, however, are solely my own.

Mr. Orlando Esquibel
4624 Almeria Dr. NW
Albuquerque, NM 87120
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(505) 720-3909

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
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October 22, 2018

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Project No: PR-2018-001402 Case No: SI-2018-00171
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1. **The structure's historic, architectural, engineering, or cultural significance.**

On the west side, there are very few structures that have any historical significance but I feel the Poole Compound touches the heart and soul of the west-side. The beauty and charm of this structure or compound should be preserved.
I was around when Alvarado Hotel was destroyed and we all regretted tearing down this old historic structure. The justification was progress, but what was lost was the charm and beauty of the old hotel.
It would be a huge mistake to destroy this historical site to homes that can very easily be built in many other locations. The Poole Compound can never be duplicated. It will be lost forever. The developer is looking at it as a money-making proposition and I am looking at it as a historical site with historic and cultural significance. The two motives will not come together.

2. **The structure's potential to contribute to the city's economic development or tourism industry.**

I see this as a tourist attraction or possibly a library or a location for tours for all children in school. It could also be developed as a retreat center for groups to come together to a very spiritual place.

3. **The structure's potential to enhance the city's heritage and historical identity.**

The City of Albuquerque is growing but everywhere you look there are few sites that are being preserved. The reason for that is that the west-side was just a waste land that for years and was not developed. The Poole's on the other hand, saw the raw

potential and spent a lot of money developing the compound. This site should be preserved.

4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.

This is definitely a very unique structure in terms of the location and how the mansion blended with its surroundings. So, if you take into consideration the mansion, the view, the wetlands and how it all blends together this is a very unique place on the west-side of Albuquerque. It's one of a kind.

5. The structure's condition.

I have not had the opportunity to look at the structure in detail but if immediate action is not taken the structure will fall and overtime the likely hood of preservation will not be possible.

6-6(B)(3)

(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.

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3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.

The first thing that comes to mind is the flat roof architecture and the adobe color where it blends in with the surrounding land, trees and shrubs. It seems like this structure has been there for at least 100 years.

3-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.

For many years the west-side was not developed as it was seen as a wasteland and the Atrisco Land Grants did not allow any large-scale development. The Poole's built a very nice compound on the west-side when no one else was interested.

I have also heard that the Poole Compound was a site for an Indian Pueblo and that should be checked-out just to make sure. Also, I have heard that many pieces of pottery have been found by neighbors in this location. If you find one piece there is a higher probability that there are more pieces of old pottery or other historical findings.

3-5(A)(4) Possess high artistic value.

Artistic value is in the eye of the beholder and from my view point, this compound has a very high value as there is no other one like it in Albuquerque. It stands out as one of a kind and would be a point of reference in the future of our City.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.

This site has "outstanding historical significance". How many other sites are there in this city or any other city in New Mexico. There are very few in this state.

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Thank you for your consideration,

Mr. Orlando Esquibel

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The specific opinions in this letter, however, are solely my own.

Somerfeldt, Cheryl

From: Robert Erselius <erselius@glendale.edu>
Sent: Tuesday, October 23, 2018 8:48 AM
To: Somerfeldt, Cheryl
Subject: Project PR-2018-001402 - Overlook at Oxbow - Old Poole Estate

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102

Ref: EPC Project No: PR-2018-001402 Case No: SI-2018-00171

Dear Planner Somerfeldt,
I am opposed to both the Site Plan and the Variance being requested by Consensus Planning, Inc. for the Poole Estate.
Requesting a Site Plan that ask for 73 lots is certainly not low-density. The new R-A (IDO 2-3(A) (1)) residential zoning states that the purpose of this residential zone is to provide for low-density, single-family residences and limited agricultural uses, generally on lots of ¼ acre or larger. Prior to the IDO changing the zoning from R-A-1 to R-A, the Poole estates'R-A-1 zoning required a minimum 1 acre lots with an additional 20,000 square feet of open space for each dwelling unit. The obvious reason for this property being previously zoned 1 acre plus 20,000 square feet per residence was because of its unique location being adjacent to the Bosque, the wetlands and the bird sanctuary. Since 73 lots is certainly high-density for this unique property, it will have definite negative impact to the native habitat and a negative impact to the surrounding residential neighborhoods with respect to public services and vehicle traffic. Police, in particular, as well other public services are already overwhelmed and understaffed. The additional 73 residences will only make the problem worse. At the present time, police can't respond to crimes in process in a timely manner in the surrounding residential neighborhoods. We were told the police didn't have the manpower to respond to a home break-in in process. As a result some in our neighborhood have retained an armed response security service for protection. In addition with 73 more homes there will at least another 146 cars increasing traffic on the surrounding streets and the heavily traveled Coors Blvd.
While R-A allows for cluster homes the IDO did not take into consideration the special and unique location of the Poole Estate along the Bosque and Rio Grande. We do have a cluster home development along the Bosque and Rio Grande that has set precedent for open space. That development is La Luz on the east side of Coors Blvd. south of Learning Road. La Luz has preserved 30 acres of open space for sensitive

habitat between the cluster homes and the Rio Grande and the La Luz open space is usable space. The Consensus Planning proposed opens space for the Poole estate is far too small for this unique property located given its location next to the bird sanctuary, wetlands and Rio Grande and 2.85 acres of the total 4.33 acre open space is steep slope and totally unusable. It seems reasonable that the open space and lot size area for each parcel should total a minimum of a ¼ acre or 10,890 sq. feet. This would mean a minimum of 5.7 acres of open space instead of the proposed 4.33 acres. This should be 5.7 acres of usable open space not non-usable steep slopes. The requested variance is for a cul-de-sac located at the eastern point of the property. Even in the middle of this eastern part of the property where the cul-de-sac is shown on the site plan, the cul-de-sac does not avoid the sensitive lands at the eastern edge of the property. This cul-de-sac enables the development of lots that back up to the bird sanctuary which will negatively impact the breeding and nesting habitat for thousands of birds, reptiles, amphibians, and mammals. There is a high degree of probability that there are endangered species residing in the bird sanctuary and on the Poole estate. There needs to be a complete and thorough environmental impact study to determine if any endangered species are resident there.

It is also noteworthy that the applicant did not submit the following: an Archaeological Certificate (FormP3) or a Historic Certificate of Appropriateness (Form L). Given the fact that Native American pottery and pottery chards have been found on the property and given the history of Rufus and Suzanne Hanson Poole, both of the above forms need to be submitted and thoroughly considered before any site plan or variance should be considered for approval.

Again I restate my opposition the site plan and variance

Thank you for your consideration.
Robert Erselius
4908 Camino Valle Trail NW
Albuquerque, NM 87120
erselius@glendale.edu

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Kaayla T. Daniel <wholenutritionist@earthlink.net>
Sent: Tuesday, October 23, 2018 8:48 PM
To: Somerfeldt, Cheryl
Subject: Poole Property

Dear Ms. Somerfeldt:

I am writing about my concerns about the proposed development of the Poole property. I live nearby at La Luz, a community of townhouses designed by architect Antoine Predock that is on the NM Register of Cultural Properties. I would be saddened by the loss of the Poole homestead, a pueblo revival home of considerable historical and architectural significance. And I would feel devastated if dense new development destroys a unique biohabitat on the Bosque that is needed for the survival of birds and animals.

Before a decision on development is made, I believe we need full archaeological, cultural and historical documentation on the homes and property.
As per IDO:

- Section 14-16-3-5 (A).3-5 (A) (1)
- Embody the distinctive characteristics of a type, period, or method of construction
- 3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type
- 3-5(A)(3) Have yielded, or are likely to yield, information important to history or prehistory
- 3-5(A)(4) Possess high artistic value
- 3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes this area's preservation critical.

We also need an Environmental Impact Study:

- Section 2-6 (B)(5)(b): Avoidance of Sensitive Lands (page 91 of the IDO)

Please defer this decision until the EPC can obtain conclusive evidence about the historical significance of the homes.. Destruction of the properties without this evidence would be a huge mistake and likely illegal too. This area of Albuquerque is already congested with major traffic problems. Truly no good can come from developing a unique property which is not only historically significant but so needed for a public in need of "open space" and wildlife in need of preservation.

Thank you for considering my request.

Kaayla T. Daniel

Kaayla T. Daniel, PhD
9 Pool St NW, Albuquerque, NM 87120
505-266-3252

==========
This message has been analyzed by Deep Discovery Email Inspector.

TO: Cheryl Somerfeldt,
City of Albuquerque Planning Department
csomerfeldt@cabq.gov

FROM: Virginia Hanratty,
Resident of La Luz del Oeste
virginia.hanratty@gmail.com

RE: Project No. PR2018-001402
Case No. S1-2018-00171

October 23, 2018

Dear Ms. Somerfeldt,

I am a long term resident of La Luz, and I have observed all of the encroaching development over the years. La Luz is fortunate in that we own the open space between our homes and the Bosque. We feel a strong commitment to protecting the unique ecosystem of the Bosque and the character of the Albuquerque west side.

It has come to my attention that the proposed development of the Poole Property has numerous areas of non-compliance with the zoning code in the Integrated Development Ordinance. It is my observation that the Poole property is important because of its historical and cultural significance and also its location directly adjacent to the Oxbow Wetland.

I want to ensure that this letter meets the requirements for consideration by the Environmental Planning Commission and state that the following regulation must be considered:

1-8 RELATIONSHIP TO OTHER REGULATIONS

> 1-8-(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or
> federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

I appreciate your attention to this matter.

Best regards.

Virginia Hanratty

October 23, 2018

Derek Bohannan, Chair
Environmental Planning Commission
Albuquerque Planning dept.
600 Second Street NW
Albuquerque, New Mexico 87102

Re: Poole Property - 5001 Namaste Road Oxbow Site Plan proposal

Dear Mr. Bohannan and fellow EPC members,

The Poole Property is within the Taylor Ranch boundaries. Many westside residents attended the August 20th facilitated preapplication meeting. It was noted at the meeting that the proposal is a standard subdivision and that more creativity was needed to protect the sensitive nature of the wildlife ecosystem, to preserve the existing culturally significant homes, the magnificent views, and to honor the many contributions the original owners made to this Community.

Here are our comments:

1. Open space: This site is adjacent to a sensitive wetland area along the Rio Grande Bosque, known as the Oxbow Wetland. It serves a wildlife preserve with numerous bird species and mammals including deer and bobcats. It meets 7 of the criteria for evaluating Sensitive Lands in the IDO, See pg. pg. 198.

2. Area of Consistency: The Poole property is in an Area of Consistency. The Poole's purchased 388 acres of land in 1957 from the Taylor Ranch Family. Most of the land since then has been sold and developed. This is one of the very few remaining homesteads in the area. There are 3 buildings on the 22-acre site which have historic and cultural value. The Poole estate has maintained its rural character, with excellent views of the Oxbow, City & Mountains. It has provided more protection to the Oxbow due to it minimal use and low impact. The property has served as a good buffer between the more intense surrounding development and the Oxbow open space. It was our understanding that Area of Consistency would provide more protection for existing neighborhood character. <u>We did not expect that homes in Areas of Consistency would be destroyed, and that the entire character of the area would be changed.</u> The property should be

maintained as is to be consistent with its current rural character and to continue serving as a buffer and transition zone between the surrounding development and the Oxbow.

3. Cluster development: This proposal does not fit the definition of cluster development needed for sensitive lands that has natural and cultural value. The proposal falls far short of an existing cluster design that has already been established on the westside, called the La Luz development. La Luz is a cluster design adjacent to the Bosque. La Luz is recognized for its thoughtful approach to preserving scenic vistas and natural resources. Each unit is designed so that views of the natural landscape are preserved for everyone to enjoy. More than half of the property was left as open space and serves as a natural water recharge area for the aquifer. The Poole property also provides scenic vistas and serves as a water recharge area for the Oxbow.

Definition: ***Cluster development*** *is a design technique or zoning strategy that involves grouping houses on smaller lots in one area of a* ***development*** *while preserving the remaining land on the site for recreation, common open space, or protection of environmentally sensitive areas.*

4. Open Space buffer: It is very important to have a substantial buffer along the bluff. The proposed subdivision site provides the small undevelopable portion of the slope behind backyard walls as their buffer. Coors Corridor Plan set the stage for requiring buffers along the Corrales Riverside Drain. It also encouraged a buffer along the Oxbow Marsh lands. The IDO requires a 100 ft. buffer along the Corrales Riverside Drain from the Callabacillas Arroyo to Namaste road. The Poole property is within those boundaries, just north of Namaste road.

The applicants said they are not required to provide a buffer, because the property is not adjacent to the Corrales Riverside drain. Other subdivisions such as the Andalucia and Oxbow subdivisions, are located both north and south of the Poole property. Both subdivisions provided buffers even though there is no drain south of the Poole property.

Buffers are needed for flood protection, wildlife protection, fire protection and erosion control. The sandy bluff has erosion control issues, and periodic fires in the Bosque putting buildings at risk. A residential home under construction and a

gazebo, burned down in 2003. People were spraying their homes near the bluff with the hose to keep them from catching fire also.

5. Flood Plain: The site plan submitted on Sept. 27 has a drainage plan showing at least 4 northeastern lots adjacent to the San Antonio Arroyo in the Fema Flood Zone. This site needs a buffer.

6. Dedicated Open Space: The applicant mentioned that they would donate open space land to the City on the eastern edge of the property, but it is not usable open space. The land being offered has a severe slope and is undevelopable. It should not be considered a buffer for the subdivision. The City will be responsible for maintaining undeveloped slopes, deal with any future storm runoff, and protect homes from soil erosion and any potential fire in the Bosque. Providing a substantial buffer would make it easier for the City or any responsible party to maintain the area next to the Oxbow.

7. Single loaded streets: TRNA supports using single loaded streets along open space areas. Single loaded streets are required in the IDO, separating development from the Open Space. Based on experience, TRNA knows the benefits of using single loaded streets. Single loaded streets allow visitors to see and enjoy open space and scenic areas. The street provides a nice tidy edge which helps to prevent privacy issues between residents and open space users and would capture storm runoff and debris and diverts them safely away.

8. Force Main: The proposed site plan shows a force main carrying the homeowner's sewage up the hill to the west to the main sewage pipe connections. This is a costly system to run and maintain. If the electricity shuts off the sewage could back up and possibly spill into the wetland. The responsibility to maintain and fix this system would be passed on to the Water Utility Authority. It would be too difficult for an HOA to maintain. This is another reason why the eastern half of the property should not be developed. The whole site should remain as it is and sold, with the few existing structures repurposed.

9. Preserve existing Structures: There are basically three building structures built on the property: two residences and a building adjacent to the outside pool at the main house. The main house is 80% adobe. The second residence is 100% adobe. All three structures have fine craftmanship worked into the details of their Southwest style architecture. The main building was built in 1957 or '58. All

three have been well cared for and are still in good shape. After Mrs. Poole's death, a crew of workers continued to perform maintenance on her residence for a year. We feel these structures represent the character and unique identity of New Mexico with its adobe style architecture. The structures are the westside's earliest homesteads that easily meet the characteristics listed in the Historic Overlay Zone of the IDO, pg. 109. As stated above, these structures should not be demolished.

10. Archeological survey: It has been pointed out to us that Indian artifacts were found on this property during construction of a sewer line and the perimeter wall. An archeological survey should be done on this property.

TRNA does not feel that this development proposal is appropriate for this site. It does not meet the intent of the Comp Plan nor the requirements of the IDO for sensitive lands or cultural properties. More creativity is needed for the design of this site, to address all the site constraints listed above and to meet all the requirements for preserving sensitive lands, which have natural, cultural, & historic value. Mr. and Mrs. Poole made huge contributions promoting the performing arts culture for all Albuquerque residents and were very good stewards of the land. More protection is needed for this property.

Thank you,
Rene' Horvath
Land use director for TRNA.

See Comp Plan:
Chapter 10 Parks and Open Space: 10-19
See Chapter 11 Heritage Conservation: 11-22, 25, 26, 27, & 28.

See IDO:
Site Design and Sensitive Lands: 5-2, pg. 198
Major Public Open Space Edges: 5-12(H), pg. 205-206
Historic Overlay Zone: 3-5, pg. 109

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5-5 HISTORIC PROTECTION OVERLAY ZONES

5-5(A) PURPOSE

The purpose of the Historic Preservation Overlay (HPO) zone is to preserve, protect, enhance, perpetuate, and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological, or geographic significance located in the city; to strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities. Properties in this district have 1 or more of the following characteristics:

5-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.

5-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.

5-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.

5-5(A)(4) Possess high artistic value.

5-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.

5-5(B) DESIGNATED CITY LANDMARKS

5-5(B)(1) The list of individually designated City landmarks and the standards and guidelines applicable to each City landmark are available online: http://www.cabq.gov/planning/boards-commissions/landmarks-urban-conservation-commission/history-landmarks.

5-5(B)(2) Maintenance requirements for City landmarks can be found in Subsection 14-16-5-13(B)(3).

5-5(C) DESIGNATION OF HISTORIC PROTECTION OVERLAY ZONES AND CITY LANDMARKS

5-5(C)(1) Landmark sites or structures and HPO Zones may be designated by the City Council pursuant to Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

5-5(C)(2) Restrictions on and procedures for demolition of landmark structures and structures in HPO zones are regulated pursuant to Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

5-5(D) CERTIFICATE OF APPROPRIATENESS REQUIRED

5-5(D)(1) Within the boundaries of an HPO zone, the exterior appearance of any structure, including but not limited to any sign, shall not be altered; new structures shall not be constructed; and existing structures shall not be demolished until a Certificate of Appropriateness is approved pursuant to Subsection 14-16-6-5(D) (Historic Certificate of Appropriateness – Minor) or Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).

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5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(A) PURPOSE

The regulations in this Section 14-16-5-2 are established to minimize the impacts of development on the natural environment and to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities. Site design standards are intended to enhance the visual appearance of non-residential development, promote street and neighborhood character, and strengthen the pedestrian environment.

5-2(B) APPLICABILITY

These standards apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO. The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in this IDO.

5-2(C) AVOIDANCE OF SENSITIVE LANDS

5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:

5-2(C)(1)(a) Floodplains and flood hazard areas

5-2(C)(1)(b) Steep slopes

5-2(C)(1)(c) Unstable soils

5-2(C)(1)(d) Wetlands

5-2(C)(1)(e) Arroyos

5-2(C)(1)(f) Irrigation facilities (acequias)

5-2(C)(1)(g) Escarpments

5-2(C)(1)(h) Rock outcroppings

5-2(C)(1)(i) Large stands of mature trees

5-2(C)(1)(j) Archaeological sites

5-2(C)(2) Street crossings of irrigation ditches and drains shall be minimized to the maximum extent practicable.

5-2(C)(3) Street crossings of sensitive lands shall be minimized to the maximum extent practicable.

5-2(C)(4) If avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

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to those with light reflective value (LRV) rating between 20 percent and 50 percent.

5-2(H)(1)(b) Colors shall blend with the surrounding natural environment and generally include yellow ochres, browns, dull reds, and grey greens.

1. Trim materials on façades constituting less than 20 percent of the façade's opaque surface may be any color.
2. Use native and/or naturalized vegetation for landscaping materials.

5-2(H)(1)(c) Screen mechanical equipment pursuant to Subsection 14-16-5-6(G) (Screening of Mechanical Equipment and Support Areas).

5-2(H)(1)(d) Design lighting pursuant to Section 14-16-5-8 (Outdoor Lighting).

5-2(H)(1)(e) Design signage per Subsections 14-16-5-12(C)(4) and Section 14-16-5-12(H)(2)(e) and locate signs to minimize visibility from Major Public Open Space.

5-2(H)(1)(f) Provide pedestrian and bicycle access to the Major Public Open Space consistent with the City's adopted Bikeways and Trails Facility Plan and as acceptable to the Open Space Division of the City Parks and Recreation Department.

5-2(H)(2) Properties Adjacent to Major Public Open Space

In addition to the standards that apply within 330 feet of Major Public Open Space in Subsection 14-16-5-2(H)(1) above, the following standards apply to development adjacent to Major Public Open Space.

5-2(H)(2)(a) Development on properties of any size adjacent to Major Public Open Space shall:

1. Be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department. Where a single-loaded street is not desired by the Open Space Division of the City Parks and Recreation Department, a landscape buffer with a minimum width of 20 feet may be substituted as approved by the Open Space Superintendent.
2. Locate on-site open space to be contiguous with the Major Public Open Space, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department.
3. Locate lower densities and less intense uses abutting the Major Public Open Space in any Mixed-use zone district.
4. Include a landscaped strip between off-street parking and the Major Public Open Space with a minimum width of 6 feet that varies in width to avoid the appearance of a hard, straight line.

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Plant selection shall include sufficient shrubs or trees to provide a visual barrier.

5. Limit height of site lighting luminaires to 20 feet.
6. Incorporate Crime Prevention through Environmental Design (CPTED) principles to deter crime and to facilitate security measures.
7. Manage stormwater per Section 14-16-5-4(H).
8. Design grading per Section 14-16-5-4(J).
9. Locate and design vehicle access, circulation, and parking per Subsection 14-16-5-5(F) (Parking Location and Design) and Subsection 14-16-5-6(F) (Parking Lot Landscaping).
10. Locate and design all walls, fences, retaining walls, and combinations of those site features facing the Major Public Open Space in compliance with all applicable standards in Section 14-16-5-7(E)(4) (Walls Adjacent to Major Arroyos or Major Public Open Space).
11. Prevent and mitigate construction impact per the DPM.

5-2(H)(2)(b) Development on properties 5 acres or greater adjacent to Major Public Open Space shall:

1. Comply with the requirements of Subsection (a) above.
2. Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.
3. Locate and design vehicle access, circulation, and parking to minimize impact to Major Public Open Space.
4. Design grading and manage stormwater to minimize impact to Major Public Open Space.
5. Locate, design, and orient site lighting to be compatible with Major Public Open Space, including consideration of periphery lighting and lighting of any pedestrian access to Major Public Open Space that is acceptable to the Open Space Division of the City Parks and Recreation Department.
6. Design walls to balance the following needs as appropriate on a case-by-case basis:
   a. Aesthetics that blend with the natural environment.
   b. Safety and surveillance.
   c. Screening and privacy.
7. Locate, design, and orient signage to minimize impact to the Major Public Open Space.
8. Be reviewed by the EPC per Section 14-16-6-6(H).
9. Have an approved Site Plan – EPC that meets conditions deemed necessary by the EPC to further compliance with the above standards to minimize impact on the Major Public Open

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b) See **Transportation Goal 6.2** for policies related to multi-use trails.

ACTION

10.2.3.1 Amend the subdivision ordinance to require dedication of designated trail corridors. [BC]

Goal 10.3 Open Space

Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

POLICY 10.3.1

Open Space Acquisition: Acquire significant lands throughout the community to shape the urban form, conserve natural and cultural resources, and protect agricultural land. [ABC]

a) Collaborate on Open Space acquisition to implement the Open Space network.

b) Acquire trail, wildlife, and drainage corridors as important elements of the Open Space network.

c) Acquire landscapes to natural hazardous as well as adequate buffers for public safety.

d) Acquire lands abutting significant features to ensure adequate protections of natural and cultural resources.

e) See **Infrastructure, Community Facilities & Services Policy 12.4.5** for Rank 2 Facility Plans that guide Open Space acquisition and maintenance.

f) See **Resilience & Sustainability Policy 13.4.4** for protecting areas with unique landforms and habitats.

ACTIONS

10.3.1.1 Prioritize and fund property acquisition consistent with the policies of the Comp Plan. [ABC]

10.3.1.2 Work with landowners to define how, where, and what amount of proposed open space lands will be transferred into public ownership through coordination with the City of Albuquerque Open Space.

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11.2 Goals, Policies & Actions

for Heritage Conservation

Goal 11.1 Traditional, Rural & Agricultural Heritage

Preserve and enhance farmland, the acequia system, and traditional communities.

Goal 11.2 Historic Assets

Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

Goal 11.3 Cultural Landscapes

Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

Goal 11.4 Archaeological & Paleontological Resources

Identify, acquire and manage significant archaeological and paleontological sites for research, education, tourism, and recreational use.

Goal 11.5 Cultural Traditions & the Arts

Emphasize and support cultural traditions and arts as vital components of the community's identities and well-being.

Policies are organized to support each Goal. Many Policies have supporting Sub-polices, cross-references to other relevant policies, and implementing Actions to more clearly guide decision-making.

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Goal 11.2 Historic Assets

Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

POLICY 11.2.1

Gentrification: Balance the objectives of historic preservation and conservation of affordable housing. [ABC]

a) Work to maintain a range of housing options and affordability levels to ameliorate the displacement of low income households.

b) Encourage renovation and rehabilitation to preserve and enhance the existing housing stock.

POLICY 11.2.2

Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest. [ABC]

a) Preserve and maintain historically significant buildings and spaces.

b) Recognize historic buildings and districts as vital elements of the community.

c) Encourage the adaptive reuse of historic structures as a strategy to preserve character and encourage reinvestment.

d) See **Community Identity Goal 4.3** for character-defining elements of each Community Planning Area.

ACTIONS

11.2.2.1 Research, evaluate, and protect historical and cultural properties. [ABC]

11.2.2.2 Provide incentives for the protection of significant districts and buildings. [ABC]

11.2.2.3 Increase public and inter-agency awareness of historic resources and preservation concerns. [ABC]

11.2.2.4 Support property owners in pursuing designation for buildings with potential for historic registration. [A]

11.2.2.5 Support the efforts of residents to pursue historic district designations for areas with potential for historic registration. [A]

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POLICY 11.2.3

Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts. [ABC]

a) Consider local history and the visual environment, particularly features unique to Albuquerque, as significant determinants in development and redevelopment decisions in light of their relationship to and effect upon the following:

i. Architectural styles and traditions;

ii. Current and historic significance to Albuquerque;

iii. Historic plazas and Centers;

iv. Culture, traditions, celebrations, and events.

b) Encourage development that strengthens the identity and cohesiveness of the surrounding community and enhances distinct historic and cultural features.

c) Design streets and streetscapes that match the distinctive character of historic areas.

d) See **Community Identity Goals 4.1 and 4.3** for character protections and character-defining elements of each Community Planning Area.

f) See **Urban Design Goal 7.3** for policies related to sense of place.

ACTIONS

11.2.3.1 Identify areas having a distinctive historic character for potential historic district designation. [ABC]

11.2.3.2 Encourage collaboration among jurisdictions, businesses, and residents along El Camino Real to provide neighborhood gateways, interpretive signage, public art, and educational opportunities for residents and visitors. [ABC]

11.2.3.3 Investigate methods of funding revitalization of rural settlements. [BC]

11.2.3.4 Encourage programs to develop building skills and use local materials as part of economic revitalization of historic villages in mountain and valley areas. [BC]

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Goal 11.3 Cultural Landscapes

Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

POLICY 11.3.1

Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes. [ABC]

a) Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

i. Indigenous vegetation and other materials appropriate to landscapes;

ii. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments

iii. Soils and erosion potential;

iv. Colors and textures of the natural environment; and

v. Scenic views from the public right-of-way

b) Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design and materials that blend with the natural colors of the landscape and limit reflectivity.

c) Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs.

d) Encourage site design that enhances and leverages views to cultural landscapes.

e) Encourage appropriate edge treatments, transitions, and buffers through site design and development standards for development adjacent to Open Space.

f) Plat single-loaded streets to maintain scenic edges next to Open Space.

g) Encourage reconstruction and revegetation to a natural setting.

h) See **Policies 11.3.2 through 11.3.6** below for more about specific cultural landscapes.

i) See **Community Identity Goals 4.1 and 4.3** for character protections and character-defining elements of each Community Planning Area.

j) See **Land Use Policies 5.1.1, 5.3.3, and 5.3.4** for desired development patterns that help preserve natural and cultural features.

k) See **Transportation Goal 6.8** for policies on environmental and cultural considerations in roadway planning, design, and construction.

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m) See **Urban Design Goal 7.6** for policies on context-sensitive site design.

n) See also **Resilience & Sustainability Policy 13.4.4** for protection of unique landforms and habitats.

ACTIONS

11.3.1.1 Adopt site development standards and/or view protection overlays for orientation of new streets, building and wall height and placement, massing, frontage, color, signs, utilities, and/or tree preservation as needed to protect cultural landscapes and significant views from the public right-of-way along key corridors. [ABC]

11.3.1.2 Create standardized signage in the unincorporated areas of Bernalillo County to identify cultural assets, including historic buildings and properties, cultural and historic corridors, and historic infrastructure such as acequias and bridges. [BC]

11.3.1.3 Adopt design guidelines with color and reflectivity restrictions to minimize the visual impact of development on the West Mesa. [A]

11.3.1.4 Establish regulations for sensitive edge treatment and transition from development to MPOS and Petroglyph National Monument to address shared usable open space, scenic corridors, single-loaded streets, and rainwater mitigation. [A]

POLICY 11.3.2

Arroyos: Preserve and enhance arroyos identified in the Rank 2 Facility Plan for Arroyos as important cultural landscapes. [ABC]

a) See **Urban Design Policy 7.6.1** for design considerations for drainage systems.

b) See **Parks & Open Space Policy 10.4.4** on linear Open Space, trails, and acequias.

c) See **Infrastructure, Community Facilities & Services Policies 12.1.4 and 12.1.5** for additional policies on drainage systems.

d) See **Infrastructure, Community Facilities & Services Policy 12.4.5** for Rank 2 Facility Plans.

POLICY 11.3.3

Bosque: Regulate development on adjacent lands to preserve and enhance the Bosque as an important cultural landscape that contributes to the history and distinct identity of the region, as well as nearby neighborhoods. [ABC]

a) Minimize grading, changes to natural topography, and land disturbance to preserve natural features.

b) Encourage reconstruction and revegetation to a natural setting on lands adjacent to the Bosque.

c) Assure compatible land uses and promote cluster development on lands adjacent to the Bosque.

d) Ensure appropriate edge treatments, transitions, and buffers through site design and development standards.

e) Encourage links to established public access points to the Bosque from adjacent development.

f) See **Policy 11.3.1** above for view preservation.

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390 Rincon Rd.
Corrales, NM 87048
October 23, 2018

Cheryl Somerfeldt
Re: Project #PR-2018-001402

Hello Ms. Somerfeldt-
I wish to voice my comments in **support of protection and conservation of the Poole Property** and **against the plan to develop this property** as a 73-unit residential subdivision.

The Poole Property sits on the west bluff overlooking the Rio Grande/San Antonio Oxbow, a 40-acre wetland that offers majestic views of the city and the mountains and is considered a significant landmark along the Rio Grande serving as a wildlife preserve for a variety of animals, many of which are dependent on the riparian habitat at this site. For example, many sandhill cranes, which hold a special place in the hearts of New Mexicans, winter on the property. In addition, the wetland also serves important ecological functions as related to water management such as water purification and flood control, and it plays a critical role in maintenance of the area's ground water. A housing development on the bluff overlooking the Oxbow would only contribute to the degradation of this valuable wetland.

The Rio Grande corridor is a special component of Albuquerque and indeed all of New Mexico. The fact that much of this corridor is protected attests to the commitment of New Mexicans to protect important places and features of their natural environment. Water is perhaps the natural resource of most importance and concern to New Mexicans. Adding yet another housing development in an area that undoubtedly will affect the Oxbow wetland is not aligned with the protection of New Mexico's water supply and with our commitment to protection of our natural resources. In addition, continued development on the west mesa will only add to the current traffic problems across bridges and on the area's roadways.

Other important features of the Poole Property are the historic structures. Albuquerque has a history of protecting such structures, for example, the Gutierrez-Hubbell House. The Poole house, right along the bosque, was designed by famous architect George Pearl. Suzanne and Rufus Poole were big supporters of the arts, and they helped build Popejoy Hall and establish the Santa Fe Opera. Demolishing the historic buildings and converting the site into a housing development is not in line with what the Pooles stood for and supported in their lives.

As a conservation biologist, I am proud of the conservation ethic of most New Mexicans. I believe the Poole Property holds much greater value as a protected natural site and has attributes that would better serve the Albuquerque public, rather than as a typical subdivision. Thank you for the opportunity to submit my comments.

Sincerely,

Joan Morrison, Ph.D.

Professor of Biology and Environmental Science, Emerita
Trinity College, Hartford, CT
390 Rincon Rd., Corrales, NM 87048
joan.morrison@trincoll.edu

Becky C. Davis
Avalon Neighborhood Assoc., Treasurer
Westgate Heights NA, Recording Secretary
WSCONA, Member
Member, IDO Subcommittee of WSCONA
Member, West Central Community Development Group

October 23, 2018

Members of the Open Space Advisory Board,

The application by Consensus Planning to restructure the Susie Poole Property at the Oxbow overlook is precipitous and unwise when viewed by the public, such as me. Once again, a private developer will remove fragile, scarce wetlands from public use, forever.

Our remaining open space is immeasurably precious and should not be squandered in yet another expensive, exclusive, privately gated housing development. It should remain less developed, harmonized to the river lands around it, and accessible by Albuquerque citizens for their outdoor enjoyment.

Respectfully submitted,
Becky C. Davis
Becky C. Davis
505-836-3060

Somerfeldt, Cheryl

From: Joan Rieck <joan.rieck@gmail.com>
Sent: Tuesday, October 23, 2018 5:49 PM
To: Somerfeldt, Cheryl
Subject: PR-2018-001402

Please, please, preserve this beautiful wetland for the enjoyment of everyone.

Thank you,

Joan Rieck
2411 Rice Ave NW Apt C
Albuquerque, NM 87104
==========
This message has been analyzed by Deep Discovery Email Inspector.

TAYLOR RANCH NEIGHBORHOOD ASSOCIATION INC.

October 23, 2018

Derek Bohannan, Chair
Environmental Planning Commission
(sent by email)

Dear Mr. Bohannan and EPC Commissioners:

RE: Overlook at Oxbow (Poole Property) 5001 Namaste Rd. NW

The TRNA Board reviewed this proposal at its October meeting and voted unanimously to oppose the proposed site plan. This is one of two letters the EPC will receive from Taylor Ranch N.A. This letter reviews the proposed site plan through the lens of the IDO.

The Poole Property requires EPC site plan review because the property is abutting Major Public Open Space on approximately 40% of its perimeter. The property includes a sandy bluff about 40 feet above the Oxbow--a preserved wetland created by an abandoned meander of the Rio Grande. A portion of the southeast corner is actually in the Oxbow proper. Other edges are the Bosque and the San Antonio Arroyo. The property is also culturally and historically significant based on its previous owner and the two homes built there. The updated Comprehensive Plan and IDO have extensive provisions to encourage the EPC to make a thorough analysis of the proposed development and to exercise EPC discretionary authority over the site plan to ensure the site plan takes into account the extensive environmental/cultural/historical/archeological values of this site. The ultimate layout and density should be determined by the EPC by combining the Comprehensive Plan Provisions for Cultural Landscapes and IDO provisions: Avoidance of Sensitive Lands, Lands Adjacent to Major Public Open Space, and RA-zoning.

The site plan application presented to the EPC should be denied because:

1. The application is deficient. **Significant omissions of required analysis make it impossible for the EPC to properly use its discretionary authority under the Comprehensive Plan/ IDO to review the application regarding avoidance of sensitive lands**. The applicant has created a site plan with this omission and it has been detrimental to the site planning process. The EPC would set deleterious precedent in applying the IDO/Comp Plan to sensitive lands if it accepts this particular site plan.

2. The application fails to properly apply provisions of the IDO regarding 'Avoidance of Sensitive Lands' and 'Properties Adjacent to Major Public Open Space.' **The application fails to use the sensitive land provisions and, instead, erroneously uses**

provisions of 'Cluster Development' only. The result is lot placement directly on sensitive land and lot sizes that are too small. The EPC would set deleterious precedent if it allows the misapplication of cluster to this sensitive land site.

3. The application fails at this fundamental IDO provision that the EPC must review:
   'not create any material negative environmental impacts on the visual, recreational, and habitat values of the Major Public Open Space.'

4. The application fails to meet the IDO requirement 'designed to incorporate a single-loaded street between the development and the Major Public Open Space' and fails the variance test to be relieved of this requirement. **A single loaded street placed at a proper distance from sandy bluff, arroyo, and floodplain would start to make this site plan in compliance with the IDO/Comp Plan.**

5. The application fails to meet the IDO requirement that **new open space be placed adjacent to the Major Public Open Space.**

6. The application also **does not provide typical site plan documents that show design guidelines and architectural standards**. These detailed documents have been typical for site plans for subdivision adjacent to the Bosque/River and should absolutely be required on a site that is this environmentally sensitive.

These above points are explored in more detail below:

1. Application is deficient. The result is an 'insensitive' site plan on 'sensitive' land.

a. No analysis is provided of sensitive lands as required by the IDO.[1] At a minimum, the

---

b. analysis should give the EPC great detail on: Floodplains and flood hazard areas; steep slopes; unstable soils, wetlands, arroyos, large stands of mature trees, and archaeological sites.
c. This analysis should evaluate if Comprehensive Plan goals are being met. (See Comp Plan, Ch. 11)[2]

1

5-2(B) APPLICABILITY

These standards apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO. The design standards in this section are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in this IDO.

5-2(C) AVOIDANCE OF SENSITIVE LANDS

5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:

5-2(C)(1)(a) Floodplains and flood hazard areas
5-2(C)(1)(b) Steep slopes
5-2(C)(1)(c) Unstable soils
5-2(C)(1)(d) Wetlands
5-2(C)(1)(e) Arroyos
5-2(C)(1)(f) Irrigation facilities (acequias)
5-2(C)(1)(g) Escarpments
5-2(C)(1)(h) Rock outcroppings
5-2(C)(1)(i) Large stands of mature trees
5-2(C)(1)(j) Archaeological sites

d. As this is a first application on sensitive land being considered under the IDO, deleterious precedent would be set by accepting this application as is.

2. **The site includes 7 of the 9 possible 'Sensitive Lands' types outlined in the IDO and these IDO requirements take precedent over other IDO provisions.** Provision 5-2(C)(4) of the IDO outlines how a property owner can adjust lot sizes in exchange for avoiding sensitive lands.[3] This provision is applicable to the property and provides the parameters on minimum lot sizes. The cluster provision cannot be used in isolation on this sensitive land site.

2

POLICY 11.3.1

Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes. [ABC]

a) Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

i. Indigenous vegetation and other materials appropriate to landscapes;

ii. Topography and landscape features such as arroyos, the Rio Grande and Bosque, the foothills, and escarpments;

iii. Soils and erosion potential;

iv. Colors and textures of the natural environment; and

v. Scenic views from the public right-of-way

b) Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design and materials that blend with the natural colors of the landscape and limit reflectivity.

c) Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs.

d) Encourage site design that enhances and leverages views to cultural landscapes.

e) Encourage appropriate edge treatments, transitions, and buffers through site design and development standards for development adjacent to Open Space.

3

5-2(C)(4)	If avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

a. The EPC has maximum discretion for sensitive lands and the **IDO specifically identifies its provisions on sensitive lands as 'minimum standards.'**

b. In the RA-zone, lots of 10,890 are a minimum size.

c. The avoidance of sensitive land allows the Planning Director to reduce lot sizes or dimensions by no more than 25%. Therefore, the absolute minimum lot size could be 8170 s.f. , however, the EPC could determine that much larger lots sizes should be required to preserve the environmental habitat of the site and to be consistent with what has historically been on the site.

d. All these decisions are discretionary and should be informed by the sensitive lands analysis—which is lacking.

e. The applicant has erroneously applied other IDO provisions in isolation, whereas the sensitive land provisions take precedent.

f. EPC has full discretion to determine the site plan that is appropriate for this site.

3. **The EPC has full authority to require any provisions on the site plan so development of the site would 'not create any material negative environmental impacts on the visual, recreational, and habitat values of the Major Public Open Space.'** [4]

The current site plan would:

a. Negatively affect the stability of the sandy Oxbow bluff. It would set the stage for major erosion and dangerous liabilities of this slope.

b. Place human habitation extremely close to the wild Bosque lands and would drive away native fauna and birds as well as disturb the natural setting for recreationalists.

c. Allows 'urban' yards directly adjacent to the Oxbow cliff/Bosque with no controls over leaching of fertilizers/pesticides or transfer of plant seed into the natural bosque habitat.

d. Allows homes built near the edge of the bluff to visually loom over the Bosque—creating a negative visual intrusion both for those looking east toward the Bosque and those recreating in the Bosque looking west.

e. Would privatize this bluff overlook of the Bosque with back yard walls immediately adjacent to much of the Bluff/Bosque—few people would able to enjoy the incredible views provided to this <u>public open space</u>.

4

5-2(H)(2)(b) Development on properties 5 acres or greater adjacent to Major Public Open Space shall:

1. Comply with the requirements of Subsection (a) above.
2. Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.

4. **The site plan asks for a variance from a very important requirement that has been decades in the making: to put a single-loaded street adjacent to open space in order to reduce erosion, reduce human effects on the land, and keep the stunning views to and from this area public.** [5]

    a. **This property has no special circumstances making is less able to meet this important requirement—the key standard for granting a variance. In fact, the single-loaded street requirement was expressly created to help create the proper transition from environmentally sensitive open space to private development.** It is absolutely needed in this location because of the topographic features and grade changes of the site. The single-loaded street has been used successfully above and below Petroglyph National Monument where there is a significant grade change, similar to this site.

    b. A decision on this requirement needs to be made with analysis that is publicly available for comment.

5. **Violates IDO provision that onsite open space be contiguous to Major Public Open Space.**[6]

    The erroneous use of the cluster provision without including the sensitive land provision produced two private open space parcels that are not contiguous to the Major Public Open Space. This is contrary to the IDO which requires the setting aside of land to be contiguous to the Major Public Open Space.

5

5-2(H)(2) Properties Adjacent to Major Public Open Space

In addition to the standards that apply within 330 feet of Major Public Open Space in Subsection 14-16-5-2(H)(1) above, the following standards apply to development adjacent to Major Public Open Space.

5-2(H)(2)(a) Development on properties of any size adjacent to Major Public Open Space shall:

1. Be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department. Where a single-loaded street is not desired by the Open Space Division of the City Parks and Recreation Department, a landscape buffer with a minimum width of 20 feet may be substituted as approved by the Open Space Superintendent.

6

2. Locate on-site open space to be contiguous with the Major Public Open Space, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department.

The EPC should note that the facilitated meeting held in August did not include the analysis of sensitive lands. The neighborhood was just becoming informed on the site and project at that time.

We appreciate the time that you will take to consider an extremely valuable property and the adjacent Major Public Open Space that it is part of ecologically.

Sincerely,

Jolene Wolfley
Director of Government Affairs
Taylor Ranch N.A.

Somerfeldt, Cheryl

From: Dan <dgj1958@gmail.com>
Sent: Wednesday, October 24, 2018 12:59 PM
To: Somerfeldt, Cheryl
Subject: Project No. PR2018-001402 Case No. S1-2018-00171

TO: Cheryl Somerfeldt,
City of Albuquerque Planning Department
csomerfeldt@cabq.gov

FROM: *Dan Jensen*
Resident of La Luz del Oeste
7 Arco CT NW; Albuquerque, NM 87120
dgj1958@gmail.com

RE: Project No. PR2018-001402
Case No. S1-2018-00171

October 23, 2018

Dear Ms.Somerfeldt,

My husband and I recently moved to Albuquerque after I retired from my job in Seattle. In my time here, I have become aware of the city's failure to preserve its cultural heritage. The too late realization that the city has squandered valuable cultural resources for the sake of 'development' is regrettable.

Now, it seems that the city may well be going down that road again in regard to the proposed development of the Poole property. The potential loss of this significant home and the fragile ecosystem the property now protects is alarming.

Our community of 96 townhomes is internationally recognized as a cluster home development which has landscaped common grounds for community use, but also has 30 acres of open space that adjoins the Bosque. The unique approach to ecologically sensitive development while still providing appealing and comfortable homes is what attracted us to La Luz. It shows it is possible to develop property in a way that is sensitive to the environment and existing cultural resources--it just requires careful planning instead of following the traditional cookie-cutter approach to development.

I have become aware that there are requirements in the new city zoning code (Integrated Development Ordinances) that must be looked at when considering the development of

the Poole Property. I question whether or not the city has thoroughly investigated all of the mitigating circumstances.

The ecosystem of the Bosque is fragile and the configuration of the Poole Property raises questions about storm water drainage, impact of development on the migratory path of Sandhill Cranes, impact on the wildlife habitat, and numerous other issues.

As the IDO states:

1-8 RELATIONSHIP TO OTHER REGULATIONS

1-8-(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

I respectfully request that the EPC recommend deferment of decision until it can be determined that the development of the Poole property is is compliance with all city, state and federal guidelines.

Regards,

Dan Jensen

==========
This message has been analyzed by Deep Discovery Email Inspector.

Dr. Susan Chaudoir, edu.chaudoir@gmail.com
4040 St. Josephs Pl NW #116, Albuquerque, NM 87120

October 24, 2018

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

RE: EPC (Environmental Planning Commission) Hearing
Project No: PR-2018-001402 and Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

POSITION: I oppose applicant's request for approval of all requested items for this case

Dear Planner Somerfeldt,

In the matter of reviewing this application as submitted on September 27, 2018, please take into consideration that the applicant has made misleading statements regarding the consistency and compliance with the IDO. More importantly, the applicant has made omissions that are pertinent to this parcel's environmentally sensitive lands, it's adjacency to Major Public Open Space, the Oxbow *wetland*, Rio Grande River, Rio Grande Valley State Park, and it's cultural and historic relevance. The entire parcel and the 2 homes on the property deserve consideration for full preservation, in its entirety. Please consider carefully denying the applicant's request for approval or deferring approval until a more thorough investigation can be conducted, including studies, research, assessments, analysis, and reports.

I have dozens of concerns regarding the applicant's request. Below, I include five items that I hope have direct relevance to your review.

1.Cluster Housing Development: Definition and Applied Meaning to Unique Sensitive Lands
Issue: Applicant's request may be misleading regarding fulfillment of IDO definition.
Request: Defer or dismiss until more thorough due diligence made on part of the applicant. Omissions by applicant clearly evident.

Appears faulty to state that 37% of entire parcel (i.e., nearly 40%) allotted to traditional, conventional single-family housing construction yet label the "entire" project as "cluster development." IDO defines cluster development as "concentrated" development "in return for" preserved open space "within the same site." For this proposed site, which is adjacent to preserved wetlands, Rio Grande River, public open space, private open space, small subdivision public park, and larger Rio Grande Valley State Park, cluster development integrates a conservation design within environmentally sensitive areas. However, the proposed cluster development fails to meet cluster development standards set by City of Albuquerque's nearby cluster housing development, La Luz, which **reserves 50%** of the parcel for open

space conservation. La Luz does not border the exceptionally sensitive areas that Poole Property is adjacent and abutting to, like the river and wetlands, yet 50% of parcel is protected.

Orange Township cites Randall Arendt (Conservation Design for Subdivisions, 1998), who states that cluster development in a R-A zones is a type of conservation design where natural features and environmentally sensitive areas are excluded from development and preserved. Homes are clustered [not concentrated] in the remaining areas and require the following elements:

- 50% or more of the buildable land area is designated as undivided permanent open space.
- Overall number of dwellings allowed is the same as would be permitted in a conventional subdivision layout based on an alternative "yield plan".
- Primary areas are protected open space and may be deducted from the total parcel acreage, to determine the number of units allowed by zoning on the remaining parts of the site. Primary protected areas are highly sensitive resources that are normally unusable, such as wetlands, steep slopes, and floodplains.
- Secondary areas are preserved to the greatest extent possible. Secondary protected areas are natural resources of lesser value such as woodlands, prime farmland, significant wildlife habitats, historic, archeological or cultural features, and views into or out from the site.
- Compact house lots are grouped adjacent to the open space with a sufficient buffer, suggesting 100-, 200-, or 300-foot buffers in accordance with the kind and number of natural features and environmentally sensitive area(s).
- Streets are interconnected to avoid dead ends wherever possible [i.e., <u>no cul-du-sac</u>].

This example (below) illustrates cluster housing with preserved open space that is useable, protecting both primary and secondary natural resources. Streets are interconnected allowing for accessibility and connectivity for open space habitat activity (wildlife corridor, limited human interference).

Site before development.

Typical layout with acreage lots.

Identifying conservation areas.

End result, same number of houses.

The applicant's proposed cluster development does not demonstrate the standards represented by La Luz or enacted by jurisdictions like Orange Township who more fully protect environmentally sensitive lands. I ask you to more thoroughly consider the natural features of this exceptionally unique property. Also consult Open Space Advisory Board on its decision of single-loaded streets. Reserve 50% of the parcel set aside as protected open space (areas abutting existing sensitive & protected areas) and protect the Poole Estate home for its cultural and historic relevance. Do not allow the 2 homes to razed until a thorough historic inspection and investigation has been conducted (and inquire with state archeologist who may have existing records). The home at 5001 Namaste is the most culturally relevant for protection.

2. Variance-EPC
Issue: Applicant's claim that "The Variance will not be materially contrary to the public safety, health or welfare" . . . "The cult-du-sac [sic] and stub street, as shown on the site plan, do not create impacts on surrounding neighbors, nor do they provide for inefficient circulation for future residents of the development" request may be misleading regarding fulfillment of IDO definition.
Request: Defer or dismiss until more thorough due diligence made on part of the applicant. Omissions by applicant clearly evident.

It is clearly evident the applicant has submitted substantive evidence that the development will not create negative impacts on surrounding sensitive lands, such as the wetland, Rio Grande River, or the Rio Grande State Park. The parcel also lies within the Middle Rio Grande Conservation Conservancy District (Rio Grande Conservation Initiative, 2010), and subject to the visionary framework, stewardship, and management set in place under the Mayor Barry administration, and with partners who continue the efforts well into 2018 and beyond.

It is clearly evident the applicant has designed the development with dead-end streets and cul-du-sacs that are *insensitive* to the habitat. The street design pushes houses directly to the edges of the Major Public Open Spaces and protected areas, abutted homes right on the boundary of *the most sensitive* habitat. Please recommend the applicant provide examples, studies, assessments, and/or reports to validate the applicant's claim. Request the EPC committee members consider this habitat far too unique for such a conventional design, and that this habitat merits more thoughtful consideration before approval is granted. The application should not and cannot be rushed.

3. Variance-EPC
Issue: Applicant's claim that "The Variance does not cause material adverse impacts on the surrounding properties or infrastructure improvement in the vicinity" is misleading. The applicant claims the "site is an infill site" and that the "variance will provide the subject site with an opportunity to be more efficient in a lot layout" and will be "more sensitive to the adjacent open space areas" is erroneous and inconsistent with IDO Section 6-6(M)(3).
Request: Defer or dismiss until more thorough due diligence made on part of the applicant. Omissions by applicant clearly evident. Open Space Advisory Board may request deferral for more analysis.

The applicant is clearly drawing attention away from the sensitive lands, such as the wetland, Rio Grande River, Major Public Open Space, and Rio Grande Valley State Park, and the importance of these protected areas that are subject to conservation standards. The application does not appear to include substantiated evidence the proposed site plan will not cause adverse impacts on these sensitive lands.

While the plan demonstrates it is "more efficient" due to concentrated conventional layout and design, the applicant does not describe, delineate, or define specifically how it will in fact demonstrate substantive evidence that it will in fact be sensitive.

Further, the applicant erroneously states that what is "unique" about this property include that it "narrows to a point," "has a steep slope," and includes "Bosque areas within the oxbow." The uniqueness of this property is *far* more unique than the applicant states. This property, once owned by philanthropist Suzanne Hanson Poole, has the most majestic and unparalleled view in the entire city. Unlike any other location in the state, the property abuts a healthy wetland habitat, the Rio Grande River, major public open space, private open space, a public park, and the Bosque. It also sits within the Rio Grande Valley State Park. No other property can claim to possess such unique ecological and cultural landscape. This property has unique riparian habitat only found at the convergence of these surrounding spaces. This property has unique cultural and historic structures that are original adobe pueblo revival architecture with cultural relevance to Pueblo land use rights, water rights, international performing arts, sitting US presidents, and conservation/education philanthropy. This property has unique opportunity to provide public amenities found nowhere else in the entire state of New Mexico.

In a preserved state, it has economic vitality and growth opportunity not found anywhere else in the state. According to FEMA (*Hazard Mitigation Assistance Guide*, 2015, p.66), there are substantial economic benefits reaped from green open space and riparian habitat (like lands adjacent to wetlands [just like the Poole property]), "*The economic value for green open space is $7,853 per acre per year. For riparian areas, the economic value is $37,493 per acre per year*." Biologists claim the Poole property is riparian habitat. **CoA's benefit of preserving the 24 acres *plus* the wetland is just shy of $2.4M annually** (ref. Brian Hanson, Biologist, Technical Advisory Group, Candelaria Farms, Albuquerque).

4. Infill Site
Issue: Applicant's claim that under ABC Comp Plan, Policy 5.3.1, site supports "additional growth with existing infrastructure and public facilities"
Request: Consider Policy 10.1.2.1 (p. 10-4 and 10-5) and Heritage Conservation Goal 11.3 for cultural landscapes adjacent to major public open space.

It is erroneous and inconsistent to allow the applicant to make the claim the site is an "infill site" solely suitable for concentrated (73) single-family homes. It is acceptable to state that the proposed site plan encourages "additional growth" when it *can be built on any other parcel* in the City of Albuquerque or County of Bernalillo. It is not acceptable to claim this site plan encourages growth at *this location* based on merits of the property's unique cultural heritage and irreplaceable adjacent lands. This particular parcel, with its unique natural and sensitive features, does not merit "additional growth" in the form of 73 single-family homes. That site plan can be built elsewhere. This property, in its current and preserved state, once destroyed, cannot be replaced or replicated.

Other forms of acceptable growth can appropriately be considered for this unique property. There is committed interested by the following organizations and individuals to contribute to the city's growth plan in ways that better align with moral, ethical, economic, and socially responsible growth initiatives (e.g., Middle Rio Grande Conservation Initiative, Migratory Bird Treaty Act, local programs, state initiatives): Mayor Tim Keller, Chief Operating Officer Lawrence Rael, Director of Parks Dave Simon, Senator Tom Udall (Assistant Dave Williams), Senator Martin Heinrich, Senator Jacob Candelaria, Rio Grand Agricultural Land Trust, Trust for Public Lands, New Mexico Land Conservancy, Friends of

Valle de Oro, Technical Advisory Group for Candelaria Farms (Brian Hanson), New Mexico Museum of Natural History Foundation, Unique Places to Save, and Sierra Club.

The owner appears to be willing to sell to another buyer [other than the applicant] by stating he is "open to all options" regarding selling this property. It is advantageous to delay variance approval so interested parties can and will purchase the property for more appropriate uses that align with ABC Comp Plan policies for "signature" spaces, more resilient and sustainable policies, and appropriate heritage and conservation goals for the City. Interested parties have suggested 6-12 months to negotiate transactions and completely satisfy thorough analysis, consultations, and reviews of all aspects of the applicant's request and property's unique assets to the City.

5. House "proposed to be razed"
Issue: Applicant's claim that "The Variance will not be materially contrary to the public safety, health or welfare" . . . "The cult-du-sac [sic] and stub street, as shown on the site plan, do not create impacts on surrounding neighbors, nor do they provide for inefficient circulation for future residents of the development" request may be misleading regarding fulfillment of IDO definition.
Request: Protect the homes from razing due to cultural and historic significance.

Anecdotal testimony warrants further inquiry into the cultural and historic relevance of the home. The home at 5001 Namaste Rd NW is a mid-20th century adobe pueblo revival architecture and construction, built in 1958. It has architectural connections to New Mexico's most famous architects, George Pearl, John Gaw Meme and Antoine Predock. The home also has connections to the major motion film industry, US Presidents, and performers and founders of the Santa Fe Opera and Popejoy Hall. The original owner maintained the property to exceptional standards, spending up to $400,000 annually. Fifty years of meticulous care and stewardship shows in the current condition of the home today. The home has cultural relevance in being connected to the Joe Taylor Ranch family and, anecdotally, is one of three homes on the west side that remain in such an exceptional condition. It can be repurposed as a public amenity.

The house structure may possess cultural significance, which may also contain historical, archeological, architectural significance.

1. Please investigate further:
    a. IDO, 6-6(B)(3) Review and Decision Criteria 6-6(B)(3): The Historic Preservation Planner shall review the demolition permit.
    b. Review (with certified historic specialist) whether the structures on the site that are proposed for demolition may also meet criteria for additional investigations under the Historical Structures Act or the National Environmental Policy Act.
        i. NEAPA regulation extends to historical structures adjacent to federally managed waterways, such as the Rio Grande River. Assessments and reports for historic review may be required under applicant's requested site plan approval; the parcel is adjacent to federally managed waterways. The NEAPA 404 Permit program includes historical structures.
        ii. The City of Albuquerque's NEAPA M4S water permit may also require investigation of historical structures slated for demolition. It is yet unclear if the homestead qualifies.

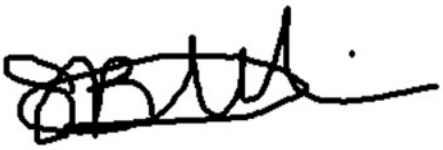
c. US Department of Interior Mid-Region Conservation Initiative (2012) may require compliance regarding historic structures.

In closing, thank you for your consideration and review of my requests and perspectives regarding this project, PR-2018-001402 and case SI-2018-00171. May they have a positive influence on the outcome of the EPC hearing committee's decision.

Overall, my request is to defer the approval (6 months for thorough studies, analysis and reports) or to dismiss the case.

With exceptional gratitude for your consideration and review of my requests,

Sincerely,



Dr. Susan Chaudoir
edu.chaudoir@gmail.com
985-302-2878
4040 St. Josephs Pl NW #116
Albuquerque, NM 87120

Somerfeldt, Cheryl

From: Ken Churchill <ken@abq45.com>
Sent: Wednesday, October 24, 2018 7:54 AM
To: Somerfeldt, Cheryl
Cc: Aguilar Jr., Esteban A.
Subject: Environmental Planning Commission Hearing Project No: PR-2018-001402

Ken Churchill
Florence E. Pedersen
4612 Almeria DR NW
Albuquerque, NM 87120
(505) 990-3337
ken@abq45.com

October 24, 2018

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

Cc:
Esteban A. Aguilar Jr., City Attorney of Albuquerque
Attention: Legal Department, Real Estate and Land Use Division
(505) 768-4500
eaj@cabq.gov

Regarding:
EPC: Environmental Planning Commission Hearing Project No: PR-2018-001402 Case No. S1-2018-00171 Site Address: 5001 Nameste Rd. NW; Between La Bienvenida Place; and:
Oxbow Open Space
Applicant: Gamma Development, LLC

POSSIBLE INACCURATE SUBMISSIONS | GROUNDS FOR DENIAL/DEFERRAL.
The above referenced project application may include misleading
and/or inaccurate calculations of open space requirements.

Dear Planner Somerfeldt,

This development application states that 4.33 acres of open space satisfies the cluster development open space requirement of the greater of:

1) 30 percent of the gross area of the cluster development project site or
2) 100 percent of the area gained through cluster lot size reductions

We believe this allocation of open space is deficient by 1.48 acres and
OPPOSE EPC approval.

The proposed development is Area Coors Boulevard -- CPO2 Overlay Zone and is zoned R-A. Applicant has not requested rezoning. The minimum lot size for this zone is 10,890 square feet, which applicant acknowledges and uses in calculating the maximum number of lots allowed in the cluster development site plan.

Applicant does NOT provide a calculation of 100 percent of area gained through cluster lot size reduction.

IDO 14-16-4-3(B)(2)(d) specifies:
"The cluster development project site shall include a common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.

1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater. "

Applicant mentions "Contextual lot requirements", referring to lots of lesser minimum size in zones R-1A, R-1B, R-1C, and R-1D. Applicant states that common open space requirement of 30 percent of gross area is "greater than 100 percent of the area gained through lot size reductions" but does not show any calculation of the latter.

However, IDO Part 14-16-5-1-1 states " dimensional standards in Part 14-16-3 (Overlay Zones) ... applicable to the property shall prevail "
and
"IDO Part 14-16-5-1(C)(2) Contextual Residential Development in Areas of Consistency
5-1(C)(2)(a) Applicability " STIPULATES "b. Cluster development" does not apply " 1. For the following residential development types, the contextual lot size standards in Subsection (b) below do not apply, and the contextual setback standards in Subsection (c) below apply to the entire project site, not to individual lots or primary buildings:

a. Manufactured home communities in the R-MC zone district.
b. Cluster development.
c. Cottage development. "

The IDO minimum lot size for zone R-A is 10,890 square feet, nothing less.

The applicant cluster development site plan shows:
35 lots with dimensions of 50' by 110' equalling 192,500 square feet plus 15 lots with dimensions of 60' by 110' equalling 99,000 square feet

Total area of 50 cluster lots equals: 291,500 square feet

Using the required 10,890 square foot minimum lot size for 50 lots in zone R-A, the area gained by cluster development is:

544,500 required square feet (50 * 10,890)
- 291,500 clustered square feet
---
equals 253,000 square feet gained by lot size reduction,
which is 5.81 acres

The proposed open space area submitted by applicant is 4.33 acres, resulting in a
DEFICIT of 1.48 acres.

While this application satisfies the cluster development 30 percent of gross area test required for open space, it does NOT satisfy the greater
100 percent of gained area lot size test for open space compliance.

We are requesting that the EPC DENY this application or, alternatively, defer a decision until a justified open space area calculation is properly submitted to EPC.

Legal opinion as to the minimum lot size for zone R-A cluster development open space requirements should be obtained prior to application approval.

Thank you for your kind consideration,

Ken Churchill
Florence E. Pedersen

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This message has been analyzed by Deep Discovery Email Inspector.

PETER AND LINDA COLLINS
17 TENNIS COURT NW
ALBUQUERQUE NM 87120-1825

October 24, 2018

RE: Proposed Overlook at Oxbow Site Plan
Environmental Planning Commission Review

Dear Members of the Environmental Planning Commission,

As a guest at the meeting of the Open Space Advisory Board (OSAB) on October 23, 2018, I witnessed the concern of the OSAB members that the presentation of Overlook at Oxbow by Mr. Jim Strozier of Consensus Planning was incomplete.

Consensus Planning was unable to address the elements and required analyses of the IDO that the OSAB members and guests stated were applicable to the proposed Overlook at Oxbow.

The presentation and application appeared to be lacking facts and analyses triggered by the proposed development's location immediately adjacent to the oxbow of the Rio Grande. The OSAB members noted that considerable public investment has been made to restore and protect the river's oxbow, and that setbacks in the proposed site plan may be inadequate to protect this sensitive environment.

Moreover, the OSAB members noted that they did not have sufficient notice and time for review. From the floor, Mr. Jim Strozier suggested that the Planning Department's process for distributing development proposals adjacent to Open Space did not allow for more time before the OSAB meeting yesterday, and that Consensus had engaged Planning to the best of its ability and knowledge.

The OSAB moved to recommend that EPC defer review and action on the Overlook at Oxbow for at least 30, and possibly 60, days to permit Consensus Planning to develop the required analyses and to permit the OSAB members time to review and advise the EPC, which is their charge and responsibility.

I agree with this recommendation. The oxbow on the Rio Grande has no rivals anywhere on the middle Rio Grande—this is common knowledge. It is prudent that Consensus Planning address the concerns of the members of OSAB.

Sincerely

cc: Mayor Tim Keller
Councilor Ken Sanchez
Mr. Esteban Aquilar Jr., City Attorney
Ms. Elaine Romero, Policy Analyst
Ms. Cheryl Somerfeldt, Planner

Leo and Linda Derby
4700 Almeria Dr. NW
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505-990-9168

Cheryl Somerfeldt, Planner
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Urban Design & Design
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csomerfeldt@cabq.gov
(505) 924-3357

October 24, 2018

Position: We oppose this applicant's request

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
THIS APPLICATION IS INCOMPLETE AND CONTAINS ERRORS

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Somerfeldt,

The Poole Property requires EPC site plan review because the property abuts the Albuquerque Open Space on the west of the Rio Grande.

We agree with the Taylor Ranch Neighborhood Association's assessment that the application is incomplete as described below.

The site plan application presented to the EPC should be denied because:

1. The application is deficient. Significant omissions of required analysis make it impossible for the EPC to properly use its discretionary authority under the Comprehensive Plan/ IDO to review the application regarding avoidance of sensitive lands. The applicant has created a site plan with this omission and it has been detrimental to the site planning process. The EPC would set deleterious precedent in applying the IDO/Comp Plan to sensitive lands if it accepts this particular site plan.

2. The application fails to properly apply provisions of the IDO regarding 'Avoidance of Sensitive Lands' and 'Properties Adjacent to Major Public Open Space.' The application fails to use the sensitive land provisions and, instead, erroneously uses Taylor Ranch N.A. October 23, 2018 Page 2 provisions of 'Cluster Development' only. The result is lot placement directly on sensitive land and lot sizes that are too small. The EPC would set deleterious precedent if it allows the misapplication of cluster to this sensitive land site.

3. The application fails at this fundamental IDO provision that the EPC must review: 'not create any material negative environmental impacts on the visual, recreational, and habitat values of the Major Public Open Space.'

4. The application fails to meet the IDO requirement 'designed to incorporate a single loaded street between the development and the Major Public Open Space' and fails the variance test to be relieved of this requirement. A single loaded street placed at a proper distance from sandy bluff, arroyo, and floodplain would start to make this site plan in compliance with the IDO/Comp Plan.

5. The application fails to meet the IDO requirement that new open space be placed adjacent to the Major Public Open Space.

6. The application also does not provide typical site plan documents that show design guidelines and architectural standards. These detailed documents have been typical for site plans for subdivision adjacent to the Bosque/River and should absolutely be required on a site that is this environmentally sensitive.

In addition, the Common Open Space provision is not being met. The buffer zone between the homes and the Albuquerque Open Space does not meet criteria for Common Open Space in the IDO and in not accessible from the development.

Tract J (buffer zone) is required to meet the 4.37-acre requirement. Looking at the IDO requirements for common open space, it appears that this tract does not meet the requirement to be included in this calculation. Tract J is the bluff which the plans call for no landscaping, agriculture, on-site ponding or outdoor recreation. It is to be left natural. This is listed as 2.82 acres or 65% of the requirement. Below is IDO for cluster for common open space, letter from Consensus, summary of areas from the site plan, and the IDO Definition of Landscaping.

From IDO 14-16
4-3(B)(2)(d) The cluster development project site shall include a common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.

1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.

2. The common open space shall have a minimum length and width of 35 feet.

3. The common open space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.

4. No structure is allowed in the common open space except if

necessary for its operation and maintenance.

5. Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department.

From 74-page overlook
Page 68 of PDF, Consensus letter 9/27 to EPC

- The Common Open space is set aside for landscaping, on-site ponding, and outdoor recreation. It is also more than 30 percent of the gross area of the project site (4.31 acres required), which is greater than 100 percent of the area gained through lot size reductions. The common open space has a minimum length and width of 35 feet. Where the site plan shows landscaped area that do not meet that standard, those areas are not included in the Common Open Space calculation. All Common Open Space is either visible from a public right-of-way, is landscaped with trees that are visible above walls and fences, or is adjacent to public open space.

From Sheet 1 of 4, Site plan dated 9/27

Tract	Acres	Comment
K	.01	Does not meet 35ft requirement
B	.45	
C	.04	Does not meet 35ft requirement
F	.07	Does not meet 35ft requirement
D	.03	Does not meet 35ft requirement
E	.02	Does not meet 35ft requirement
A		No acres list crusher path for emergency exit
H	.71	
I	.31	
J	2.82	Bluff shows no agriculture, landscaping, on site ponding, outdoor recreation

From IDO **Part 14-16-7: Definitions and Acronyms L**
7-1: Definitions

Landscaping

The planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low growing plants that are native or adaptable to the climatic conditions of the Albuquerque area. Includes the provision of non-vegetative materials as ornamental features to make an area more attractive. See also, *Landscape Area* and *Measurement Definitions* for *Net Lot Area*.

We have lived on Almeria Drive since 2005. We were the first home occupied in the Andalucía development. Since the Poole property has been unoccupied, we have seen an increase in wildlife in the neighborhood. This includes coyotes, porcupines, and bobcats in addition to numerous smaller mammals. Until this year we have never seen bobcats in the neighborhood, only in the bosque open space. Since the property has been empty, it has allowed native species to increase their territory. An addition of 73 new dwellings would impact wildlife that is dependent on this property.

The applicant has stated that the homes that back onto Tres Gracias would all be single story. This statement is incorrect. The lots that are not part of the cluster homes may be 2 story. The homes on the north end of Almeria will be greatly affected.

We are requesting that the EPC defer their decision until these areas are examined and the application process is complete.

Thank you for your consideration.

Leo and Linda Derby

Somerfeldt, Cheryl

From: Kevin Dullea <kdullea@yahoo.com>
Sent: Wednesday, October 24, 2018 5:43 PM
To: Somerfeldt, Cheryl
Cc: kdullea@yahoo.com; Christine Dullea
Subject: Preservation of Poole estate.

Kevin and Christine Dullea
4704 Almeria Dr. NW
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Ms. Cheryl Somerfeldt, Planner
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October 22, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
THIS APPLICATION IS INCOMPLETE UNTIL ARCHEOLOGICAL, CULTURAL, HISTORICAL DOCUMENTATION OF HOUSE/PROPERTY HAVE BEEN COMPLETED

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Somerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

The site plan application presented to the EPC should be denied because:

1. The application is deficient. Significant omissions of required analysis make it impossible for the EPC to properly use its discretionary authority under the Comprehensive Plan/ IDO to review the application regarding avoidance of sensitive lands. The applicant has created a site plan with this omission and it has been detrimental to the site planning process. The EPC would set deleterious precedent in applying the IDO/Comp Plan to sensitive lands if it accepts this particular site plan.

2. The application fails to properly apply provisions of the IDO regarding 'Avoidance of Sensitive Lands' and 'Properties Adjacent to Major Public Open Space.' The application fails to use the sensitive land provisions and, instead, erroneously uses
provisions of 'Cluster Development' only. The result is lot placement directly on sensitive land and lot sizes that are too small. The EPC would set deleterious precedent if it allows the misapplication of cluster to this sensitive land site.

3. The application fails at this fundamental IDO provision that the EPC must review:

‘not create any material negative environmental impacts on the visual, recreational, and habitat values of the Major Public Open Space.’

4. The application fails to meet the IDO requirement ‘designed to incorporate a single- loaded street between the development and the Major Public Open Space’ and fails the variance test to be relieved of this requirement. A single loaded street placed at a proper distance from sandy bluff, arroyo, and floodplain would start to make this site plan in compliance with the IDO/Comp Plan.

5. The application fails to meet the IDO requirement that new open space be placed adjacent to the Major Public Open Space.

6. The application also does not provide typical site plan documents that show design guidelines and architectural standards. These detailed documents have been typical for site plans for subdivision adjacent to the Bosque/River and should absolutely be required on a site that is this environmentally sensitive.In applicant’s Letter of Justification, page 2, paragraph
3 “EXISTING LAND USE AND ZONING,” the applicant proposes to demolish two architecturally significant and contributory structures:

Taylor Ranch N.A. October 23, 2018

“The site contains two single-family dwellings which are proposed to be razed.”

The applicant has failed to submit archeological, cultural and historical documentation on the homes and property that are proposed for demolition in this application. By law, studies establishing the structures’ historic and cultural preservation value to Albuquerque and New Mexico are required. These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow these demolitions.

The homes are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as a historically significant property, as detailed below. The homes are contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures, per the IDO:

6-6(B)(3) Review and Decision Criteria 6-6(B)(3)

a. **The Historic Preservation Planner shall review the demolition permit application based on the following criteria:**
See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.
This is a beautiful structure that is a Unique mid-20th century adobe pueblo revival (c.1958). Original, well-maintained architecture and construction with artisan craftsmanship and contains exemplary and distinctive adobe revival great room, fireplace, ceilings, flooring, and archways with architectural connections to George Pearl, John Gaw Meme, and Antoine
Predock.

2. The structure's potential to contribute to the city's economic development or tourism industry.
Preserving this historical property and making it a unique center piece of the Middle Rio Grande Conservation Initiative. This would provide a great and positive way to promote Albuquerque and its cultural heritage.

3. The structure's potential to enhance the city's heritage and historical identity.

4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.

6-6(B)(3)
(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
Based on the criteria above, I request City Planning to refer any demolition request made by the developer to the LC for a 120-day review period during which the LC may authorize studies conducted to determine the finding of facts, in consideration of the public good over private interests intent on destroying these structures, that these structures be preserved as historic landmarks.

14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).
I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be designated as a landmark, according to the LC criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) or that the entire property be classified as an Historic Overlay Zone according to its qualifications under Part 14-16-3-5(A) as outlined below.

Razing these contributory architectural treasures will irretrievably erase years of fine craftmanship and exemplars of artistic and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)
"…strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics. This property possesses all 5 of these characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.
The architecture of both homes offer fine examples of Pueblo Revival Architecture, carvings of rounded doorways, arched lintels and doors, and many fine custom-crafted details.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.

3-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.
The Poole Property requires EPC site plan review because the property is abutting Major Public Open Space on approximately 40% of its perimeter. The property includes a sandy bluff about 40 feet above the Oxbow--a preserved wetland created by an abandoned meander of the Rio Grande. A portion of the southeast corner is actually in the Oxbow proper. Other edges are the Bosque and the San Antonio Arroyo.

3-5(A)(4) Possess high artistic value.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.

These works of art and craftsmanship cannot be replaced.
The missing studies that document the archeological, cultural and historical aspects of these homes renders this application incomplete.

EPC RULES: Page 6, Rule7: "Incomplete submissions are grounds for deferral."

Please defer the EPC hearing of this application until

1. archeological, cultural, and historical documentation of the house/property have been completed, the studies have been submitted to public record, and all parties have received notification that the application is compete and reports are ready for public review, a minimum of 15 days prior to the deadline for public comments.
2. A 120-day review period has been invoked followed by a public hearing held by the LC according to 6-6(B)(3)(c) to determine whether the structure should be designated as a landmark, according to the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

As quickly as the archeological, cultural, and historical documentation and application to LC for designating these structures as landmarks may be available for public view, please notify me by email: kdullea@yahoo.com or phone (505) 363-9874

Thank you for your consideration,

Mr. Kevin J. And Christine Dullea

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, WSCONA
Member, TRNA
Member, Andalucia HOA

Sent from my iPad

==========
This message has been analyzed by Deep Discovery Email Inspector.

TO: Cheryl Somerfeldt, October 24, 2018
City of Albuquerque Planning Department
csomerfeldt@cabq.gov

FROM: Kathryn Kaminsky
16 Berm St NW
Albuquerque, NM 87120
krkaminsky@gmail. com

RE: Project No. PR2018-001402
Case No. S1-2018-00171

Dear Ms.Somerfeldt.

I am writing to express my concern about the proposed development of the Poole Property.

I am not against development. I am very much for infill and ways to use cars less. I also support good design that optimizes solar gain, protects open land and that allows for beauty and views of landscape and nature. And though much of the west Mesa developments in the past do not meet that criteria, I do appreciate that I can get much of what I need without going across the river and now have a grocery store within walking distance, which cuts down on vehicle use. I am trying to look at how this land might be used, with an open mind.

My first hope, as is many others, is that this portion of land be protected within the city's open space network. It could be developed to be open to the public, who would be able appreciate the amazing views and get the full experience of the uniqueness of Albuquerque. This would give something to the larger community while still protecting the wetland area. There will be many letters written with specifics as to why this is the most appropriate and proper course for this site.

But now, a housing development is being proposed, and there are some specifics about it, besides whether it is appropriate to have a housing development of that site, that need to be addressed. This appears to be a plan of single family dwellings. Attached cluster housing, would make a smaller footprint and optimize the amount of open land. I also question the placement of the housing. Putting the appropriate number of dwellings, clustered densely, as far to the west as is possible, would increase the open space to the east and therefore have more space between housing and the wetlands .

I have lived, since 1972, on the West Mesa, in La Luz del Oeste, a development of 96 attached clustered townhomes which does protect the land and provides open space and views. I know good development in this area can be done.

I respectfully request that the EPC and all approval agencies and governing bodies that consider the development of this property, fully consider what is most protective for the environment both in this small area and in the larger concentric circles, as well how good design can be done to support sustainability and environmental protection.

Kathryn Kaminsky
16 Berm Street NW
Albuquerque NM
87120
krkaminsky@gmail. com

10/24/2018

Cheryl Somerfeldt

City of Albuquerque Planning Department

Dear Ms. Somerfeldt:

My wife and I, Alfonso and Joan Mirabal, have moved recently from Dallas, Texas to Albuquerque. We are so impressed with the city, its people, food, weather and especially the SCENERY.

Once we discovered La Luz del Oeste, we realized this is where we needed to settle. It was a wise decision. We often walk through the high desert and down to the Rio Grande. What an experience due to the OPEN SPACE available to all!

As to the issue of the Poole Property. I have not had the opportunity to review completely the lengthy IDO Plan. Having conversed who many who are familiar with the plan, it has become clear to me that at least three areas of concern have emerged on the issue: (l) Historical and Cultural context, (2)Ecological sensitivity and (3)Public Amenities. To our point of view the City of Albuquerque has the obligation to carefully review the development of the Poole Estate property with those concerns in mind.

Therefore we strongly urge your office and the appropriate City officials to spend some time listening, evaluating and discussing options for the future of the Poole Estate Property. What a gift it would be to the citizens of Albuquerque to have a plot of land like the Poole Estate for use by all now and for future generations.

We have spent a great deal of time in Santa Fe. We think that Albuquerque has everything Santa Fe has and more and that is primarily due to the commitment of the City to Open Space.

If we can be of any further assistance in these deliberations, please let us know.

Respectfully

Alfonso and Joan Mirabal, 17 Pool St. NW (LA Luz).

Public Comment EPC Project No: PR-2018-001402 Case No. SI-2018-00171 5001

Marilyn C. O'Leary
8 Tumbleweed NW
Albuquerque, NM87120
marilynoleary62@gmail.com
505-238-6213

Cheryl Somerfeldt, Planner
Planning Department
Urban Design and Development
Albuquerque, NM 87102
cssomerfeldt@cabq.gov
505-924-3357

October 24, 2018

RE: EPC Project No: PR-2018-001402 Case No. SI-2018-00171 5001
Incomplete Submissions Ground for Deferral

Dear Planner Somerfeldt,

The IDO, 5-2(C) AVOIDANCE OF SENSITIVE LANDS 5-2(C)(1) requires that both the subdivision and site design processes analyze site constraints related to sensitive lands, including wetlands. The San Antonio Oxbow, adjacent to the land proposed for development, is approximately 40 acres of wetlands providing wildlife habitat for waterfowl, wading shore birds, song birds, semi-aquatic mammals, amphibians and fish species. This includes the Southwestern Willow Flycatcher, designated as a federally protected endangered species. 78 FR 343 534.

This requires an Environmental Impact Study to determine whether development of the site will result in destruction of endangered species habitat.

The Southwestern Willow Flycatcher, an endangered species that qualifies for protection under the Endangered Species Act, 16 U.S.C. §1531 et seq. (1973), breeds and rears it chicks in the late spring and through the summer in New Mexico's dense riparian vegetation along streams, rivers, wetlands. The flycatcher has strong site fidelity, meaning it sets up nesting territories and tends to return to these areas every year. Human disturbances can result in nest abandonment. (From the NM Office of the State Engineer). Essentially all of NM is considered protected habitat, including Bernalillo County. (From US Fish and Wildlife.) This would include the San Antonio Oxbow.

This site is also a stopping and resting place for Sandhill Cranes and other birds that fly through this region. The City of Albuquerque is required to protect this land pursuant to the IDO and state and federal law.

Southwestern Willow Flycatcher

I request that the EPC defer its decision until an environmental impact study is performed to analyze the effect on the proposed project on the San Antonio Oxbow, the Southwestern Willow Flycatcher, and other species in the oxbow.

I am a member of the La Luz Landowners' Association and write in support of its request for deferral as well as an individual with my specific concerns.

Thank you.

Marilyn C. O'Leary

City of Albuquerque Planning Dept.

Ms. Cheryl Somerfeldt

Re: PR-2018-001402 Case No. SI-2018-00171 5001 Namaste Rd. NW

Gamma Development LLC Applicant

Dear Ms. Somerfeldt,

I am against the proposed development for the following reasons:
The applicant proposes to raze structures on the property that, as I understand it, have not been reviewed by the Historic Preservation Committee/Planner. The structures are well-maintained examples of artisan craftsmanship.

Section 6-6(B)(3) Review and Decision Criteria 6-6(b)(3)

The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

The structure's historic, architectural, engineering or cultural significance

One of the first homesteads on the west side as the Pooles purchased 388 acres from the Joe Taylor Ranch family ; the home has historic value documented by the State archeologist; it is one of the few remaining original 20th century estates; portions of the original homestead sold to a local developer who worked with famed architect Antoine Predock to build the nationally recognized La Luz residential complex, known for terraced design, preserving 30 acres of sensitive habitat as private open space between the homes and the river.

The structure's potential to contribute to the city's economic development or tourism industry

The home can still be used today and repurposed as a library, event center, etc., similar to the City's Open Space Visitor Center; an outdoor venue for special events, given the unique location for viewing the Oxbow wildlife, among other uses.

The home could be used for movies, TV and commercials; the kitchen was the set for several national commercials 'back in the day'.

The structure's potential to enhance the city's heritage and historical identity

Unique mid-20th century distinctive adobe pueblo revival (c. 1958) Original, well-maintained architecture and construction with artisan craftsmanship throughout the house, surrounding structures and natural landscape.

Architectural connections to George Pearl, John Gaw Meem and the aforementioned Antoine Predock.

The home contains exemplary and distinctive adobe revival great room, fireplace, ceilings, flooring and archways; the design takes advantage of Albuquerque's spectacular views.

Razing these architectural treasures will irretrievable erase years of fine craftsmanship and exemplars of artistic and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)

"…strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.

3-5(A)(3) Have yielded, or likely to yield, information important in history or prehistory.

Remnants of Native American pottery have been found on the property

3-5(A)(4) Possess high artistic value.

"They just don't build 'em like they used to! " These works of art and craftsmanship cannot be replaced.

EPC RULES: Page 6, Rule 7: "Incomplete submissions are grounds for deferral."
The application is incomplete as archeological, cultural and historical documentation of the house/property have NOT been completed. Once the documentation for designating these structures as landmarks are available for public view, please notify me by email:
balloonprinzess@comcast.net or phone (505) 352-0625

The Pooles were generous philanthropists, supporters of the arts and education. Mr. Poole led efforts with the Army Corps of Engineers to align the Rio Grande River naturally creating a bow-shaped wetland to protect eroding banks of the west bluff.

To allow the 73 homes to be built would remove all the existing vegetation and ecosystem with no attempt for remediation. The proposed 'open space' on the property does little to mitigate the effect of this dense development. Just south of the perimeter wall, the bank is eroding and construction hasn't even started!

While the IDO doesn't require notification of adjacent property owners, many were not notified of the facilitated meeting that was held prior to submittal of the application. The adjacent property owners have concerns about the proposed development's impact on the environment/ecology of the adjacent San Antonio Oxbow/wetland of the Rio Grande which provides wildlife habitat. (eg., breeding and nesting habitat for thousands of birds, reptiles, amphibians and mammals; adjacent wetland is a roosting site for Sandhill Cranes.)
Another facilitated meeting would be welcome in the Andalucia/El Bosque neighborhood.
Deferral of the EPC application would seem to be in order given the concerns in my letter.
Thank you for your consideration.

Ann Prinz
4611 Mijas Dr. NW
Albuquerque, NM 87120

Somerfeldt, Cheryl

From: RADCLIFFE, TOMAS <tradcliffe@cnm.edu>
Sent: Wednesday, October 24, 2018 1:48 PM
To: Somerfeldt, Cheryl
Subject: project number PR-2018-001402

Ms Somerfeldt,

I am writing to comment on project number PR-2018-001402, which proposes the development of the Poole Property.

My two young daughters and I spend a considerable amount of time hiking and observing plants and wildlife in the oxbow open space south of the Poole property, as well as on the bosque trails east of the property. I am a volunteer at the Rio Grande Nature Center, which is less than a mile from the Poole property as the crow flies, as well as a member of the local Audubon chapter's conservation committee.

Earlier this month, before I had learned of the plans to build the property, I twice observed the ecological value of the property. The first was in the last week of September, when a flock of Pinyon Jays, rare visitors to the bosque habitat, flew overhead. I watched the birds land in the large pine on the Poole property. These pines offer a valuable habitat and food for elevational migrants--birds who often breed in mountainous pine ecosystems and who don't necessarily go south in the winter as much as seek lower elevations. A few days later, my daughters and I heard our first Sandhill cranes of the season while walking alongside the property, and also enjoyed watching hundreds of blackbirds--red-winged, yellow-headed, and Brewer's--settle into one of the property's large pines as dusk turned into dark.

I walk the bosque daily and am familiar with the bosque on both the west side and east side of the river through the City, from Rio Bravo to Alameda. Of all of the stretches of the bosque in Albuquerque, the stretch due west of the Poole property is in my experience the richest in animal diversity. In fact, it is the place in the bosque where I most often see rare birds (a couple of weeks ago I saw my first Lewis' woodpecker in the bosque between the Poole property and the river) and hear of rare birds being reported (a hooded warbler earlier this summer). It is also the place where bobcats are most often reported in the bosque. I even heard that deer were seen in this stretch of the bosque earlier this spring, which really took me by surprise.

One of the reasons that this habitat is so rich in animals, in addition to containing the vastest wetlands along river through the City, is that it is also one of the quietest areas, a good distance from major streets and overpasses. The bluff on which the Poole property sits also makes an effective sound buffer. I worry that this area of relative quiet within the City will be lost with the addition of 73 closely packed houses. I also worry that these houses will generate a great deal of litter, and that this litter will inevitably blow down the bluff and into the oxbow wetlands. I fear for rare waterfowl contending with potentially harmful or deadly litter, such as the plastic rings on soda or beer six-packs. There is also the threat of pesticide running off into the oxbow from these many dozens of potential properties overlooking it.

The area around the Poole property is simply one of my and my daughter's favorite urban refuges--a refuge from the rush and noise and light pollution of the surrounding metropolis. Instead of developing the property, it would seem much wiser to conserve it as a nature center or open space. In fact, it is only separated from the established City oxbow open space trails just to the south by a large gravel parking lot. This lot seems plenty

big to accommodate (and connect) a new open space to the north on the Poole property. There are so few open spaces within the City to protect from development and preserve for educational, recreational, and ecological purposes, and I can think of no open space within the City with more ecological value.

Thank you for your time and consideration,

Tomas Radcliffe
Central New Mexico Community College
Professor of English
(505) 218-5182
==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: swmoye@gmail.com
Sent: Thursday, October 25, 2018 4:19 PM
To: Somerfeldt, Cheryl
Cc: 'LynleyMoye'; admin@bosqueschool.org; 'Scot Moye'
Subject: Public Comment EPC Project No: PR-2018-001402 Case No: SI-2018-00171 5001 Namaste Rd. NW

Public Comment EPC Project No: PR-2018-001402 Case No: SI-2018-00171 5001 Namaste Rd. NW

Scot W and Lynley Lovett Moye
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swmoye@gmail.com | lynleymoye@gmail.com
(505) 353-1424

Ms. Cheryl Somerfeldt, Planner
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(505) 924-3357

October 24, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
THIS APPLICATION IS INCOMPLETE UNTIL ARCHEOLOGICAL, CULTURAL, HISTORICAL DOCUMENTATION OF HOUSE/PROPERTY HAVE BEEN COMPLETED

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001402 Case No: SI-2018-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place and Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Somerfeldt,

In the matter of analyzing this application as submitted on September 27, 2018, please note:

In applicant's Letter of Justification, page 2, paragraph 3 "EXISTING LAND USE AND ZONING," the applicant proposes to demolish two architecturally significant and contributory structures:

> "The site contains two single-family dwellings which are proposed to be razed."

The applicant has failed to submit archeological, cultural and historical documentation on the homes and property that are proposed for demolition in this application. By law, studies establishing the structures' historic and cultural preservation value to Albuquerque and New Mexico are required. These studies are required to avoid substantial legal state and federal penalties that would accrue to the City of Albuquerque if the Planning Department and EPC were to allow these demolitions.

The homes are over 50 years old, which is the first qualification for historical preservation, and they possess all the characteristics required for designation as a historically significant property, as detailed below. The homes are

contributory and in sound structural condition, which means that they are not candidates for demolition as noncontributory structures, per the IDO:

6-6(B)(3) Review and Decision Criteria 6-6(B)(3)

a. The Historic Preservation Planner shall review the demolition permit application based on the following criteria:

See my comments here and under Part 14-16-3-5(A), below that fulfill the following criteria:

1. The structure's historic, architectural, engineering, or cultural significance.

The buildings on the property, built more than fifty years ago, are unique in their design and their craftsmanship. The original architects sought to Honor the traditional Adobe construction style. On the main house the exterior walls are solid Adobe which by today's standards is highly unusual and should be considered special. The primary architects originally involved in the design and build (Pearl, Predock, and Prince) All went onto notable fame for their vision and skills in designing world class structures. The UNM School of Architecture is in fact named after Robert Pearl for his prominence, vision, and leadership in establishing New Mexico's noted architectural community.

The Rufus Poole legacy touches cultural landmarks that make "New Mexico True" such as: Taos Pueblo Blue Lake, Santa Fe Opera, National Hispanic Cultural Center, Popejoy Hall, Chamber Orchestra of Albuquerque, Bosque School, Albuquerque Academy, El Rancho Hotel in Gallup, the film industry, and relationships with past US presidents, famous entertainers, star performers, wealthy industry magnates, business leaders and philanthropists.

Rufus Poole legacy included:

- Raising more than $500,000 to build Albuquerque's first concert hall, Popejoy Hall.
- Top advisor to US Secretary of the Interior, Fred Seaton, during Eisenhower administration. In 1957, Seaton sent Poole to New Mexico with ambitions to become governor of New Mexico. That dream was not realized; Rufus died of cancer in 1968.
- As an attorney, Rufus advocated and reinstated pueblo land and water rights, returning rightful ownership to the pueblos. His landmark case was the Taos Pueblo Blue Lake.
- Created the Oxbow as we see it today. He led efforts with Army Corps of Engineers to align the Rio Grande River naturally and create a bow-shaped wetland to protect eroding banks of the west bluff.
- In broader US issues, Rufus had a role conservation history. He drafted and advised America's first Wilderness Act 1964 with Sigurd Olson, Gaylord Nelson, and members of the Wilderness Society.

Suzanne Hanson Poole legacy included:

- New York Broadway performer and singer, a generous supporter of the arts, and educational sponsor for talented debut artists who were economically disadvantaged.
- Co-founder of Santa Fe Opera and a Summit Donor who contributed more than $10M. The SFO's Suzanne Hanson Poole Production Center is named in her honor.
- Community advocate for the cultural arts;
    - For more than 40 years, she was a critical supporter of cultural, artistic, musical, and performing artists all through New Mexico.
    - Her focus was to remove the economic barriers so that talented individuals could achieve successful careers in the performing arts. Her (often anonymous) financial contributions gave thousands the education supports needed to thrive in their respective fields of art.
    - When she heard that the Albuquerque symphony musicians had not received wages for 3 years, she paid their wages in full.

    - She created hundreds of educational and public outreach programs to improve access to the arts and to connect art, technology, and science.
- Advocate of nature conservation
    - Funded management of the wetland; planted and seeded the river banks.
    - Financed and contributed to programs associated with Middle Rio Grande Conservation Initiative 2012 (implemented by Mayor Barry administration).
    - Instrumental in ongoing conservation of Rio Grande Bosque.
    - Intervened often to conserve wildlife habitat and flora along the river.
- Advocate of education
    - Underwriter for performance projects for debut artists
    - Created dozens of scholarships to fund students in the arts
    - Generous supporter of Bosque School and Albuquerque Academy
- Influential philanthropists joined Mrs. Poole in contributing to significant cultural projects in New Mexico and around the United States. Well known families included Rockefeller, Getty, Gates, Ford, Morris, Andrew Mellon, and Lady Britt.
- Suzanne Hanson Poole spared no expense to advance the health and well-being of people and places that were special to her.
- Friends describe her as a person who "had her pulse on people who were striving for excellence, whether they were conservationists, educators, researchers, writers, performers, businessmen or tradesmen; she helped everyone."

2. The structure's potential to contribute to the city's economic development or tourism industry.

While Gamma Development company has reason to believe that this development plan as so described is the best use for the property and is in the best interest of the community, the groups of neighbors and interest groups do not agree. With a proper vision, the Poole property in its entire T could be transformed into a multi-use facility catering too all types of study, tourist attraction and historical location, you could also be used as a place for events for all types of groups or parties. The City of Albuquerque has the opportunity to provide that vision.

3. The structure's potential to enhance the city's heritage and historical identity.

The Poole house is the epitome of the city of Albuquerque's heritage and historical identity. The house was originally built to highlight and elaborate beautiful vistas of the city from the westside facing East which includes the river oxbow, the bosque, and the magnificent sunrises and transient weather through the central Rio Grande river valley. In addition, the homes were built in such a way that they reflect the more traditional build style and materials. The house is built with traditional adobe, exposed beam vigas. custom tile and stained glass. The exterior is original stucco and tile with hand crafted wood windows and accents.

4. Whether the structure is unique or one of the last remaining examples of its kind in the neighborhood, the city, or the region.

The Poole property is truly unique and earnestly represents the style and level of quality not found in many of any homes that are being constructed in the Albuquerque area, this includes the proposed structures that the developer seeks to build in this property.

5. The structure's condition.

What concerns me about the structures' condition was the developer's assertion that the property had fallen into severe disrepair and was of no salvageable value or intrinsic worth whatsoever. In working with our neighbors. with original tenants of the second home, and the last caretaker of the property, we've come to find out that the property is in reasonable and manageable condition such that it could be occupied with relatively little effort or resources. In trying to garner support for the proposed project, the developer plays fast and loose with these facts and this is a great concern to us.

6-6(B)(3)
(b) To invoke the 120-day review period, the LC must find that, in considering the public interest, it is preferable that the structure be preserved or rehabilitated rather than demolished and use the criteria in Subsection (a) above and Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
Based on the criteria above, I request City Planning to refer any demolition request made by the developer to the LC for a 120-day review period during which the LC may authorize studies conducted to determine the finding of facts, in consideration of the public good over private interests intent on destroying these structures, that these structures be preserved as historic landmarks.

14-16-6-7(C) (Adoption or Amendment of Historic Designation) in its evaluation.
6-6(B)(3)(c) In determining whether the structure should be designated as a landmark, the LC shall apply the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).
I would like to go on record as submitting the following facts that support the decision that it is in the best public interest and thus preferable that the structures on the 5001 Namaste site be designated as a landmark, according to the LC criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation) or that the entire property be classified as an Historic Overlay Zone according to its qualifications under Part 14-16-3-5(A) as outlined below.

Razing these contributory architectural treasures will irretrievably erase years of fine craftmanship and exemplars of artistic and historical merit, a 22.75 acre site that, if granted a historic protection overlay zone status would:

Part 14-16-3-5(A)
"…strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities."

Properties qualify for this historic overlay zone protection when they possess 1 or more of 5 characteristics. This property possesses all 5 of these characteristics:

3-5(A)(1) Embody the distinctive characteristics of a type, period, or method of construction.
The architecture of both homes offer fine examples of Pueblo Revival Architecture, carvings of rounded doorways, arched lintels and doors, and many fine custom-crafted details.

3-5(A)(2) Portray the environment of a group of people in an era of history characterized by a distinctive architectural type.
The Poole family sought out to create something special when they acquired and worked to set aside the key parts of their original land parcel for the preservation of the cultural, architectural, and wildlife attributes of the city. The Poole family championed these attributes and represented a golden era of Albuquerque when making the city great was of more importance than making a great deal of money. The Poole family is indelibly linked to the establishment of the Santa Fe Opera, Popejoy Hall, and numerous other and social projects. This impact to the city must be recognized and valued.

3-5(A)(3) Have yielded, or are likely to yield, information important in history or prehistory.

Rufus Poole and Suzanne Hanson Poole have an important story to tell in the history of both Albuquerque and New Mexico. They shaped the cultural fabric of pueblo relationships and rural agricultural living. They were generous philanthropists, supporters of the arts, education, and public access to beautiful spaces.
3-5(A)(4) Possess high artistic value.
These works of art and craftsmanship cannot be replaced.

3-5(A)(5) Have a relationship to designated landmarks or a registered historic district that makes the area's preservation critical.

- The homestead is a very unique mid-20th century adobe pueblo revival (c.1958). Original, well-maintained architecture and construction with artisan craftsmanship.
- It contains exemplary and distinctive adobe revival great room, fireplace, ceilings, flooring, and archways. Mrs. Poole maintained the homestead in pristine condition until her death in 2012, spending up to $400,000 annually.
- Several additions to the house, making 11,000 sq. feet of livable space. Design takes advantage of Albuquerque's spectacular views and encompasses artisan craftsmanship throughout the house, surrounding structures, and natural landscape.
- The homestead is a remnant of Taylor Ranch. Rufus and Suzanne Poole purchased 388 acres from the Joe Taylor Ranch family.
- Home has historic value and is documented by the state archeologist.
- It is one of the few remaining original 20th century estates built on west side.
- Landscape includes native flora. Very few invasive species have invaded the landscape since her death in 2012 (e.g., thistle)
- Architectural connections to George Pearl, John Gaw Meme, and Antoine Predock
- Portions of the original property were sold to local developer who worked with famed architect Antoine Predock to construct the nationally recognized La Luz residential complex. La Luz serves as a contemporary example of "cluster housing.". La Luz is renowned for its terraced design, preserving 30 acres of sensitive habitat as private open space between the homes and the river and assuring each residence has spectacular views of the Bosque and mountains.
- This is clearly NOT the case with the proposed development whereby the Developers clearly stated that not every home will have a spectacular view. The current clustering and site plan will not allow for it.

The missing studies that document the archeological, cultural and historical aspects of these homes renders this application incomplete.

EPC RULES: Page 6, Rule7: "Incomplete submissions are grounds for deferral."
Please defer the EPC hearing of this application until
1. archeological, cultural, and historical documentation of the house/property have been completed, the studies have been submitted to public record, and all parties have received notification that the application is compete and reports are ready for public review, a minimum of 15 days prior to the deadline for public comments.
2. A 120-day review period has been invoked followed by a public hearing held by the LC according to 6-6(B)(3)(c) to determine whether the structure should be designated as a landmark, according to the criteria Subsection 14-16-6-7(C) (Adoption or Amendment of Historic Designation).

As quickly as the archeological, cultural, and historical documentation and application to LC for designating these structures as landmarks may be available for public view, please notify me by email: swmoye@gmail.com or phone (505) 353-1424.

We are native Albuquerqueans who grew up and have chosen to make Albuquerque our home. We were educated at St Pius X HS, the Albuquerque Academy, and the University of New Mexico. Our interest and motivation is sincerely founded on a desire to see good things happen to such a tremendous city such that our children make the same decision to stay and become vital and involved in this city.
Thank you for your consideration,
Very Respectfully,
Scot W and Lynley Lovett Moye

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely our own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, Andalucía HOA

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This message has been analyzed by Deep Discovery Email Inspector.

Una Medina Olmsted, Ph.D.
3512 Yipee Calle Ct NW
Albuquerque, NM 87120
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(505) 314-3116

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

October 25, 2018

RE: COMPLIANCE WITH ENDANGERED SPECIES ACT.
PROTECTION OF ARCHAEOLOGICAL ARTIFACTS BELONGING TO NATIVE AMERICAN TRIBES.
This application is incomplete until an EIS (Environmental Impact Study) that can inform a Development Framework Plan has been completed such that any development activities comply with Army Corps of Engineers standards in conformance with the U.S. Endangered Species Act and protection of archaeological sites containing artifacts that belong to Native American Tribes.

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place; and: Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Planner Somerfeldt,

This application is incomplete until an EIS (Environmental Impact Study) that can inform a Development Framework Plan has been completed such that any development activities comply with Army Corps of Engineers standards in conformance with the U.S. Endangered Species Act.

After some research I have found that under the Endangered Species Act the following species living on the premises of the "Poole Property" are protected:

****

MEASURES THAT AVOID/MINIMIZE ENDANGERMENT OF PROTECTED SPECIES

Excerpt from ***Environmental Assessment for the Middle Rio Grande Bosque Restoration Project***. (June 2011) U.S. Army Corps of Engineers Albuquerque District. Pages 84, 85, 86 (Request download link from uemedina@gmail.com).

4.11 Endangered and Protected Species

Rio Grande Silvery Minnow Designated critical habitat for the species (68 Federal Register 8087: 8135) encompasses nearly the entire project area. Work would not take place in the main channel but it would take place along the bank and it may result in erosion or other inputs into the river. When work is to occur close to the bank of the river, BMPs would be enforced to prevent erosional inputs into the river. These BMPs would include, but would not be limited to: the use of silt fences adjacent to the riverbank to prevent erosion to the river; fueling of vehicles would not take place inside the levees; and equipment and vehicles would be cleaned prior to entering the bosque.

Additionally, this project is being constructed to provide potential habitat for the RGSM and would create additional suitable nursery habitat through the creation of high-flow channels with scallops which would help with the population. High-flow channels would provide habitat in the form of ephemeral side channels (scallops) for the RGSM and potential refuge during spawning, egg, and/or juvenile stages. This project would be closely monitored to determine the benefits for the RGSM which are proposed to occur as an outcome of the Proposed Action.

Therefore, the Proposed Action may affect but is not likely to adversely modify designated Critical Habitat of the Rio Grande silvery minnow. The Proposed Action may affect and is

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likely to adversely affect the Rio Grande silvery minnow, though it may also provide positive benefits to the species. The Corps has formally coordinated with USFWS in regard to this species since USFWS was a participant on the E-Team. The Corps submitted a Draft Biological Assessment in reference to the Rio Grande silvery minnow on April 5, 2010 (and amended in November, 2010). A Biological Opinion (BO) was received for the project on April 15, 2011. Both documents are available in Appendix H. USFWS concurred that the Proposed Action may have both adverse and beneficial effects, as well as indirect effects. Therefore, the USFWS issued an incidental take statement as follows: "take in the form of harassment may affect up to 6,988 silvery minnows due to proposed construction, as well as the harassment and mortality of up to 8,471 silvery minnows (juveniles and adults) due to potential stranding in restored features after peak flows recede." Therefore, per the BO, the Corps will perform the following reasonable and prudent measures (RPM) during construction in order to minimize take:

1. Minimize take of silvery minnows due to habitat restoration activities.

2. Manage for the protection of water quality from activities associated with the restoration project.

3. Work collaboratively with the Service on the Middle Rio Grande Endangered Species Collaborative Program.

The following terms and conditions would be implemented during construction, in order to implement the RPM's above:

1. Ensure that all restoration treatment work is conducted during low flow periods, avoiding the silvery minnow spawning period and effects to potentially large numbers of offspring, by working within the timeframes described in this biological opinion (not between April 15 and August 15 of each year).
2. Ensure that conservation measures described in this biological opinion are implemented, including those pertaining to equipment and operations, staging and access, water quality, and others.
3. Ensure that the presence/absence of silvery minnows is visually monitored at construction sites by a permitted biologist, and use adaptive management to modify activities to minimize adverse effects.
4. Implement the project-specific monitoring, including entrapment monitoring, and adaptive management as proposed and report results annually to the Service.
5. As appropriate, report to the Service the results and effectiveness of restoration treatments.
6. Report to the Service findings of injured or dead silvery minnows.
7. Monitor the implementation of RPM 1 and its associated Terms and Conditions.
8. Ensure that conservation measures described in this biological opinion are implemented, including those pertaining to construction timing and sequencing, water quality monitoring, equipment and operations, and staging and access.
9. Ensure that all restoration treatment work is conducted during low flow periods, minimizing water quality impacts, by working within the timeframes described in this biological opinion (not between April 15 and August 15 of each year)

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10. Report to the Service any significant spills of fuels, hydraulic fluids, and other hazardous materials.
11. Monitor the implementation of RPM 2 and its associated Terms and Conditions.

Post-construction monitoring, per the protocol provided in the BO, would also be performed for two years after construction.

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ENDANGERED SPECIES

Excerpt from ***Environmental Assessment for the Middle Rio Grande Bosque Restoration Project***. (June 2011) U.S. Army Corps of Engineers Albuquerque District. Page 85 (Request download link from uemedina@gmail.com).

Southwestern Willow Flycatcher -

Based on the surveys conducted within the Proposed Action Area and other surveys performed in the past within the project areas (by other entities), it is highly unlikely that

nesting Southwestern Willow Flycatcher would occupy the project area during the construction period, proposed to begin in 2012 and continue through 2017. It is very possible that migrants would be present in the project area in spring and fall. Surveys at the locations where migrants have been detected would continue each year as they have in the past. If nesting Flycatchers are detected on any locations where work is proposed under this Proposed Action, then consultation with USFWS would be initiated.

Yellow-Billed Cuckoo –

Habitat potentially suitable for nesting of Yellow-Billed Cuckoo is present in the Proposed Action Area, primarily in the form of dense saltcedar stands, therefore, it is limited. YellowBilled Cuckoo has been noted to nest late into October (D. Krueper, personal communication). Surveys for nests in potential habitat would occur through October prior to construction. This habitat would be thinned and revegetated during this project, creating native potentially suitable habitat in the future. Therefore, the Proposed Action may affect but is not likely to adversely affect the Yellow-Billed Cuckoo during implementation and could have a long-term positive effect.

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MEASURES THAT AVOID DESTRUCTION OF PROTECTED CULTURAL ARTIFACTS

Excerpt from ***Environmental Assessment for the Middle Rio Grande Bosque Restoration Project***. (June 2011) U.S. Army Corps of Engineers Albuquerque District. Pages 86, 87, 88, 89 (Request download link from uemedina@gmail.com).

In addition to mandated protection of riparian wildlife habitat areas and corridors designated as significant by state and federal agencies, according to Army Corps of Engineers, there are Native American archaeological sites in the general area

4.12 Cultural Resources

Due to the nature of the Rio Grande, it has generally been thought that if archaeological sites occurred within the Rio Grande Floodway (within the flood control levees), they would have

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been either washed away or buried by river sediments (Sargeant 1987:36-37); however, that is not the case for more recent historic era properties. For the Corps' recent Bosque Wildfire Project and the Ecosystem Revitalization @ Route 66, Albuquerque, New Mexico, Section 1135 Project, a total of approximately 2,228 acres of Rio Grande bosque, in 50 project area

parcels, have been archaeologically surveyed for cultural resources (Marshall 2003; Everhart 2004a; Estes 2005; Walt, Marshall, and Musello 2005; Marshall and Walt 2006). As of September 30, 2008, these Corps surveys have recorded twenty-eight (28) archaeological sites within the Rio Grande Floodway. These sites are primarily remnants of historic earthen structures related to irrigation canals (acequias) and drainage ditches as well as some old, wooden bridge pilings, representing the alignments of historic bridges. Most of the acequia remnants are ditch segments that were abandoned as a result of the 1930s MRGCD construction of the flood control levees. These Laboratory of Anthropology (LA) sites include: LA100484/LA118119; LA118060; LA127144; LA132552; LA138855; LA138856; LA138857; LA138858; LA138859; LA138860; LA139208; LA143458; LA145193; LA145194; LA145195; LA145200; LA145559; LA145560; LA145561; LA146158; LA146160; LA146161; LA146162; LA146163; LA153622; LA153623; LA153624; and LA153625.

One site, an abandoned segment of the historic Alburquerque Acequia Madre (LA143458), probably dates to the 1706 founding of the Villa de Alburquerque (Everhart 2004b). Structural components of other historic acequias may also date to approximately the same period and a few such as the Atrisco and Ranchos de Atrisco acequia remnants (LA138859) may date to as early as the mid-1600s (Marshall 2003; Sánchez 1998). No prehistoric archaeological sites are known to occur in the Rio Grande Floodway project area; however, at least one large prehistoric pueblo, of unknown location, may still exist in the area, potentially within the floodway. American Indian traditional cultural properties are known to occur within the Rio Grande Floodway.

Consulting parties in the Section 106 process for the proposed restoration project include the Corps, Bureau of Reclamation, MRGCD, the City of Albuquerque, and the New Mexico State Historic Preservation Office. Consistent with the Department of Defense's American Indian and Alaska Native Policy, signed by Secretary of Defense William S. Cohen on October 20, 1998, and based on the State of New Mexico Indian Affairs Department and Historic Preservation Division's 2008 Native American Consultations List, American Indian Tribes/Pueblos that have indicated they have concerns within Sandoval and Bernalillo Counties have been contacted regarding the Proposed Action (see Appendix D). These tribes include the Pueblo de Cochiti, the Comanche Indian Tribe, the Hopi Tribe, the Pueblo of Isleta, the Pueblo of Jemez, the Jicarilla Apache Nation, the Pueblo of Laguna, the Navajo Nation, the Pueblo of Ohkay Owingeh, the Pueblo of San Felipe, the Pueblo of San Ildefonso, the Pueblo of Sandia, the Pueblo of Santa Ana, the Pueblo of Santa Clara, the Pueblo of Santo Domingo, the White Mountain Apache Tribe, the Pueblo of Ysleta del Sur, and the Pueblo of Zia. To date, the Corps has received no tribal concerns regarding the Proposed Action. Currently, there are no known tribal concerns and no traditional cultural properties are known to occur within or adjacent to the project areas.

The Proposed Action Area of Potential Effect (APE) covers approximately 668 acres in 16 project area parcels. An archaeological survey of the APE was conducted between September 2

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and 8, 2008, by the University of New Mexico's Office of Contract Archeology (OCA). The project's archaeological survey is reported by Robin M. Cordero, Tracy Steffgen, and Patrick Hogan, and entitled A 667.6 Acre Cultural Resource Survey of the Rio Grande Floodway for the Middle Rio Grande Bosque Restoration Feasibility Project, Bernalillo and Sandoval Counties, New Mexico (dated January 20, 2009, UNM-OCA Report No. 185-996; NMCRIS No. 111640).

As noted for other Corps' projects and restoration activities located within the Rio Grande Floodway, segments of historic acequias and/or drainage ditches were abandoned when they were cut off by MRGCD construction of the valley's modern irrigation system and the flood control levees and riverside drains in the 1930s. Wide areas near the river were affected by years of flooding prior to the MRGCD work. There was a significant amount of rehabilitation of the MRGCD system that included the levees and riverside drains that was conducted by the Corps and the Bureau of Reclamation in the 1950s and 1960s. Several segments of historic acequia remnants and other structures have been documented during the above noted Corps projects; these all being in a weathered and dilapidated condition, having been subjected to river inundation and flooding. To date, no prehistoric archaeological sites have been discovered within the Rio Grande Floodway. The Corps is aware of two traditional cultural properties that occur within the Rio Grande Floodway. All National Register of Historic Places (NRHP) eligible historic properties recorded within the Rio Grande Floodway during recent Corps' projects have generally been linear, earthen ditch or drain remnants which are relatively easily recognizable. Due to localized areas of dense vegetation, OCA's survey did not cover 26percent of the project area; however, given the linear nature and large size of previously recorded NRHP eligible properties, as well as the generally disturbed nature of the bosque due to the river's aggradation, degradation, and relatively frequent channel movement, the Corps finds that OCA's identification efforts that covered 74-percent of the APE are sufficient for this project.

The OCA survey documented five (5) structures as historic sites: LA160891, LA160892, LA160893, LA160894, and LA160895. These five earthen structures are reported as abandoned segments of acequias or drainage ditches. There were no artifacts or other features associated with these five sites. No other artifacts or historic properties were observed during the OCA survey. The Proposed Action plans to conduct vegetation removal and riparian restoration activities in the vicinity of the five earthen structures recorded by OCA. OCA recommended that all five sites are not eligible for nomination to the National Register of Historic Properties (NRHP). During review of the OCA survey documentation, the Corps compared the OCA data with recent aerial imagery, the 1922 Reclamation Service (BOR) maps that were prepared from data collected during 1917/1918 field surveys, and Bureau of Reclamation's (BOR) 2001 GIS data on the locations of the Rio Grande channel for the years of 2001, 1992, 1972, 1962, 1949, and 1935.

As noted below, the Corps is of the opinion that LA160891 is a non-eligible historic ditch segment and that OCA's LA160892, LA160893, LA160894, and LA160895, are natural in origin and are, therefore, not archaeological sites. The Corps agrees with OCA's recommendation that LA160891 is not eligible for nomination to the NRHP. From the available information, the Corps is of the opinion that LA160891 is a field ditch that may have

been associated with the Corrales Ditch/Sandoval Lateral, and therefore, may date as early as ca. 1850

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to as late as the mid-1930s MRGCD construction. The Corps, however, is of the opinion that because it is not a part of a major active acequia or primary lateral, and the salient information was recorded during survey, it is not eligible for nomination to the NRHP.

For OCA's LA160892, LA160893, LA160894, and LA160895 structures, all generally described as earthen, abandoned segments of ditches or drains, none are shown on the 1922 Reclamation Service maps. The Corps has reviewed the available mapping and river channel documentation, and the locations of these four "sites" at one time or another post-1935, were a part of the active river channel. Therefore, they are of a more recent and natural origin and are more likely remnants of naturally occurring river high flow channels/banks. In one case, for LA160895, it may also be related to fire-fighting activities that occurred a few years ago. From the available documentation, the Corps is of the opinion that these four earthen structures are the result of natural river flow or recent activity in the bosque and are therefore not historic properties and not eligible for nomination to the NRHP.

The project's proposed riparian restoration activities would occur in the vicinity of two previously recorded historic archaeological sites: LA118060, an old remnant spur line of the Atchison, Topeka and Santa Fe Railway (previously determined not eligible for nomination to the NRHP), and LA145559, documented as a northeast trending internal drain (previously determined eligible for nomination to the NRHP under criterion d of 36 CFR 60.4). Proposed work near LA118060 would not affect the railroad spur remnant. OCA (2009:29; see Appendix D) indicates that they believe Estes (2005; NMCRIS No. 89833) misidentified LA145559 as an internal drain and that it is actually a natural overflow river channel. Estes's (2005:61-63) description of the LA145559 internal drain presents an unlikely "southwest to northeast" direction (on a river running north-to-south) and unusual dimensions for a drain ditch: "The width of the ditch varies from 17 meters at the southwestern end, and narrows to 3 meters wide near its outlet." The Corps has reviewed the 1922 Reclamation Service maps and the 2001 river channel documentation, and found that LA145559 is located 675 feet north of the internal drain shown on the 1922 Reclamation Service map and that LA145559 was a part of the active river channel in 1935. The Corps therefore agrees with OCA that LA145559 is in fact not an archaeological site.

In summary, based upon the above information and available documentation, the Corps is of the opinion that the LA160891 field ditch is not eligible for nomination to the NRHP, and that LA160892, LA160893, LA160894, LA160895, and LA145559 are in fact not archaeological sites and therefore are not eligible for nomination to the NRHP. The LA118060 railroad spur was previously determined not eligible for nomination to the NRHP and it would not be affected by the project. Therefore, the proposed Middle Rio Grande Bosque Ecosystem Restoration Project would result in "No Historic Properties Effected" because there are no NRHP eligible sites within the APE. On March 9, 2009, the New Mexico Historic

Preservation Officer concurred with the Corps determination of "No Historic Properties Effected."

Should previously unknown artifacts or other historic properties be encountered during construction, work would cease in the immediate vicinity of the resource. A determination of significance would be made and further consultation, on measures to avoid, minimize, and/or

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mitigate potential adverse effects, would take place with the New Mexico State Historic Preservation Office, the Bureau of Reclamation, MRGCD, the City of Albuquerque, and with American Indian Tribes that have cultural concerns in the area.

Specifically, as pertains to this site:

This property has been documented as an archaeological site by the state archaeologist. Native American pottery have been excavated on this site during construction of the wall surrounding the property. This entire site qualifies for an Environmental Impact Study *before* the consideration of disturbance of riparian habitats and archaeological artifacts.

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SENSITIVE LANDS: ENVIRONMENTAL IMPACT STUDY REQUIRED

Without an Environmental Impact Study, it cannot be known

a. whether changing drainage channels,
b. whether redirecting storm water drainage to increase volume and rate of flow in the San Antonio arroyo
c. whether developer will exercise the same cautions as Army Corps of Engineers in maintenance and use of heavy equipment, fueling on site, maintaining of cleanliness of equipment, containment and removal of all leakage of motor oils and exhaust fumes, and containment and removal of all other pollutants that endanger the silvery minnow and wildlife and their food supply in the area of the wetlands will be disturbed, contaminated or destroyed during developing the "Poole Property.
d. Whether historic and archaeological sites designated by state and federal agencies are being preserved

e. Whether native tribes whose historical artifacts are potentially being disturbed, discarded or destroyed have been fully notified,
f. Whether all aspects of riparian wildlife habitat areas and corridors designated as significant by the state have been fully protected.
g. Whether development disturbance will deteriorate or subside natural slopes, particularly the sandy slope escarpment along the western border of the site that supports the City of Albuquerque street above it, and the degree of risk for this unstable slope subsistence, landslide, rock falls, and other hazards shall be exacerbated and cause injury or public endangerment both above the slopes on the street, and below the slope upon future residences that are proposed to be built on the western side of this site.
h. Whether all natural features to be protected under the IDO have been fully identified in a site analysis as part of a Framework Plan, or with any Site Plan when a Framework Plan is not required.
i. If a Framework Plan is not required, whether the conditions for that waiver of requirement have been specifically stated in the public record.

In addition to mandated protection of the endangered Silvery Minnow, this 22.75 acre site serves as a stopping and resting spot for the endangered Southwestern Willow Flycatcher and the endangered Yellow-Billed Cuckoo. Additionally, Sandhill Cranes and other migratory birds fly through, feed and rest in this region. The fauna and flora that landscapes this gem of land also serve as home to various types of native wildlife that the City of Albuquerque is obligated by law to protect according to state and federal statutes and also according to the IDO.

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IDO REQUIREMENTS FOR SENSITIVE LANDS = AVOID DEVELOPMENT

If the entire site is found to possess all the qualities of sensitive lands, then the entire site must be avoided for any further development.

Please inform the EPC of the criteria for evaluating this development that is required to be completed before the application can be reviewed. According to "Avoidance of Sensitive Lands" in the IDO, this entire site contains every feature listed as a site where development shall be avoided:

> **2-6(B)(5)(b) Avoidance of Sensitive Lands (page 91 of IDO)**
> **1. Each Planned Community shall be organized to protect or enhance the following types of natural resources and features, by including such areas in common landscaped areas or dedicated open space or by mitigating the impacts of construction on these features to the maximum extent feasible.**
> > **a. Drainage channels, arroyos, and streams (in addition to floodplains).**
> > **b. Historic or archeological sites designated as significant by the state.**
> > **c. Significant views of the Sandia Mountains or Petroglyph National Monument from high points or public places.**
> > **d. *Riparian wildlife habitat areas and corridors designated as significant by the state.***
> > **e. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rock falls, or expansive soils.**

2. Lands that show evidence of slope instability, landslides, avalanche, flooding, or other natural or manmade hazards shall not be included in platted lots.
3. New structures intended for human occupancy shall not be located within 100 feet of any perennial stream, public lake, reservoir, or element of a public water supply system unless the City Engineer determines that a smaller setback would adequately protect water quality and *wildlife habitat.*
4. *Natural features to be protected shall be identified in a site analysis as part of a Framework Plan or with any Site Plan or plat when a Framework Plan is not required.*

The IDO defines a Framework Plan on page 462:
Framework Plan: A plan that accompanies applications for the creation of a PC zone district that describes, in general terms and without engineering level detail, proposed land uses (based on definitions in this IDO); proposed maximum and minimum intensities of development for each development phase or area; and the location, size, alignment, and connectivity of proposed automobile, bicycle, and pedestrian circulation systems; open space and/or wildlife habitat systems; and storm drainage systems and facilities.

As cited above, per the IDO, the application is incomplete until a study of the "riparian wildlife and corridors designated as significant by the state" and the environmental impact of the development identifies habitats and natural resources and features and determines whether mitigation measures offered by the developer are feasible or whether any development whatsoever will endanger protected species and incur federal and state penalties upon the developer and the City of Albuquerque.

I am requesting that the EPC defer their decision until these areas of concern are examined and all parties are notified that the application has been completed and reports are ready for public review and given a minimum of 15 days prior to the deadline for public comments,

Thank you for your kind consideration,

Una Medina Olmsted, Ph.D.

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters.

The specific opinions in this letter, however, are solely my own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

Member, WSCONA
Member, TRNA
Member, Bosque Montano HOA

TO: Cheryl Somerfeldt, Planner
City of Albuquerque Planning Department
csomerfeldt@cabq.gov

FROM: Kathy Adams
5 Arco Court NW
Albuquerque, NM 87120
kadamscairo@yahoo.com
kegypt06@gmail.com

RE: Project No. PR2018-001402
Case No. S1-2018-00171

October 25, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL
This application is incomplete until an EIS (Environmental Impact Study) that can inform a Developmental Framework Plan has been completed

Dear Ms. Somerfeldt,

I am writing as a concerned citizen and would like for my letter to be included as part of the written public record that is submitted to the Environmental Planning Commission with regards to the above cited project.

My community, La Luz Landowners Association, has a historical relationship with the Poole family because our townhome development was built on land purchased from the Pooles by Ray Graham. I have been told that there were deed restrictions on that purchase that related to preservation of open space, but I have no way to prove that.

In any case, this property has historical, cultural and ecological significance.
I am particularly concerned about the documentation of archaeological ruins. There was research and documentation about the presence of an Native American Burial grounds at the northeast edge of the undeveloped section of the Andalucia shopping center (Coors and Montano); certainly this indicates the need for a complete archaeological survery of the Poole property.

Until evidence of an archaeological survey or evidence of a review of previous state archaeological survey can be documented, this development can not legally go forward. The submission is incomplete and does not meet the IDO requirement that:

1-8 RELATIONSHIP TO OTHER REGULATIONS

> 1-8-(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

I may be wrong about this, but further investigation is certainly merited; Albuquerque has a responsibility to require (indeed- demand) that this sensitive property is surveyed in all areas before any development moves forward.

Thank you for your time and attention; it is noted and appreciated.

Best regards,

Kathy Adams

FRIENDS OF
VALLE DE ORO
NATIONAL WILDLIFE REFUGE

www.friendsofvalledeoro.org
info@friendsofvalledeoro.org
505-750-3383

October 25, 2018

RE: Oxbow Poole Property Preservation

To Whom It May Concern,

I am writing on behalf of the Friends of Valle de Oro National Wildlife Refuge (NWR) in support of preserving the Oxbow Poole Property and Poole Estate located in Albuquerque, NM along the Rio Grande, immediately west of the Rio Grande Nature Center. This 24-acre property is one of the few remaining, undeveloped tracts of land located along the west bank of the Rio Grande and we firmly believe it should be protected from development due to its valuable riparian habitat and scenic view shed, making it a prime location for wildlife habitat and local residents to recreate and enjoy.

The Friends of Valle de Oro NWR work to protect and support Valle de Oro NWR as well as advocate for the restoration and conservation of pockets of habitat in the Middle Rio Grande Valley -- an important pathway for migratory wildlife. The Middle Rio Grande Valley is also located within the largest metropolitan area in the state, and within a 1 hour drive of over half of the state's population, which presents an important opportunity to both preserve land for conservation and wildlife and conduct environmental education to foster the next generation of environmental stewards throughout our state.

As an organization that works closely with the local community and regularly builds partnerships in efforts to support conservation of public lands, we feel it is important to preserve the Oxbow Poole Property. Given the location of the property along the Rio Grande and its features including a wetland habitat and culturally significant estate (which would make an excellence environmental education facility) we feel it would be a valuable acquisition as either a state park or an Albuquerque or Bernalillo County Open Space area.

We fully support the Oxbow Poole property be preserved in accordance to the wishes of the former property owner, Susan Poole, an active philanthropist, conservationist and supporter of Environmental Education, as this property would be a valuable addition to support a healthy riparian corridor for wildlife and people alike to enjoy.

Sincerely,

Aryn LaBrake
Executive Director
Friends of Valle de Oro National Wildlife Refuge
505.750.3383
aryn@friendsofvalledeoro.org

October 25, 2018

To: Ms. Cheryl Somerfeldt, Planner
Planning Department
Urban Design and Development
Albuquerque, NM 87102

From: Pat Gallagher
Deborah Kendall-Gallagher
24 Link NW
Albuquerque, NM 87120

RE: EPC Project No: PR-2018-001402 Case No: SI-2018-00171

There is a delicate strip of nature that lies between the river and the rapidly rising bluff of the West Mesa. It is at once both desert and forest, loaded with plants and animals that have cohabitated with humans for centuries. However, in a few short decades, that long narrow path of river land has been decimated by hurried development. Careful development policies and stringent zoning laws have attempted to preserve this magical vestige, but those days appear to be over.

An upscale land rush is filling the vacuum created by the flawed IDO, Integrated Development Ordinance, which slithered through the city council last year. Its intent is to modernize Albuquerque, with dense pockets of population and federally subsidized mass transit. That delicate strip along the river is to be sacrificed in the process. The IDO addresses this in **Avoidance of Sensitive Lands section 5-2(C)(1) and in the Policy Goal 10.3 for Open Space.** Will these sections of the IDO be ignored?

Open space is important to any city, but open space along the river is particularly important because once it's gone, it's gone. The Suzy Poole property, nestled between the rising mesa and bosque, is one of the last sites along Albuquerque's Rio Grande that still supports wildlife, unique foliage, migratory birds, coyotes, road runners, beavers, porcupines, rabbits and a raft of creatures we don't see. Cramming 73 townhouses into this migratory gateway, will bring this era to an end, permanently. Once the asphalt and skimpy yards take over, nature will take a hike and Albuquerque will be thusly modernized.

This property is not just another parcel for flipping. The environmental impact is going to be significant. Slow down the rush to develop; study the unintended consequences. Come up with a better design or keep it as open space.

Thank you

Somerfeldt, Cheryl

From: Moye, Scot, DOH <Scott.Moye@state.nm.us>
Sent: Thursday, October 25, 2018 4:19 PM
To: Somerfeldt, Cheryl
Cc: admin@bosqueschool.org; LynleyMoye; Scot Moye
Subject: Public Comment: Relevant Protected Species EPC Project No: PR-2018-001402 Case No: SI-2018-00171 5001 Namaste Rd. NW

Scot W and Lynley Lovett Moye
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swmoye@gmail.com | lynleymoye@gmail.com
(505) 353-1424

Cheryl Somerfeldt, Planner
Planning Department
Urban Design & Development
Albuquerque, NM 87102
csomerfeldt@cabq.gov
(505) 924-3357

October 24, 2018

RE: INCOMPLETE SUBMISSIONS ARE GROUNDS FOR DEFERRAL.
This application is incomplete until an EIS (Environmental Impact Study) that can inform a Development Framework Plan has been completed.

EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place; and: Oxbow Open Space
Applicant: Gamma Development, LLC

Dear Ms. Sommerfeld,

After some research I have found that under the Endangered Species Act the following species living on the premises of the "Poole Property" may be protected:

Bobcat, Porcupine, Raptors, Burrowing Owls, Barn Owls, Elf Owl, Hawks and Falcon, and other Birds of Prey, Canadian Geese, Sandhill Cranes, Whooping Cranes, Numerous Varieties of Jay, Dove, Quail, Mallard Duck, Coyotes, Beaver, Turtle and Tortoise, and other fauna not easily recognizable but interesting and unique.

ENVIRONMENTAL IMPACT STUDY REQUIRED
Without an Environmental Impact Study, it cannot be known whether developing the "Poole Property" will result in destroying the protected habitat of endangered species.

This 22.75 acre site serves as a stopping and resting spot for the Sandhill Cranes and other birds that fly through this region. The fauna and flora that landscapes in this gem of land also serve as home to various types of native wildlife that the City of Albuquerque is obligated by law to protect according to state and federal statutes and also according to the IDO:

2-6(B)(5)(b) Avoidance of Sensitive Lands (page 91 of IDO)

1. Each Planned Community shall be organized to protect or enhance the following types of natural resources and features, by including such areas in common landscaped areas or dedicated open space or by mitigating the impacts of construction on these features to the maximum extent feasible.

a. Drainage channels, arroyos, and streams (in addition to floodplains).

b. Historic or archeological sites designated as significant by the state.

c. Significant views of the Sandia Mountains or Petroglyph National Monument from high points or public places.

d. *Riparian wildlife habitat areas and corridors designated as significant by the state.*

e. Natural or geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rock falls, or expansive soils.

2. Lands that show evidence of slope instability, landslides, avalanche, flooding, or other natural or manmade hazards shall not be included in platted lots.

3. New structures intended for human occupancy shall not be located within 100 feet of any perennial stream, public lake, reservoir, or element of a public water supply system unless the City Engineer determines that a smaller setback would adequately protect water quality and *wildlife habitat*.

4. *Natural features to be protected shall be identified in a site analysis as part of a Framework Plan or with any Site Plan or plat when a Framework Plan is not required.*

The IDO defines a Framework Plan on page 462:

Framework Plan: A plan that accompanies applications for the creation of a PC zone district that describes, in general terms and without engineering level detail, proposed land uses (based on definitions in this IDO); proposed maximum and minimum intensities of development for each development phase or area; and the location, size, alignment, and connectivity of proposed automobile, bicycle, and pedestrian circulation systems; open space and/or wildlife habitat systems; and storm drainage systems and facilities.

As cited above, per the IDO, the application is incomplete until a study of the "riparian wildlife and corridors designated as significant by the state" and the environmental impact of the development identifies habitats and natural resources and features and determines whether mitigation measures offered by the developer are feasible or whether any development whatsoever will endanger protected species and incur federal and state penalties upon the developer and the City of Albuquerque.

I am requesting that the EPC defer their decision until these areas of concern are examined and all parties are notified that the application has been completed and reports are ready for public review and given a minimum of 15 days prior to the deadline for public comments,

We are native Albuquerqueans who grew up and have chosen to make Albuquerque our home. We were educated at St Pius X HS, the Albuquerque Academy, and the University of New Mexico. Our interest and motivation is sincerely founded on a desire to see good things happen to such a tremendous city such that our children make the same decision to stay and become vital and involved in this city.

Thank you for your consideration,
Very Respectfully,
Scot W and Lynley Lovett Moye

The Neighborhood Associations to which I belong have written general letters of support for conservation of wetlands and preservation of Poole property structures, and I support those association letters. The specific opinions in this letter, however, are solely our own.

I am a participating and voting member of the following neighborhood organizations that are registered with the City of Albuquerque Office of Neighborhood Coordination:

- *Member, Andalucía HOA*

Somerfeldt, Cheryl

From: Ramsey ROSE <artarchitecture@earthlink.net>
Sent: Thursday, October 25, 2018 9:44 AM
To: Somerfeldt, Cheryl
Subject: PR-2018-001402 / Poole

Ms. Somerfeldt,

Appreciated our phone conversation yesterday afternoon concerning PR-2018-001402. I learned of proposed development of this property, via generic email from local Audubon Society on Sunday, October 21, 2018. From our brief conversation, I realized there is much about the current state of affairs, so to speak, concerning the Poole Property, that I, as well as many? most? others are unaware.

I know of the Poole property, from countless hours running, walking, observing the beauty of nature and wildlife, on the bosque, along the clear ditch, and especially around the San Antonio Oxbow, as from 1971 to 2012, my family"s home, was adjacent north, in the La Luz community. All hours, day and night, all seasons, all weather- this
has been among my favorite places.

Realizing the comment deadline was yesterday, Wednesday 24 October, and my efforts to compose a letter fail due to lack of related facts, I am forwarding three of the tributes published at the time of Suzanne Hanson Poole's death, in July, 2012. From reading about this remarkable person and what I know of her during my 40 years as "a neighbor," it seems very odd, out of character, that she did not leave plans for her property/properties upon her death.

Echoing the Audubon Society's comment, I am certain this site has added attributes that would better serve the city and citizens of Albuquerque. I have seen the potential of West Mesa, especially along the Rio Grande and in the
Bosque, be squandered by the hit or mostly miss development. I have not seen the plans for the proposed 73 residential units and unfair to cite developer as lacking. I do however, request time to sort out the unresolved questions concerning this property and to contact her numerous personal and professional friends to discuss ideas that would continue her legacy expanding cultural and environmental opportunities for the many rather than the few.

Sincerely,

Ramsey Rose

Philanthropist 'Had a Very Big Presence'

SANTA FE, N.M. — "Don't postpone joy."

That was the advice that Suzanne "Suzy" Poole handed out to almost everyone – and that she herself followed with a passion, according to friend Anna Jane Sitton Hays of Santa Fe.

“She didn’t let anything get in the way… She was just undauntable,” Hays said. “She’s probably the most forceful woman I’ve known.”

In her 85 years, Poole performed in the original cast production of “Guys and Dolls,” entertained with the USO in South Korea, worked on the John F. Kennedy Center’s Advisory Committee on the Arts, celebrated her 80th birthday by hang-gliding over the Alps, and donated substantial amounts of money to the arts in Santa Fe and Albuquerque, particularly to the Opera and Popejoy Hall.

And she did things her way.

Just 36 hours before her July 4 death, she left the Mayo Clinic so she could spend her final hours in her Albuquerque home with her two beloved dogs, said her secretary, Monty Blodgett.

“We weren’t sure she would survive the flight,” Blodgett said. But she did and, unable to speak as she was carried into her home on a stretcher, she celebrated the fulfillment of her last wish by giving her staff a high-five, he said.

“Our community was very lucky to have Suzy here,” said Thomas Tkach, director of Popejoy Hall. “She was such a supporter for the arts.”

But it wasn’t clear from the start that she’d be a pillar of the community, said Hays. When her new husband, a well-established attorney both in Washington, D.C., and New Mexico, brought her here from New York, everyone was atwitter that Rufus G. Poole Sr. had “married a young Broadway showgirl,” said Hays. “It was buzz, buzz, buzz.”

Those stereotypes quickly disappeared, said Hays, who estimated she was about 15 when she met the new bride in Carlsbad, where Rufus Poole was visiting her father, Jack Sitton, then editor of the paper.

“I fell in love with her – and so did everybody,” Hays said.

Poole became fascinated by the performing arts when her mother took her to productions in Milwaukee while she was growing up in Wisconsin, Tkach said. She graduated from the Curtis Institute for the Arts in Philadelphia and studied music and voice in Paris at the Ecole des Arts Americains. She later taught voice at the University of New Mexico, after performing in “Guys and Dolls,” an opera telecast of “Casey at the Bat,” and more.

Poole’s financial generosity was enabled by her father’s patents on “see-through paper” – better known as cellophane.

Instrumental with her husband on a committee to bring a performing arts center to UNM, she later gave Popejoy Hall $655,874 in 2009 to help buy a new state-of-the-art sound system.

And she gave advice as well as money, Tkach said, cautioning him to be very careful about the seats in the hall. He found she knew exactly what she was talking about, he said, when the hall’s technical director told him that holes at the bottom of previous seats had played a role in absorbing sound.

Opera support

The couple also were on board at the beginnings of the Santa Fe Opera, where she later underwrote productions starting with “Die Fledermaus” in 1986 to “Faust” last year, according to general director Charles MacKay. Poole also provided the funding for a simulcast of “La Boheme” in 2007 in parks in Albuquerque and Santa Fe.

But her generosity didn’t just play on the big stage; it came on a personal level as well.

“A couple of years ago, a singer was ill with throat problems,” MacKay said. “Suzy mobilized a care package with vitamins and remedies and made a special trip to Santa Fe to deliver it. She gave specific instructions on how to use these various things.”

“She was always coming up with ideas for what people should do to feel better,” Hays said. “She always had ideas for everyone.”

Workers at Popejoy often scrambled to find extra tickets for Poole, who always had her own subscription, but would meet people and

want them to see a performance, Tkach said. A workman would be repairing her home, and she'd buy him tickets to a show, he said.

And while she could be a demanding boss, Blodgett said, she also would reward workers with cruise vacations. "She sent my family on a cruise to Alaska a couple years ago," he said.

"She had a lot of humor," he said, and she told many stories to entertain those around her. One was that she and her husband arranged to have a helicopter drop seeds back in the late '50s to vegetate the Oxbow, a marshy area along the Rio Grande below their home.

"She loved to travel. She came back from Russia only six or seven months ago," said Blodgett, adding that she often took Great Performance tours to enjoy music and theater around the world.

An Internet search reveals that she was a regular donor to Republican political candidates. She also donated money to animal protection organizations, such as Best Friends in Kanab, Utah, and worked with environmental efforts, Blodgett said.

"She always had two doggies," he said, adding that staff are taking care of the two rescue dogs she had when she died. "Governor and Tosca were her favorite doggie names."

MacKay described Poole as almost operatic in her personality. "She had a very big personality and a very big presence," he said. "She was a very special human being … known for her warmth and candor."

Poole's body has been cremated and her remains will be interred with her family at a cemetery in a small Wisconsin town, according to Blodgett. No public memorial has been scheduled.

Courtesy of french mortuary Suzanne "Suzy" Poole, a philanthropist and vocalist, died July 4 at her Albuquerque home. She was a major supporter of the Santa Fe Opera, Popejoy Hall and other performing arts organizations, as well as animal protection and environmental causes. Philanthropist 'Had a Very Big Presence'

POOLE -- SUZANNE (SUZY) Suzanne Hanson Poole (Suzy) died Wednesday, July 4, 2012 at her home in Albuquerque, NM. She was born August 13, 1926 in Milwaukee, WI. She is preceded in death by her husband Rufus G. Poole, Sr., son, Rufus G. Poole, Jr.; brother, John; and her parents, Adelyn and Roy Hanson. Roy Hanson, when he was 19, bought two patents for "see-through paper" when he learned about this new product working on the factory floor. His business, producing cellophane, thrived during the Depression and WWII because cellophane protected cigarette packages and cigarettes were generously distributed to soldiers. He eventually sold his prosperous company to Benson and Hedges, the maker of Philip Morris cigarettes thus allowing his daughter to become a generous philanthropist which she was all her life. Suzy, a gifted singer and performer, attended the Curtis Institute for the Arts in Philadelphia 1950, she was the first to graduate with a Bachelor of Arts from Curtis by completing additional courses at the University of Pennsylvania. The summer of 1948, she went to Paris to study music and voice at the Ecole des Arts Americains at Fontanebleau. Upon, returning to New York she joined the starving artist community until she landed a role in the original cast production of Guys and Dolls on Broadway in 1950. She had heard they were looking for a trombone player for the chorus; she spent the weekend teaching herself the trombone, played the one tune she knew for the audition and promised the casting director that she would improve her playing if chosen for the part. He asked her not to improve and cast her immediately as a trombone playing Salvation Army volunteer. In 1955 Suzy performed in the first ever opera broadcast on television, "Casey at the Bat" shown on the classic television program "Omnibus." Suzy was the lead soprano as the Pitcher's Wife. The narrator for the program was a young actor, Ronald Reagan. Suzy married Rufus G. Poole, Sr., the Assistant Secretary of the U.S. Department of Interior and prominent Washington, D.C attorney in 1955. They moved to Albuquerque in 1957 when the city was little more than an outpost and the west side of Rio Grande where they built their home was all ranch land. In 1966 members of the Taos Pueblo asked attorney Rufus Poole to represent them in their six decades of fighting for restoration of the sacred Blue Lake to tribal ownership. An influential conservative New Mexico legislator, Senator Clinton Anderson, was blocking the movement. Rufus Poole died of cancer in 1968 at age 65 but he was ultimately victorious in winning the first ever case of land returned to Indian control when the Blue Lake Restoration Bill passed the Congress and was signed into law by President Nixon in 1970. Every visit to the Taos Pueblo Suzy was treated as an honored guest in gratitude for their work on the Blue Lake project. In 1970 President Nixon appointed Suzy to the John F. Kennedy Center's Advisory Committee on the Arts. Concerned that the arts center in the nation's capital was not doing enough to present artist from the rest of the country, Suzy enrolled herself in the Institute for Arts Administration at the Harvard Business School to prepare herself for negotiations with the arts establishment. And later in 1985, again to reinforce her education and curiosity, she read The Great Books and completed a Masters in Arts at St. John's College in Santa Fe. Suzy was not only a gifted performer and signer; she was a generous and enthusiastic supporter of the arts. She and Rufus were founding member of the Santa Fe Opera in 1957, the year the opera was founded and they raised funds beginning in the 50's to build the first concert hall in Albuquerque, what would become Popejoy Hall. Suzy was a long time and frequent benefactor of the New Mexico Symphony Orchestra in Albuquerque and several individual artist. She first underwrote an entire production for the Santa Fe Opera starting in 1986 with "Die Fledermaus." She was every production twitch of every season almost with tail. This continued through last year when she underwrote the production of "Faust," which she said transported her. In 2007 she expanded her gift from the Opera house stage to the simulcast presentation of La Boheme when residents in Santa Fe and Albuquerque were treated to an outdoor live performance of the opera in Major's Park and Tiguex Park for 1000's of people to enjoy. Suzy loved all kinds of music from cowboy songs to Broadway melodies, Gershwin, Cole Porter and Noel Coward to new and

contemporary music. She traveled the world to hear good music and performed with the USO to entertain troops in South Korea. She was particularly inspired by the performance last year at the Lucerne Festival; she was already talking about bringing Custoavo Dudamel's music education program called "El Systema" here to benefit young singers in New Mexico. Charles MacKay, general director of the Santa Fe Opera, expressed for everyone the sentiment that the music world has lost a great friend and contributor. Suzy was equally committed to the welfare of animals, having rescued several dogs and wolves and supporting organizations such as Best Friends Animal Sanctuary who take care of the ones she could not. And she was a committed environmentalist having preserved several stretches of the Rio Grande and numerous other projects in partnership with The Nature Conservancy and Wild Earth Guardians. She had just completed a project and underwritten the publication of thousands of photos by Adriel Heisey of the Rio Grande from its headwaters to the Gulf taken by air in a book called "The Rio Grande An Eagle's View. Suzy was a devoted to her staff in a special way; Mark Parrish who worked for her for 29 years; Monty Blodgett for 26 years, Sandra Leuro, Andres Rios, Aaron Gonzales, Anthony Lloyd, and Jared Morales to mention a few. It is estimated that she put 17 children of staff and friends through school or into educational programs over the years. Suzy will be greatly missed by her step-granddaughter, Bronwyn Poole of Chicago, IL and by her many friends and admirers. There will be a private ceremony for family and friends at her home.

SUZANNE HANSON POOLE Obituary

SUZANNE HANSON POOLE The Santa Fe Opera lost a great friend, arts patron and generous contributor with the passing of Suzanne Hanson Poole. Suzy, as she was known to her friends (and just about everybody) was a woman of charm, grace and style with an infectious sense of humor. Her support of The Santa Fe Opera began with Die Fledermaus in 1986 and continued through last season as an underwriter of Faust. In 2007, when the Opera was seeking funds to produce a simulcast of La Boheme in Santa Fe and Albuquerque, Suzy quickly agreed, saying how important it is to share the magic of opera with all who wish to come. It was her philosophy of inclusion that made her so admired. The widow of Rufus G. Poole, who was a member of The Santa Fe Opera Board of Directors, Suzy, was herself a singer, a graduate of the Curtis Institute of Music, and voice teacher at UNM. The couple began attending the Opera in its first season, 1957. Suzanne Poole was a treasured friend to many. She will be remembered by all of us for her generosity and enthusiasm and we extend our deepest condolences to her family and friends. Susan F. Morris, Chairman Carey R. Ramos, President Charles MacKay, General Director

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This message has been analyzed by Deep Discovery Email Inspector.

From: UE Medina [mailto:uemedina@gmail.com]
Sent: Friday, October 26, 2018 8:35 PM
To: Somerfeldt, Cheryl
Subject: Is there no additional report? Only the certificate? Thank you for : (1) Parametrix "historic certificate" PDF. (2) will see Ms Delgado for invoice $8 for CD

Cheryl

Thank you for Historic Certificate from Parametrix.

Is that the only document from Parametrix ?

Is there no report?

Please email me how to obtain the full report, if there is a full report from Parametrix.

Is there a full report from the City Historic Preservation Officer? If so, please email it to me? If it is not yet complete, when is completion expected?

Thank you
Hope your weekend was pleasant.

Una

Una Medina Olmsted, Ph.D.
uemedina@gmail.com

Sent from my iPhone

On Oct 26, 2018, at 1:54 PM, Somerfeldt, Cheryl <csomerfeldt@cabq.gov> wrote:

> Hello Una,
> Thank you for your comments. Attached is the Archeological Certificate. Additional Agency Comments will be distributed soon, and I can send you a copy. All comments will be made a part of the report, which will be posted to the EPC website on November 1st.
>
> Regarding the CD, it is not crucial, but if you are in the Planning building, you may stop by the 3rd floor front desk and speak with Geraldine Delgado who will give you an invoice which can then be paid downstairs.
>
> Thank you and take care,
>
> <image001.jpg>
>
> **CHERYL SOMERFELDT**
> current planner
> o 505.924.3357
> e csomerfeldt@cabq.gov

From: UE Medina [mailto:uemedina@gmail.com]
Sent: Friday, October 26, 2018 9:11 AM
To: Somerfeldt, Cheryl
Cc: Dr. Susan Chaudoir; Rene Horvath; Elizabeth Haley
Subject: (1) Is Parametrix report for "historic certificate" in your file and available to public? (2) iOU $8 for CD, please have invoice prepared and left at reception?

Cheryl,

(1) Is Parametrix report for "historic certificate" in your file and available to public?
Jaime Jaramillo read excerpts from that Parametrix report into the recording of the Ooen Space Advisory Board Meeting held 10-23-18.

I have transcribed that recording last night for Record Proper. I will submit it later today or Monday, after the accuracy has been checked twice more. I'll also submit the recording at that same time as submitting the transcript.

(2) iOU $8 for CD I picked up on 10-11-18 (the invoice had not been prepared) please have invoice prepared and left at your 3rd Floor Planning Dept reception?

Thank you for your hard work your collection, organization and analysis of records. It must be demanding. Plus responding to what must be numerous requests for your time.

There never seems to be enough time.

Una

Una Medina Olmsted, Ph.D.
uemedina@gmail.com

Sent from my iPhone

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This message has been analyzed by Deep Discovery Email Inspector.

<CABQ_Archaeological Certificate_PooleProperty.pdf>

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This message has been analyzed by Deep Discovery Email Inspector.

<2018-001402_AgencyComments.pdf>

Somerfeldt, Cheryl

From: UE Medina <uemedina@gmail.com>
Sent: Monday, October 29, 2018 1:23 PM
To: Somerfeldt, Cheryl
Cc: Rene Horvath; Dr. Susan Chaudoir
Subject: RE: Project No: PR-2018-001403 and Case No. S1-2019-00171. For submission to Record Proper.
Attachments: image1.jpeg; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Flagged

Planner Somerfeldt,

Please submit this email into Record Proper for the following case:

EPC: Environmental Planning Commission Hearing Project No: PR-2018-001403 and Case No. S1-2019-00171 Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place; and: Oxbow Open Space Applicant: Gamma Development, LLC

This application fails the test for applications that can be heard by the EPC. The EPC Rules and procedures (excerpt included here in image form) demand that an application contain no conjectural claims or propositions.

Since the "conceptual drainage and grading plan" is hypothetical, and since other aspects of the site plan including but not limited to the hypothetical cul-de-sac, connectivity and stub street issue —all of which the applicant has claimed are hypothetical and unresolved (see transcript of 10-23-18 Open Space Advisory Board meeting submitted to Record Proper on 10-29-18), therefore the application is hypothetical and can not be reviewed by EPC.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: Somerfeldt, Cheryl
Sent: Tuesday, October 30, 2018 10:26 AM
To: 'UE Medina'
Cc: Dr. Susan Chaudoir; Brito, Russell D.
Subject: RE: Please include in Record Proper this email Re: missing supporting documentations itemized and requester here

Hello Dr. Medina Olmsted,
Pursuant to the IDO Section 14-16-5-2(D)(1), an Archaeological review is required for any subdivision that is at least 5 acres. The City contracts this occasional work to an archaeologist and employee of Parametrix, Ethan Kalosky, who is therefore the City's official Archaeologist. The City pays his fees, therefore the City is his client. The applicant pays application fees that then get directed toward different reviewers. Mr. Kalosky submitted the Archaeological Certificate to Mr. Brito, and Mr. Brito has called Mr. Kalosky (I believe the same person mentioned below in your email) to see if we can acquire any additional notes. However, we have not yet heard back.

Please let me know if you have additional questions.

Thank you,

CHERYL SOMERFELDT
current planner
o 505.924.3357
e csomerfeldt@cabq.gov
cabq.gov/planning

From: UE Medina [mailto:uemedina@gmail.com]
Sent: Monday, October 29, 2018 5:38 PM
To: Somerfeldt, Cheryl
Cc: Dr. Susan Chaudoir; Brito, Russell D.
Subject: Please include in Record Proper this email Re: missing supporting documentations itemized and requester here

Planner Somerfeldt and Planning Manager Brito,

Please include this email in Record Proper for the case:
EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place; and: Oxbow Open Space Applicant: Gamma Development, LLC

We stand on the brink of the 10-day deadline for inclusion of materials into the Record Proper. Still faced with missing information.
Quite a conundrum.
Your patience is epic. Lo Siento mucho.

There are three parts to this email:

(1) A request for information on who possesses the missing Parametrix documentation

(2) A request for the payment receipt indicating who paid Parametrix.

(3) A request for missing multiple field notes, documents, documentation and reports listed on the certificate (image of certificate below).

(1) WHO POSSESSES MISSING DOCUMENTATION?

The Certificate from Parametrix indicates the report was submitted to Russell Brito, Planning Manager. Perhaps Planning Manager Brito might supply the missing supporting documentation? Or may Manager Brito direct whoever possesses the missing documents to submit them to Record Proper?

Cheryl,
From your email, below, and from the OSAB 10-23-18 transcript submitted by me to Record Proper at 11:15a.m. today, it appears Jim Strozier of Consensus Planning might know more than everyone else about the certificate.

Indeed, Unless Strozier's "we" reference in the OSAB transcript (lines 433-434) conflates his own firm with City Planning, then Strozier's words "**We actually had made that request 30 days before our application**" is a claim that Consensus themselves applied for the certificate 30 days prior to submitting Consensus' September 27 EPC application. So did Consensus pay for the "independent" review that pre-assumes a demolition permit will be issued?

Where is the missing supporting documentation housed and who has authority to request these supporting documentations listed below?

If Parametrix is on contract to the City of Albuquerque to provide independent and unbiased historic and archaeological evaluations, then my question is, why is Consensus Planning representing that they themselves initiated the contract with Parametrix for an "independent and unbiased" property evaluation?

WHO PAID PARAMETRIX?
(2) Again, to clarify any misunderstanding, please investigate and respond, who paid Parametrix? Please provide a copy of the paid receipt indicating who paid Parametrix.

(3) REQUEST FOR MULTIPLE MISSING DOCUMENTATIONS

(1) Report by Ryan Brucker dated 2013 "A Cultural Resources Investigation of 22.69 acres For Proposed Land Development, Bernalillo County, New Mexico. SWCA Environmental Consultants, Report No. 13-182, Albuquerque."

(2) Multiple documentations: Field notes, photographic documentation, drawings, reproductions, textual documentation and all written materials and reports by Ethan Kalisky, MA (2018) that document his (or others' two site visits of September 13 and September 14, 2018, as noted on the certificate below.

Thank you for your kind patience in this matter.

With respect and duty to the public good over private interests,

Una

Una Medina Olmsted, Ph.D.
uemedina@gmail.com

Sent from my iPhone

On Oct 29, 2018, at 9:29 AM, Somerfeldt, Cheryl <csomerfeldt@cabq.gov> wrote:

> Hello Dr. Una Medina Olmsted,
> The Archeological Certificate I sent in the last email is the only document I have from Parametrix at this time. If the agent has a longer document, it would be great to have it for our record, but it was not required at the time of application. I have attached the Agency Comments which were distributed to the agent recently and are currently part of the record. We are still awaiting for official comments from the Historic Preservation Division and Major Public Open Space Division, and I will send these as soon as I can.
>
> Hello Dr. Susan Chaudoir,
> Please see the attached Agency Comments per your previous request.
>
> Thank you and I hope your weekends were pleasant as well!
>
> <image001.jpg>
>
> **CHERYL SOMERFELDT**
> current planner
> o 505.924.3357
> e csomerfeldt@cabq.gov

October 30, 2018

Cheryl Somerfeldt
Planner City of Albuquerque

Planner Somerfeldt,
Please submit this email to Record Proper.

RE: EPC Hearing scheduled November 8, DRB Hearing Scheduled November 7

Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenido Place; and: Oxbow Open Space Applicant: Gamma Development, LLC

The only way to offer the possibility of future City and County urban expansions with a unified water service is to save the Rio Grande. Saving the Poole Property and other historic ranches, as water infiltration sites would be a first step. The approximately one hundred forty-five ($145) million in recent Bosque ecosystems and water conservation projects are at a critical juncture. Depleting the groundwater resources in addition to other stresses from development is not in the public interest.

The proposed project will adversely impact Rio Grande water resources, the San Antonio Oxbow, current public investments in riparian restoration, and the Endangered Species Act. Executive Order 11988 (Floodplain Management) provides Federal guidance for activities within the floodplain of inland and coastal waters. Preservation of the natural values of floodplains is of critical importance to the nation and the State of New Mexico. Federal agencies are required to "ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management." There is no mention of the Executive Order in the IDO, but it is an example of areas where the federal government has supervision. Do IDO and DPM requirements reflect the mandates of Executive Order 11988 and other federal requirements?[i]

As storm runoff washes over streets and paved areas, it becomes dirty with pollutants such as motor oil, exhaust solids, animal waste and bacteria and eroded soils. Much of the available soil in the Northwest escarpment is covered by lava flows and in the foothills by uplift landscapes. Geologist mapped where natural absorbent soils exist along the storm runoff pathways flowing toward the Rio Grande. The engineering term of art for using natural soils to return water to ground water tables is "infiltration" (referred to by lay persons as "recharge" because the natural soils purify and recharge the ground water tables and some aquifers with filtered storm waters). Infiltration works like a charcoal filter, trapping impurities.

State and federal legislation and engineering regulations calculate the path Albuquerque storm water must take traveling toward the Rio Grande. Because the Rio Grande also provides water to other states and Mexico, there are standards for how long tributary waters can be pooled for infiltration before empting into the Rio Grande. Storm water once it arrives at this system can only be detained and held for less than ninety-six hours (96) hours. There are precious few infiltration areas with the right soils to filter storm runoff of contaminants, because we live in the largest young volcanic rift valley in North America. The one-size fits all approach within the IDO ignores the hydrology of the area and existing scientific data on Albuquerque's unique and varied geology, allowing

increased density in critical infiltration areas and adjacent sensitive, fire prone public open spaces like the Bosque and Rio Grande habitat.

The recent owners of the historic Rufus and Suzy Poole property and their development partners submitted a multi-phase development approval request to the City of Albuquerque, Planning Department. The City of Albuquerque Planning Department scheduled an EPC meeting after an abbreviated technical review.

The multi-phase request included: (1) new multi-parcel plat changes to the existing legally recorded tracts[ii], including (2) a new subdivision plat with streets. (3) A new schematic drainage plan, open space plan and utility plan with a sewer system to be acquired by ABCWA, but needing pumps to elevate the effluent (liquid waste and sewage). (3) A new subdivision site plan requiring changes in the zoning map classification and dramatically increased density on a lot previously designated as rural/agricultural. These changes include: (a) increased site density, "cluster" development on agricultural land and (4) redirection of storm water to the San Antonio Arroyo, a monitoring site for a Federal MS4 storm water permit[iii]

Section 404 of the Clean Water Act (CWA) and establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States … The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must first show that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts.[iv]

The Following are the preventive measure used by the US Army Corp of Engineers on the Restoration project abutting the Poole property to protect Water Quality. Although not in the Bosque, a wetland and waters of the United States, this project abuts the Bosque and uses the San Antonio Arroyo for storm water discharge. The San Antonio Arroyo drains into the Rio Grande or waters of the United States. From the Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011. Page 54-55:

"Denuded soils would be susceptible to erosion by wind and water. This erosion could result in introduction of sediment to the Rio Grande. The potential for storm water pollution during construction is minimal for this project. The contractor's work would be in accordance with the National Pollutant Discharge Elimination System permitting as described below."

The Proposed project will create the potential for storm water discharge and sedimentation. Would the following same requirements also be expected of the developer?

- Mechanical equipment such as brush-clearing machines and excavators could

potentially leak oil, fuel, or hydraulic fluid, which could reach the Rio Grande and affect surface water quality.

- Spills of such materials could similarly contaminate surface water in the river or riverside drain.
- All equipment would be inspected daily to ensure that oil, fuel, hydraulic fluid, or other potential contaminants are not leaking.
- All petroleum products would be stored outside of the 100-year floodplain and maintained to ensure that leaks or spills are contained and remediated at the storage site.

Section 404 of the Clean Water Act requires analysis under the EPA's 404 (b)(1) Guidelines if the Corps proposes to discharge fill material into water or wetlands of the United States. A 404 (b)(1) Evaluation was completed for this project (Appendix E). The US Army Corp of Engineers 404 (b)(1) analysis has been completed for Nationwide 33 (Temporary Construction, Access, and Dewatering) due to the potential need to dewater at the bank of the river when constructing the high-flow channels, and Nationwide 27 (Stream and Wetland Restoration Activities) for work that would take place in the San Antonio Oxbow to restore wetland function in that habitat. All conditions under Nationwide 76."

QUESTION: What are the mitigation plans and how is the COA completing the requirements of the EPA?

To monitor compliance, there exists an online "network discharge monitoring report NetDMR." This system tracks storm water quality monitoring values and an annual report is provided to EPA. There is a 12-member "Compliance-Monitoring Cooperative" that collects and uploads data. There is a watershed TAG (Technical Advisory Group). There is a monitoring report also located on the Internet.

QUESTION: Does the NPDES MS4 permit governs all storm water management up and down the Mid-Region area, which covers all the canyons, arroyos and storm-water discharge in the Bernalillo, Valencia and Sandoval Counties and do the DEVELOPERS NEED TO OBTAIN STORM WATER PERMITS for the redirection of waters to the San Antonio Arroyo and extensive excavation, demolition, grading and fill expected for the site.

POOLE PROPERTY IS THE NATURAL INFILTRATION SITE FOR THE AREA
On the Poole property are several natural retention areas where water is temporarily held, for less than 96 hours. The adjacent Oxbow Wetland requires ground water as a seasonal water source and these waters eventually seeps into the Oxbow Conservation Open Space and Wetlands of the Rio Grande, visible from the Nature Center.

The local neighborhoods and the adjacent protected open space rely on the undeveloped land of the 22.75 acre Poole property as an infiltration system to purify storm runoff from local streets and provided critical ground-water to the conservation areas below the bluff. A water engineer with expertise in natural retention areas will recognize that the Poole property fulfills part of the NPDES MS4 requirement for the greater watershed area, including the La Luz, Andalucía and Oxbow neighborhoods. However, a land developer might not realize the purpose of the Poole property as a natural water infiltration site, or the critical bluff formations feeding water at their base to

the adjacent ground water tables hydrating the public open spaces and wetlands in the Oxbow. Rather the proposed plans and current responses from the COA Planning Department see the empty land as a prime property that should be filled-in and developed.

As early as 1996, San Antonio Oxbow Management Plan – Albuquerque Open Space Division, 1996, indentified issues with sediment management and recurrent silation at the outlet of the San Antonio Arroyo:

"This management plan documents existing conditions and describes management strategies for maintaining the oxbow marsh habitat on the west side of the Rio Grande near the confluence of the San Antonio Arroyo. The plan contains information about resident wildlife in the area. The plan recommends sediment management strategies to protect the wetland from impacts of recurrent siltation at the outlet of the San Antonio Arroyo. Implementation of measures proposed in this feasibility study would support implementation of the San Antonio Oxbow Management Plan."[v]

"IDO Section: 5-2(E)(2)(b) Development will not be allowed to discharge storm water runoff into an arroyo, unless an engineering analysis can demonstrate that discharge will have minimal impact on the treatment called for in the drainage management plan for the arroyo and on existing detention basins."

Under the newly approved Albuquerque Zoning Ordinance, The Integrated Development Ordinance or IDO amended as of May 2018, the City of Albuquerque (COA) Planning Department has taken the position that the IDO does not contradict itself or other joint jurisdiction enforcement agreements and permits. The interpretation of the IDO process relies on abbreviated notification letters to internal COA departments and other entities with standing. It is unclear if internal COA Departments have: records, monitoring reports, enforcement review processes or staff expertise/ or infrastructure to evaluate the important compliance issues based on the limited information provided to them in these notification letters. Some letters are directed to outside jurisdictions like AMFCA. This process and the degree of review is initiated and determined by the Planning Department and seems to depend on these outside entities responding to notifications with compliance reviews somehow produced by the other entities, yet unfunded by COA agreements, funding distributions or enforcement criteria.

QUESTION: Can the EPC have enforcement control over the City of Albuquerque Zoning decisions, when owners and developers are not required to provide supporting technical studies and findings of fact for projects identified as being within sensitive environmental areas?

QUESTION: Why is the IDO ordinance silent on aquifer restoration issues?

QUESTION: Why does the IDO not follow the national trend setting aside water infiltration, ground water and aquifer recharge from development?

QUESTION: Is there an unfunded mandate to partner agencies and jurisdictions to screen COA zoning applications for compliance issues impacting the whole Mid-Region Water System? Could the City of Albuquerque through incompletely researched zoning applications compromise existing federal permits, joint jurisdictions agreements and remedial environmental and water projects, ultimately impacting all communities with the

Middle Rio Grande Watershed?

QUESTION: Taxpayers are currently paying for mechanical recharge projects to recharge the aquifer. Why not protect the remaining sensitive infiltration areas? Are development rights a priority over the public good and access to clean water under New Mexico Water Rights Law?

The San Antonio Arroyo monitoring site and gauging station record high levels of sediment and contaminates. So far the San Antonio discharge into the Rio Grande has not as yet surpassed the EPA total allowed contamination levels for TOTAL CONTAMINANTS. The highest total contaminants currently register as high as 997mg/L for TDF concentrations (Total Dissolved Solids). However, Total pollutants are 2/3 of the way to hitting the allowable limit of 1,500mg/L. There are over-the-limit dissolved aluminum concentrations in the San Antonio outfall. Cadmium and other contaminant concentrations are discussed in the report.

QUESTION: Is the San Antonio Arroyo maxing out sediment and contaminant levels and will greater volumes due to increase building density and square feet of hardscapes impact current permit levels?

Here is a link to a GIS map (hosted by Iowa State University) of Albuquerque area "gauging stations" where arroyo discharge is measured and sometimes tested. GIS Map and Coordinates for San Antonio Arroyo:
https://mesonet.agron.iastate.edu/sites/site.php?station=AARN5&network=NM_DCP

See CABQ.GOV City Storm Water Permit. See the text regarding San Antonio arroyo sediment percolation for the storm water management program, December 1, 2016: Areas that could be contributing to pollutants entering the Rio Grande during storm water discharge.

The Bohannon Houston plan will pave large sections of the Poole property, no longer will the Poole property purify the adjacent neighborhood contaminated storm waters. Instead, the Poole property will generate additional contaminated storm waters from the paved streets and construction waste, loose soils, etc. These additional dirty storm waters will be pumped uphill to a tiny (by comparison) San Antonio Arroyo retention area. All the adjacent developments will also have their contaminated storm water redirected to the tiny San Antonio Arroyo retention area. What if the tiny retention pond is not big enough? Bohannon Houston plans the small San Antonio Arroyo retention pond overflow will dump into the San Antonio Arroyo, even if its not finished filtering out pollutants.

QUESTION: Will the planned paving, storm water redirection, intense site grading, and building density cause the monitored contamination levels to exceed the EPA limit?

QUESTION: Has such a "Storm water control permit for erosion and sediment control" been already issued for this project?

QUESTION: Has AMAFCA calculated whether the additional infiltration proposed at the side of the San Antonio Arroyo meets the "capture and reuse of storm water" provisions of NM and federal laws, given that NM water law limits the volume that can be processed at this site?

QUESTION: Has the proposed Bohannon Houston design for the new retention site passed EPA restrictions?

EPA & WATER ENGINEERS SAFEGUARD THE RIO GRANDE
The Interstate Stream Commission, (IFC) Office of the State Engineer, (OSE)
NM Environmental Department, (NMED) revised the standards for mapping, measuring and reporting, discharge into the Rio Grande. These NM water engineers met in 2016 at the EPA Region 6 Storm Water Conference and revised the Middle Rio Grande watershed-based MS4 permit number NMR04A000. The San Antonio Arroyo, adjacent to the Poole Property, where Bohannon Houston proposes to capture, redirect, increase the flow and volume of storm water, uses filtration-pond designs. All Albuquerque storm water arroyos, storm water canals and canyons have capacity limits and flow rates that engineers must calculate and monitor as part of the MS4 permit.

The following is excerpter from AMFAC Public Meeting Minutes and the description explains, the need, practices and enforcement of the Municipal Separate Storm Sewer System (MS4) permits issued by EPA:

To meet clean water standards for designated uses will require prodigious new efforts to proactively reduce pollutant inputs to the river, especially from storm water systems and non-point sources. In heavily urbanized areas of Bernalillo and Sandoval counties, Municipal Separate Storm Sewer System (MS4) permits issued by EPA are important to cleaner water. In July 2010, EPA announced plans for a pilot project for a watershed-based permit that would cover the entire Albuquerque urbanized area. The new watershed plan will replace the existing permits to discharge storm water to the Rio Grande for all MS4 entities in both Bernalillo and Sandoval Counties. The selected MS4s involved in the watershed permit are: City of Albuquerque, Bernalillo County, New Mexico Department of Transportation, AMAFCA, University of New Mexico, Kirtland Air Force Base, City of Rio Rancho, Village of Los Ranchos de Albuquerque, Village of Corrales, Town of Bernalillo, Sandoval County, Sothern Sandoval County Arroyo Flood Control Authority, Eastern Sandoval County Arroyo Flood Control Authority, Village of Tijeras, EXPO NM (State Fairgrounds), and Sandia National Labs. Other entities invited but who are not part of the permit include: Pueblo of Sandia, Pueblo of Isleta, Pueblo of Santa Ana, and Middle Rio Grande Conservancy District.

The new permit will place an emphasis on implementation of low impact development green infrastructure [LID/GI] in all planning activities. LID/ GI is a different way of viewing storm water, not as something to be sent “down the river” in the fastest way possible, but as an asset to be utilized to enhance the environment and recharge the aquifer. LID/GI is an array of products, technologies, and practices that use natural systems or engineered systems that mimic natural processes – to enhance overall environmental quality and provide utility services. As a general principal, LID/GI techniques use soils and vegetation to infiltrate, evapotranspiration [the process by which water is transferred from the land to the atmosphere by evaporation from the soil and other surfaces and by transpiration from plants] and/or recycle storm water runoff. When used as components of a storm water management system in the arid Southwest, porous pavement, vegetated swales, tree basins, “brown roofs,” and water harvesting can produce a variety of environmental benefits. In addition to effectively retaining and infiltrating

rainfall, these technologies can simultaneously filter air pollutants, reduce energy demands, mitigate urban heat islands, and sequester carbon while also providing communities with aesthetic and natural resource benefits.

The watershed based permit offers many benefits, but at the same time there are many challenges associated with the concept. Some of those challenges include crossing federal, county, and municipal jurisdictions; cost sharing and cost allocation; key entities within the watershed have declined to participate, and lack of an umbrella organization to oversee and implement the program. But this watershed-based endeavor offers significant opportunities; entities in the MRG must try to make it work and learn from the process. In rural areas dominated by agriculture, continued technical assistance and incentives for private landowners to implement best management practices, testing payment for ecosystem services approaches, and application of LID/GI approaches are all important opportunities for protecting and improving water quality in river…

The MS4 Permit places an emphasis on implementation of low impact development green infrastructure [LID/GI] in all planning activities. What LID/GI processes is the Developer using on this sensitive site? Where are LID/GI or other mitigations described in the IDO and isn't planning review compliance critical to the IDO section: IDO Section

1-8 RELATIONSHIP TO OTHER REGULATIONS
"1-8(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result."

QUESTION: Does the Bohannon Houston storm water redirection plan compromise the City of Albuquerque's & AMAFCA's current NPDES MS4 system and permits?

QUESTION: Can a COA Zoning decision be issued to allowing of storm water discharge into the waters of the United States or its tributaries without technical reviews for compliance to multi-jurisdiction permits and conservation plans?

In 2016 or earlier, prior to the enactment of the IDO, the City of Albuquerque updated its drainage ordinance with a significant change requiring a current storm water control permit for erosion and sediment control for all construction, demolition, clearing, and grading operations that might disturb one acre of more of land. The ordinance requirement endeavored to obtain a reduction of sediment erosion from construction sites under its jurisdiction.

QUESTION: Did the IDO change the effect of this drainage ordinance?
See the notes in the link regarding "storm water ponding" by IFC, OSE, and NMED and consider the similarity of notes to the release of discharge into the San Antonio arroyo. See their guidance document relative to water quality law.

QUESTION: Since the proposed redirection will flow more contaminated storm water (from pavements in the existing developments and add-on storm waters from pavements in the new proposed development) into a smaller infiltration area (once 22.75 acres and now only a few square feet), will this increase in contaminated storm water and

decreased infiltration area result in unacceptable levels of pollution washing into the Rio Grande?

QUESTION: Would the issuance of such permit consider the redirection of infiltration area and the increase in requirements for pond infiltration in a flood zone area within the watershed and directly adjacent to the San Antonio arroyo?

QUESTION: Since the location of the proposed pond infiltration system is adjacent to the arroyo and uses part of the arroyo infiltration system, will the water stand in the pond in excess of 96 hours? Question: Since the San Antonio arroyo watershed area is a site where there are already high levels of aluminum, is 1/3 pollutant TDS still enough "head room" for gambling an increase in the TDS in this San Antonio watershed area? What about increasing the aluminum that is already over the limit and dumping into the Rio Grande?

Description of the lands adjacent to the project site and impacted by the project site. The San Antonio Arroyo as well as groundwater and the Rio Grande are documented sources of water for the Oxbow wetlands.

From the Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011. Page 54-55:
"Abandoned channels or depressions deep enough to intersect the regional ground water table often support permanently or semi-permanently flooded ponds and marshes. The San Antonio Oxbow is an example of this type within the Proposed Action Area, and is one of the largest wetland complexes in the Middle Rio Grande valley. This wetland's water regime is influenced by shallow groundwater, and surface water from the Rio Grande, San Antonio Arroyo, and the riverside drain." The Oxbow Wetlands are being sustained by river water and ground water.[vi]

The Oxbow is also home to endangered species including the Willow Flycatcher,
A 2017 Biological diversity study found the rare species in the Oxbow:
In 2017, Tetra Tech and USACE conducted surveys. Southwestern Willow Flycatchers were detected during the first survey period only. They were detected at the following locations: Sandia Pueblo, Corrales, Oxbow, Tingley, Rt.66, Rio Bravo NE and SE, and Isleta.[vii]

Floodplains and Wetlands
Wetlands consist of marshes, wet meadows, and seasonal ponds that typically support hydrophytes plants such as cattails, sedges and rushes. Wet meadows were the most extensive habitat type in Middle Rio Grande valley prior to the construction of the MRGCD drains and ditches. From 1918 to present, wetland-associated habitats have undergone a 93% reduction (Hink and Ohmart, 1984; Scurlock, 1998). Wetlands are an integral component of the Bosque ecosystem, not only increasing its diversity but also enhancing the value of surrounding plant communities for wildlife. Wetlands have experienced the greatest historical decline of any floodplain plant community. Among the greatest needs of the riparian ecosystem are the preservation of existing wetlands and expansion or creation of additional wetlands (Crawford et al., 1993).

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is at or near the surface or the land is covered by shallow water (Cowardin et al.

1979). Saturation with water determines the nature of soil development and, in turn, types of plant and animals inhabiting these areas. Wetlands occurring within the riparian zone may be dominated by the same plant species common in Bosque; however, wetlands exhibit wetter soils and support many additional plant and animal species.

Historically, the Rio Grande channel wandered widely throughout the floodplain and abandoned channels often contained sufficient ground water discharge to support marshes (cienegas), sloughs (esteros), and oxbow lakes (charcos; Scurlock 1998, Ackerly 1999). Currently, the extent of wetland plant communities within the Middle Rio Grande reach has been significantly reduced. The ground water elevation throughout the valley was significantly lowered by the construction of drains in the 1930s. Wetland areas throughout the floodplain have been directly displaced by agricultural and urban development.

Moisture gradients are a major determinant of the distribution of riparian plant species (Weaver, 1960; Bush and Van Auken, 1984; Tanner, 1986). Soil texture affects moisture regime. Sands drain quickly and, thus, anoxic conditions occur only with high water tables or extended inundation. Fine-particle soils, which are deposited in areas of low current velocity, have high water-holding capacity and slow drainage. Fine-grained soils may accumulate at arroyo mouths on the floodplain, behind natural levees, and in oxbows (Hughes, 1990).

Soil moisture levels and depth to ground water on floodplain sites are influenced primarily by surface topography, the variation of which is created through fluvial-geomorphic processes (Malanson, 1993). The limits of riparian vegetation are controlled by depth to the water table (Hughes, 1990). Moisture in upper soil layers is a primary influence on establishment of tree species while ground water levels are important for their persistence (Dawson and Ehleringer, 1991). Soil moisture has a major influence on seed germination and seedling survival of cottonwood (Moss, 1938; Bradley and Smith, 1986; Mahoney and Rood, 1993) and willow (Taylor et al., 1999; Dixon, 2003).

Salt cedar is now a prominent colonizer of exposed, bare soil sites in the Bosque (Smith et al., 2002). While individual cottonwood seedlings have a greater competitive effect relative to salt cedar seedlings under ideal soil moisture conditions (Sher et al., 2000), the competitive effect is lost under conditions of water stress (Segelquist et al., 1993) or elevated salinity (Busch and Smith, 1995)…Cottonwood, on the other hand, produces seed only for a short time in the spring and seed remains viable for only about month and a half under ideal conditions (Horton et al., 1960). The flowering and fruiting phenology of salt cedar allows seedlings to establish on and dominate open sites wetted by runoff, rainfall, or river flows during the summer, precluding the possibility for cottonwood establishment on potentially suitable sites the following spring.

Russian olive is established by seed in the understory of mature cottonwood stands … Seeds germinate in moist to dry sites and the plant sprouts readily from the root crown after damage to or removal of above-ground portions of the plant (Sivinski et al., 1990). Russian olive was present in the understory in 1981 (Hink and Ohmart, 1984) and continues to increase in the Bosque in the Proposed Action Area (Sivinski et al., 1990).

…Fire was virtually unknown in naturally functioning, low-elevation riparian ecosystems of the Southwest (Busch and Smith, 1993; Stuever, 1997). However, fuel accumulations coupled with mainly human-caused ignitions have introduced fire as a major disturbance

mechanism in the bosque ecosystem (Stuever, 1997). While Cottonwood is highly susceptible to fire-induced mortality (Stuever, 1997), salt cedar re-sprouts vigorously following fire (Busch and Smith, 1993; Busch, 1995). Cottonwood and Willow (Salix spp.) are poorly adapted to fire and lack an efficient post-fire re-sprouting mechanism such as that found in salt cedar (Busch and Smith, 1993).

Two large fires occurred in the bosque in Albuquerque in June 2003 burning 253 acres. Since that time, OSD has initiated an extensive thinning project in order to prevent fires in the Albuquerque area. Unfortunately, two more fires occurred in 2004.

Decreased ground water infiltration and infill of the site caused by the proposed site hydrology and drainage plan should be evaluated for both ground water and storm water impacts to the San Antonio Oxbow.

QUESTION: What will happen to the wetlands along the river that currently depend upon the ground waters from the Poole property? How long will it take those species of plants and animals to die and be replaced by invasive species? How will this affect the silvery minnow, and the invasion of salt cedar?

The proposed building size, location and density are not indicated on schematic plans released to community groups. It is unclear: whether the schematic "cluster" plan meets current Integrated Development Ordinance (IDO) requirements for sensitive lands or even Agricultural Zoning Classifications.[viii] The interpretation of the City Planning Department that it may approve increased density at the absolute discretion of the Planning Director ignores the IDO statements involving existing state and federal permits.

IDO (Page 198)
5-2(C)(4) If avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.[ix]

This illustrates one of the ongoing internal self-contradictions within the IDO and inherent fallacies of one-size fits all processes - not all land in Albuquerque are geologically similar. Some parcels have preexisting, legally defined and technically described value to public resources, overriding the potential rights of owners and their development partners. Choosing inappropriate uses for lands adjacent or impacting critical public resources should not be expedited or used as part of an approved variance or conditional use criteria. The variance criteria under the IDO Development review sections does not have a priority right over water resources under federal and New Mexico State statutes, nor does the IDO give the Planning Department a legal imperative to expedite plans based solely on the basis of ownership rights. To do so would violate federal and state regulations already weighing private ownership and public investments in resources like water, wetlands and open spaces and existing compliance frameworks including EPA Section 404[x].

"Impairments [to water quality referenced] in the MRG (2014) include acute aquatic

toxicity, aluminum, and E. coli bacteria, low dissolved oxygen concentrations, polychlorinated biphenyl, PCBs in fish tissue, and elevated temperature. In general, the main stem from the NM 550 Bridge in Bernalillo to the Isleta Pueblo boundary has the major impairments, which are largely the result of human (urban) impacts: impervious surface runoff, wastewater treatment plants, and septic systems. A 2009 NMED report prepared for the MRGESCP reported these impairments, but noted – at least with reference to ESA issues – that the most critical issue is "a lack/timing of adequate flows to maintain the needed habitat."

"PCBs are almost certainly a largely local contribution from storm water runoff. A "do not eat" order is in place for channel catfish and white bass within the Albuquerque reach due to presence of mercury and PCBs. The largest sources of E. coli in the Albuquerque area are human related: sewage (15.9%), pets (24.1%) and livestock (11.5%). Wildlife (mostly avian sources) accounted for the remaining 48.5%. Pharmaceuticals and personal care products have been the subject of a number of studies, and have been implicated as causal factors in reproductive and developmental anomalies in fish…"(MRG Report, 2014)

The Economic Impact to Valuable Public Resources should be weighed against the profit of developments selecting an inappropriate site. The IDO Ordinance does not protect and is inherently conflicted due to added language concerning variances, processes and removal of goals and concepts identified in the Comprehensive Plan, and changing the trajectory of decades of Comprehensive Plans, without quantitative proof or justification. The current process is critically inadequate to serve the largest and one of the most ecologically sensitive Metropolitan areas in North America. The Middle Rio Grande Rift valley is an active young rift and only one of five known to exist in the world. It is the only young rift valley in North America with a major metropolitan area. This project is economically, as well as ecologically, damaging. These unique spaces attract investments in science and research that are so much greater than any income from development. The costs to ecosystems will be devastating but degrading our publically funded water, recreation and scientific resources is unsupportable. That these parcel did not have IDO protections sufficient to protect taxpayer investments or critical resource abutting the proposed project is clear. Investment in the Middle Rio Grande Bosque is an economic investment in Albuquerque's future. Albuquerque City Government should work to implement the following recommendations form the 2014 Middle Rio Grande Conservation Plan. The Secretary of the Interior's Committee for the Middle Rio Grande Conservation Initiative developed the Middle Rio Grande Conservation Initiative Report. Matthew Schmader, Superintendent Open Space Division, City of Albuquerque was a member of the Committee and a signatory and contributor to the report. Please considering the following economic justification for protection form the MRG Report with the following economic findings issued in 2014:

1. The economic impact of outdoor recreation, natural resource conservation and historic preservation activities in the U.S. contributes at least $1.6 trillion to the U.S. economy and supports 9.4 million reliable American jobs that are not exportable and located largely in rural areas.
2. Tourism is already the largest non-governmental employer in New Mexico, contributing $6.1 billion to the economy annually and supporting 110,000 employees.
3. Outdoor recreation contributes $3.8 billion annually to New Mexico's economy,

supports 47,000 jobs, generates $184 million in annual State tax revenue and produces $2.75 billion annually in retail sales and services–accounting for 4.6% of gross State product.

4. Annual expenditures for hunting, fishing and wildlife watching in New Mexico are over $807 million.
5. The outdoor recreation sector continues to grow even during economic downturns and has large potential to create new jobs. The outdoor recreation industry in the United States grew at a rate of 4.1% in 2010 and 5.9% in 2011.

The MRG Report describes why conservation is critical to water resources and the economy, and the Report also calculates the public investments in addition to land acquisition for Public Conservation and Recreation Spaces within the Middle Rio Grande that were needed to sustain this resource. Between 1994 and 2004 the following programs and projects were generated primarily, with taxpayer generated federal funds and directly impacted the Oxbow Conservation and Nature Center Conservancy Areas. These public areas are both adjacent to and potentially impacted by the proposed development

1. US Army Corp of Engineers - Middle Rio Grande Revitalization Project; Middle Rio Grande Bosque Feasibility Report (2009); used for habitat restoration and recreation: $20 million (2004-2014)
2. US Bureau of Reclamation; Middle Rio Grande Endangered Species Collaborative Program, 2001 and 2003 Biological Opinion; used for management, population augmentation/propagation, water quality management, research, monitoring and adaptive management, public outreach: $115.8 million (FY 2001-2009)
3. US Fish and Wildlife; 1994-2011,1993 MRG Ecosystem Bosque Biological Management Plan, 2005 MRG Ecosystem Bosque Biological Management Plan Update; used for research, monitoring habitat restoration, education, public outreach: $9.275 Million (FY 1994-2004)
4. $800 thousand in New Mexico Environmental Trust Funds (Spartan Industries Report, 2006).

The site plan will certainly impact ground water tables in the San Antonio/Oxbow and may lead to the further spread of drought tolerant, wildfire intensive, invasive and water consuming tree and shrub species. In addition there is ongoing research at the Rio Grande Nature Center State Park. In March 2003, the Nature Center published the following list of Nature Center Scientific Research Programs and endowments. The proposed plan could damage the aesthetics of this important public and private investment and could damage the sensitive ecosystems and research. A list of past and present projects and planned research is listed from the March 2003 online resource: “In its 20 years of existence, the Nature Center has served as a laboratory for natural science research projects at every level of complexity and sophistication…”

In February, Doug Shaw, chairman of the Nature Center's Research Committee, provided a view of current and proposed research projects:

1. The Mesic Grassland Project.
   This project seeks to restore an increasingly rare habitat of the vanishing Rio Grande

flood plain, a vital component of a riparian ecosystem known as the mesic grassland. Dominated, said Roberts, by the grass species alkalai sacaton, this community of grasses and other plants includes yerba mansa, vine mesquite, wild licorice, a low-growing muhly grass species, and showy milkweed -- all adapted to a shallow water table. The two gardeners have collected samples from mesic sites in New Mexico uplands and washes, Roberts noted. "We'll gather baseline data from these sites about what makes this particular habitat function."

2. The Candelaria Wetland.
   Since 2001, all nine acres of the Candelaria Wetland have been the object of intense scrutiny from the ground up -- over, around, under, and down, too. Armed with a three year GE Fund grant for $73,000, surveyed by a committed corps of volunteers, and governed by the charge to document changes over time through the entire spectrum of life in this artificially created wetland, the Candelaria Wetland will be watched, sampled, sounded, and searched season after season for many years to come

3. Water Quality Surveillance
   Data generated since l995 continue to show that regular monitoring of water quality in the Nature Center's six constructed wetlands and other areas is vital to sustaining plant and animal life and health in these areas.

4. Bosque Ecology Monitoring Project (BEMP)
   Building on university studies in ecology conducted at the Nature Center in the l980s, and formally launched with National Science Foundation funds in l996, BEMP examines how water, land, and forest work together in a continuous round of production and consumption of organic matter and nutrients. Primary and secondary school students, led by their teachers and UNM student interns, are BEMP's main data collectors; the objects they record include temperature, precipitation and groundwater level readings, as well as ground litter, plant diversity, and arthropod activity. Senator Domenici's Bosque Initiative through the U. S. Fish and Wildlife Service now largely funds BEMP. Project coordinator Mary Stuever would like to establish an auxiliary program for primary and secondary students who would participate on a one-time basis, guided by volunteers trained at the Nature Center. "These volunteers would become an integral part of the BEMP research team," promised Stuever.

5. Bat Research.
   The Nature Center has a large ear on its roof. This ear is connected to a mouth that speaks to the mind of computer software that plots, calculates, and displays the unique spectrographs, or sequence call files, of bat species -- as many as 18 -- that fly through the Rio Grande Valley. Set up last spring by UNM mammalogist Bill Gannon and his research crew, the Anabat remote acoustic monitoring system collects up to 2,000 sounds a night and 20,000 in summer months; three quarters of these sounds are bat calls. Gannon will add this data to the North American Bat Call Library archive (http://talpa.unm.edu/batcall) will reveal the relative abundance of different New Mexico bat species in our area as well as changes in their populations over time. The Nature Center's Anabat system operates from dawn to dusk 365 days a year.[xi]

QUESTION: What actually creates revenues and water capacity for Albuquerque's

present economy and future development?

"From the Middle Rio Grande Report (MRG 2014): "Tourism is the largest non-government employer in New Mexico and Outdoor Recreation has a greater economic multiplier effects and comprises a large segment of the Albuquerque economy than development (4.6%). Conservation investments improve recreation and tourism by improving the natural habitat, aesthetics, air quality and water, thus improving our quality of life as well as the economy: "Investments in environmental assets also improve quality of life for residents and can attract new business through 'amenity migration'."

"The greatest impediment to growth is water quality, capacity and fully expended water rights, not developer credits against their business costs and impacts."

The State of New Mexico should establish dedicated funding sources to support land acquisition and private land conservation in order match all federal funds available for conservation easements and private landowner conservation assistance.

U.S. Fish and Wildlife Service should acquire Price's Dairy in Albuquerque's South Valley to establish the Middle Rio Grande National Wildlife Refuge; FWS should evaluate expansion of the existing National Wildlife Refuges in the Middle Rio Grande basin and submit preliminary planning proposals to the Secretary of Interior. Protect existing and potential high quality wildlife habitat areas through partnerships with agencies and individual landowners. Facilitate and secure resources for existing efforts (land trusts, non-profit organizations, and agency programs) that support conservation easement establishment and follow up habitat restoration along the MRG. Focus on sustainable river processes that will support wildlife habitat improvements.

Local government (counties, municipalities) in the Middle Rio Grande should continue to take a significant role in conservation and management of the river and Bosque, recognizing the success of efforts such as Rio Grande Valley State Park. Entities that have open space and agricultural land protection programs should focus efforts and resources on the MRG and apply for federal grants and assistance. Government entities that lack such programs should establish them, as there is a great need to consolidate development and/or reserve lands from development.

Protect existing and potential high quality wildlife habitat areas through partnerships with agencies and individual landowners. Facilitate and secure resources for existing efforts (land trusts, non-profit organizations, and agency programs) that support conservation easement establishment and follow up habitat restoration along the MRG. Focus on sustainable river processes that will support wildlife habitat improvements.

Prepare and implement a regional, watershed-based "greenprint" plan (or series of more localized plans) that can make recommendations, consistent with existing authorities, as to where to invest in public and private land to protect and improve key habitat, maintain wildlife corridors (throughout the MRG, but especially east-west corridors), and conserve agricultural lands that link the river to adjacent lands, maintain a landscape mosaic, and maintain view sheds.

Expand scientific efforts surrounding groundwater modeling and the impacts of climate

change on water resources in the MRG; continue work under the BOR Basin Studies Program to project hydrologic impacts of climate change and partner with water-management entities, institutions such as New Mexico Institute of Mining and Technology, and other organizations to develop local and regional adaptation strategies.

Landscape Level Conservation and Restoration. Effective, long-term conservation of the MRG requires: an ecosystem approach that addresses the entire 180-mile stretch; restoration of biological, hydrological, and geomorphologic processes in the MRG to the extent feasible; conservation stewardship and landscape-level connections of publicly-owned protected areas and private working lands; and appropriate recreational use that allows the public to enjoy and connect with the resources. The notion of a living river and river restoration must work within the reality of the river's modern water supply and management and recognized and protect vested water rights in the MRG. All of these efforts must be guided by strong science-based adaptive management principles to address major conservation goals such as restoring the Middle Rio Grande to sustain listed species, other wildlife, and the ecosystem in general. Broad-based education efforts must be included as a key element for maintaining public involvement and support for the long-term.

Investment. Programs focused on conservation, education, and recreation in the MRG must be viewed as community, regional, and national investments that will pay short- and long-term dividends to society. Funding for these programs at the local, state, federal, and tribal levels is presently inadequate across the board. The MRG should be a national priority area for federal funds from numerous applicable programs, but federal dollars must be leveraged with increased local and state funding.

Thank you,

Elizabeth Haley March
505 407 4381
ekhaley@comcast.net

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[i] U.S. ARMY CORPS OF ENGINEERS ALBUQUERQUE DISTRICT DRAFT FINDING OF NO SIGNIFICANT IMPACT for the Rio Grande, Sandia Pueblo to Isleta Pueblo, CO, NM, TX Ecosystem Restoration Project

[ii] Process for changing the legal description/ zone classification of a lot with the Office of the Bernalillo County Clerk: Universal Citation: NM Stat § 61-23-28.2 (2017) 61-23-28.2. Surveying; record of survey (Repealed effective July 1, 2024.)
A. For those surveys that do not create a division of land but only show existing tracts of record, except in the instance of re-monumentation as specified in the board's minimum standards for boundary surveys, within sixty calendar days of the completion of the survey, a professional surveyor shall cause to be recorded at the office of the county clerk a survey entitled "boundary survey" that shall:

(1) contain a printed certification of the professional surveyor stating that "this is a boundary survey of an existing tract", or existing tracts, if appropriate, and that "it is not a land division or subdivision as defined in the New Mexico Subdivision Act";
(2) identify all tracts by the uniform parcel code designation or other designation established by the county assessor, if applicable;
(3) meet the minimum standards for surveying in New Mexico as established by the board; and
(4) not exceed a size of eighteen inches by twenty-four inches and be at least eight and one-half inches by eleven inches or as required by the local governing authority.
B. Fees for recording a boundary survey shall be in conformance with Section 14-8-15 NMSA 1978.
C. For those surveys that create a division of land, the survey shall be completed in conformity with the board's minimum standards and in conformity with the New Mexico Subdivision Act and any applicable local subdivision ordinances. Filing procedures shall be prescribed in the board's minimum standards. The record of survey required to be filed and recorded pursuant to this subsection shall be recorded at the office of the county clerk within sixty calendar days after completion of the survey or approval by the governing authority.

[iii] **Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011.** Page 54-55
Jurisdictional wetlands (relative to Section 404 of the Clean water Act) do occur in the Proposed Action Area. Most wetlands within the floodway have developed in areas with a high groundwater table. Those in shallow basins or relatively far from the river are likely seasonally or temporarily flooded; that is, inundated during the majority, or just a portion, of the growing season, respectively. Within the Rio Grande floodway, most islands, point bars and side channels are periodically inundated by river flows and support marsh, meadow or shrub wetland communities.

Abandoned channels or depressions deep enough to intersect the regional ground water table often support permanently or semi-permanently flooded ponds and marshes. The San Antonio Oxbow is an example of this type within the Proposed Action Area, and is one of the largest wetland complexes in the Middle Rio Grande valley. This wetland's water regime is influenced by shallow groundwater, and surface water from the Rio Grande, San Antonio Arroyo, and the riverside drain.

[iv] Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).
The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must first show that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts.

Proposed activities are regulated through a permit review process. An individual permit is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers, which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines, regulations promulgated by EPA. Some states have assumed this permitting authority and regulate these activities.
https://www.epa.gov/cwa-404/section-404-permit-program

[v] Albuquerque, NM RGEMP-I Draft Integrated Report 21 August 2018

[vi] **Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011.** Page 54-55

[vii] U.S. ARMY CORPS OF ENGINEERS ALBUQUERQUE DISTRICT DRAFT FINDING OF NO SIGNIFICANT IMPACT for the Rio Grande, Sandia Pueblo to Isleta Pueblo, CO, NM, TX Ecosystem Restoration Project

[viii] IDO Section1-8 RELATIONSHIP TO OTHER REGULATIONS:
1-8(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

[ix] Part 14-16-5: Development Standards 5-2(A): Purpose
5-2: Site Design and Sensitive Lands 5-1(E)(1): Non-residential Zone District Table
Revised and Updated Through May 2018 Integrated Development Ordinance
Page 198 City of Albuquerque, New Mexico
5-2 SITE DESIGN AND SENSITIVE LANDS May 2018 (Page 198)
5-2(A) PURPOSE
The regulations in this Section 14-16-5-2 are established to minimize the impacts of development on the natural environment and to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities. Site design standards are intended to enhance the visual appearance of non-residential development, promote street and neighborhood character, and strengthen the pedestrian environment.
5-2(B) APPLICABILITY
These standards apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO. The design standards in this section are minimum standards.
The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in this IDO.
5-2(C) AVOIDANCE OF SENSITIVE LANDS
5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:
5-2(C)(1)(a) Floodplains and flood hazard areas
5-2(C)(1)(b) Steep slopes
5-2(C)(1)(c) Unstable soils
5-2(C)(1)(d) Wetlands
5-2(C)(1)(e) Arroyos
5-2(C)(1)(f) Irrigation facilities (acequias)
5-2(C)(1)(g) Escarpments

5-2(C)(1)(h) Rock outcroppings
5-2(C)(1)(i) Large stands of mature trees
5-2(C)(1)(j) Archaeological sites
5-2(C)(2) Street crossings of irrigation ditches and drains shall be minimized to the maximum extent practicable.
5-2(C)(3) Street crossings of sensitive lands shall be minimized to the maximum extent practicable.
5-2(C)(4) If avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

[x] Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).
The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must first show that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts.
Proposed activities are regulated through a permit review process. An individual permit is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers, which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines, regulations promulgated by EPA. Some states have assumed this permitting authority and regulate these activities.
https://www.epa.gov/cwa-404/section-404-permit-program

[xi] Excerpted from: "Searching Out Research at the Rio Grande Nature Center" www.rgnc.org/Articles/articles_mar03.htm

October 30, 2018

Cheryl Somerfeldt
Planner City of Albuquerque

Planner Somerfeldt,
Please submit this email to Record Proper.

RE: EPC Hearing scheduled November 8, DRB Hearing Scheduled November 7

Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenido Place; and: Oxbow Open Space Applicant: Gamma Development, LLC

I am a retired planner, architectural designer and policy and data consultant. I was awarded a Master in Architecture from the University of New Mexico and Bachelor of Arts from the University of Texas at Austin. I was the manager of a small business for most of the twenty-seven years I practiced.

Rufus G. Poole and Suzanne Hanson Poole were cultural contributors, philanthropists and builders of this city, Their legacy is part of its fabric, along with the legacies of past political leaders and dedicated community activists who understood the privilege of living in a city with a unique sense of place. This resilient landscape, like the historic Poole property is about to be severally and perhaps irredeemably damaged by City of Albuquerque Policies. My architectural training leaves me outraged at the mindless homogenization of the new zoning ordinances and the impact on properties like the Poole estate. There are administrative process problems in the IDO that will result not just in bad decisions, but possible legal liabilities. Current pending litigation will sort the legalities, I am not qualified to make legal arguments, but I am qualified to comment on data collection and process.

I had the privilege of participating in projects affording a unique range of experiences pertaining to the structural and regulatory requirements of project review. The core of my business was:

- Coordinating crosscutting regulatory analysis,
- Pilot projects and surveys based on changing regulatory initiatives, and
- Research and policy recommendations to solve persistent challenges in government.

Analyses of administrative processes under state, federal and local statues for land management were part of our project portfolio. The Department of the Interior Offices of Inspector and Solicitor Generals reviewed the more complex projects for compliance without findings. As an inside consultant, project manager and principal data architect I directed National Housing Surveys, for the Bureau of Indian Affairs Nation Employee Housing Program (1996) (83 Locations and 3,000 Units) and a similar project for the National Park Service in (1997) (4 Locations and 94 units). As project manager, I reviewed and recalculated data for all locations. Most recently (2006 through 2014), I worked with the Navajo Nation, the first tribal nation to be delegated land management authority from the Secretary of the Interior. The Navajo Nation is also the tribal nation with the largest land mass and most complex jurisdictional issues. The Navajo Nation owns or

administers lands in tribal and individual trust status, and fee simple status, located in three states and some municipalities.

These projects required an analysis of the impacts of public and private investments. Cognizant that federal investments of a certain magnitude could profoundly influence emerging real estate markets and the economies in the regions of the projects, market studies and economic analysis calculating the multiplier effects of proposed funding increases were added as a segment of the national and regional studies. As an example, the change in funding justified by the Housing Studies for the BIA and NPS, was an increases of about a half a billion dollars in appropriations over a ten-year period.

We also created rules for Administrative processes: document control, defining the mechanics of project review, and data collection and continuing analysis. The National Housing Studies products included data applications and training across several federal departments. The data architecture, policies, project review methods, and data analysis persisted past the lifespan of our applications, and were uploaded into subsequent BIA data applications as technologies were upgraded. Many of the building structure in these projects were qualifying and subsequently loaded into Heritage Documentation Programs.The Historic American Buildings Survey (HABS), the Federal Government's oldest preservation program, and its companion programs: the Historic American Engineering Record (HAER) and Historic American Landscapes Survey (HALS) are administered by the Heritage Documentation Programs. These programs are part of the legacy of Rufus G. Poole who co-authored the enabling federal legislation creating them.

My experience is sufficient to speak to the project review processes mandated or abbreviated by the IDO, and speak to the application of these processes to the Poole Property. Having conducted several thousand project reviews, I have questions about the internal contradictions within the IDO as an ordinance.

QUESTION: Does IDO lacks established, universally accepted administrative property processes?

The scope of the project review mandated by the IDO as originally interpreted by the COA Planning Department for the Poole Property is limited. As an example, a limited historic structures report was ordered under IDO criteria, omitting critical data gathering and making a recommendation for demolition that isn't supported by data or even an accurate historic architecture reference. A larger more extensive survey may be triggered by a MS4 water permit and prior Environmental Assessment and impacted resources adjacent to the property. Beyond the loss of an important historic and environmentally sensitive site, administrative process omissions can incur fines, penalties and loss of revenue to the City. Under the Administrative Sections of the IDO, the Planning Department only follows the IDO regardless of critical technical issues, where prior regulatory authority or federal protections of common resources like the "waters of the United States," exist. Do a word search on federal, and scan that term as it pertains to development and project review. The following are the only referenced sections. None of the sections directly reference regulatory impact of adjacent property to protected resources. The criteria for variances and several general statements may be in contradiction to existing state and federal statues, but that will be determined by existing and future litigation against the City of Albuquerque. The point is: development activities on private lands can impact public resources, but nothing in the IDO references permits, approvals or the time required for outside agencies to conduct technical reviews. I haven't

seen data in the Comprehensive Plan supporting the idea that streamlining the process for demolishing a landmark or archaeological resource is good for the Region. In confronting what developers could do to the Poole property, I have become alarmed about how the IDO ignores the impacts of development to federally and state protect resources such as those adjacent to the Poole Property and to existing privately owned properties.

"1-4(B) This IDO is not applicable to federal activities or development on federally-owned lands where either the federal government has retained from the time of statehood or subsequently obtained the right to legislate in relation to such lands or the State of New Mexico has ceded jurisdiction to legislate back to the United States in relation to such lands. **Private activities or development for private purposes on such lands shall be subject to this IDO.**[State and federal property adjacent to private property may be impacted negatively or permitting development for certain activities like earth infill, grading and storm water discharge. Technical studies can be anticipated to quantify expected adverse effects. The IDO mentions no requirements for development adjacent to federal or state resources like the National Monument or the Rio Grande]
1-4(C) This IDO is applicable to City activities or development on properties owned or leased by the City.
1-4(D) This IDO may not be applicable to state or governmental activities or development on lands owned by a state or governmental or quasi-governmental entity, to the extent the state of New Mexico has explicitly exempted them from the operation of local land use regulations.

1-8(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or **conflicts with applicable state or federal law, the more restrictive provision shall prevail,** unless the provisions of state or federal law, as interpreted by the courts, prevent that result. [This statement is contradicted by mandates to issuing variance and by the omission of requirements as part of the review process]

6-4(S) TIMING OF APPROVALS
6-4(S)(1) The City shall review and make decisions on applications under this IDO as promptly as reasonably possible while complying with the requirements of this IDO, any other requirements that may be provided by law, and as set forth in more detail in the DPM. [Nothing is mentioned about permit review for entities other than the City of Albuquerque.]
6-4(S)(2) In the case of an application for a permit or approval or an amendment to a permit or approval for any land use involving rights protected by the First Amendment to the U.S. Constitution or similar provisions in the New Mexico Constitution, the City will make a final decision on a complete application (and if the decision is subject to an appeal to the City Council, will make a decision on the appeal) within any specific timeframes established in this IDO or as necessary to avoid a chilling effect on the exercise of those constitutional rights, as interpreted by applicable federal or state court decision…[Do IDO timeframes have anything to do with first Amendment Rights?]

…6-4(S)(4) In the case of an application for demolition of a City landmark, the City shall make a decision within the timeframe established in Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major)…[Demolition of a city landmark and other provision do not follow state or federal historic preservation guidelines]

… An archaeological investigation has been conducted on the property, and based on a

report prepared by a qualified archaeologist, it has been determined that no significant archaeological site exists on the property. The factual basis necessary to support this determination shall be met through the presentation of an archaeological investigation report prepared in compliance with federal or New Mexico state historic preservation laws and regulations that used a comparable definition for a significant archaeological site. Documentation indicating that the report was accepted by the relevant agency shall accompany the report.
2. The property has been disturbed through previous land use or development to such an extent that there is a substantial reduction in the probability of the continuing existence of any significant archaeological site. **It shall be adequate evidence that the property was previously disturbed to such an extent so as to meet this requirement if the property has been graded, demolition has occurred on the property, or the project involves redevelopment or rehabilitation of existing improvements**. [Missing from this statement are criteria to judge the extents of the disturbance]

6-6(L)(3)(a) General
Except as indicated in (d) below, an application for a Variance – DRB shall be approved if it complies with the following criteria, as applicable:
1. Any of the following applies:
a. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. **Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards**. [It is unusual for an Ordinance to mandate degrading a public resource because someone chose to inappropriately develop adjacent to it. The former Ordinance boundaries and restrictions made clear that the burden of special circumstances would fall on the developer, because they selected an inappropriate project site. Now the public has to bear the burden of a degraded resource. Public loss for private gain]
b. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, watercourses, natural topographic features, man-made obstructions, or utility lines.
c. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a **Variance is needed and appropriate to maintain such historical, archeological, and/or architectural significance**. [Given the diminished historic and cultural protections in the Ordinance, it is doubtful a variance would result in appropriate maintenance.]
d. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
e. **Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning. [**The standards within the IDO do rely on accepted principals of site planning and often contradict the trajectory of previous Comprehensive Plans. Terms of Art are misapplied like 'administrative', as are planning concepts like 'infill'. Cluster housing and increased density adjacent to public resources and on a water infiltration site is not an accepted principal of planning.]

[Please note in the section on Variances, only those section referencing existing residential property (10, 11) have specific criteria attached. For the Poole project, a project review letter was sent out to some agencies indicating a partial property description. The Planning Officer maintained it was the responsibility of other jurisdiction to ensure a development would "not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance." I can think of several examples where simple notification would not be sufficient as a defense against skipping a permit application. Also the County Code doesn't reflect the IDO, but does reflect the Comprehensive Plan. Here again the IDO is probably in contradiction with itself.]
IDO Conditions for Variances:
2. The Variance will not be materially contrary to the public safety, health, or welfare.
3. The Variance does not cause significant material adverse impacts on surrounding properties.
4. The Variance will not hinder future planning, public right-of way acquisition, or the financing or building of public infrastructure improvements.
5. The Variance will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
6. The Variance will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
7. The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.
8. The Variance does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, **unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.**
9. **The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties**. [Vaguely worded.]
10. The Variance for Sidewalk Requirements meets the criteria in (b) below.
11. The Variance for Front Yard Parking meets the criteria in (c) below.

COA Planning Department's Criteria for Project Review fails to note:

1. Conservation investments completely dwarf the developer's private investments in these parcels.
2. Existing federal and state enforcement provisions may be triggered by the location of this project. Those technical reviews and permits aren't listed as findings of fact in the Design review or requirements for the packet being assembled for the EPC. Omissions of regulatory requirements or technical review as the basis for approval criteria could result in fines and penalties. (Per US Army Corp of Engineers Environmental Assessment for the Middle Rio Grande, 2011)
3. This area draws conservation investments, tourism and research income and economic development to Albuquerque. The Rio Grande is on the list of Ten Most Endangered Rivers and the water resources it provides are inherently tied to the existence of all the metropolitan areas in the middle Rio Grande - not just the City of Albuquerque (MRG Report 2014). Over $145 Million has been invested in riparian restoration in the Conservation area adjacent to the property. What about

this investment?

4. These existing and future public investments completely outweigh the private decision of a development group to purchase, then request destructive and inappropriate development on lands that should have been restricted through ordinances.
5. The first responsibility of City Government is to preserve the utility of public resources. An Ordinance by New Mexico State Statute must protect the land, air, water and health of the community and wildlife, enforced protections of resources and open space, and prevent the loss of public investments to private profit. NM Stat § 3-21-1 (2014) "3-21-1. Zoning; authority of county or municipality. A. For the purpose of promoting health, safety, morals or the general welfare, a county or municipality is a zoning authority and may regulate and restrict within its jurisdiction"
6. The City Council Resolutions supporting the IDO for reasons of promoting economic growth were not supported by quantifying data or findings of fact. Thirty percent (30%) of Albuquerque's income comes from property taxes. Thirty-three percent (33%) of income is from gross receipts taxes (GRT) from tourism or local populations as they acquire goods and services. The remainder of municipal income is from other sources.
7. The City Council rescinded and replaced Decades COA Ordinance aimed at long term goals with what amounts to an ideological document unsupported by data and untested for legal precedent. Does the IDO allow damages by developments, shifting liability to the City through broad staff approvals, variances and waivers of review reports?
8. How does the Planning Department apply additional administrative processes to parcels abutting publically funded and regulatory protected resources, and with the risk of potential damages or fines incurred? Variance processes are allowed by staff using criteria such as: "To the maximum extent practicable"? Doesn't this pose a risk to the city's liability insurance and permitting authority?
9. Elected Official have some protections from decisions made in the course of quasi-judicial and legislative zoning task according to training materials for Zoning Official produced by the New Mexico Municipal League. Are City employees similarly protected or will errors and omissions be transferred to the City of Albuquerque and paid by taxpayers?
10. What will years of approvals under the IDO do to the City's financial and self-insured risk manage insurance ratings if damages result? Is this an example of private gains derived from public losses?
11. The COA Department Planning Manual or DPM allows developer to be remitted or have waived the costs of: impact fees, the costs of reports and studies, and infrastructure costs, (no matter how costly these systems will be to maintain or manage when transferred to public entities).
    a. Infrastructure and other credits to developers can be applied or repaid from the Public Purse (COA DPM CHAPTER 22, SECTION 18 IMPACT FEES REGULATIONS 2018, proposed). However, many community amenities that might have enhanced this development's connection with abutting open space were removed from impact fee credits by the IDO.

This unusually aesthetically and environmentally nonconforming site plan by comparison to the precedents of prior abutting Bosque developments is a bottom line reflection of current impact fee structures as outlined by the COA DPM and IDO. Some of these edits are for consistency to a flawed ordinance, some are the interpretations of CAO staff reviewers.

b. The Following are Screen Shots of revisions to the Chapter 22 Section 18 Impact Fees:

a. The Impact Fees Administrator, or his/her designee, shall calculate and assess the impact fee as follows:

i. Determine the applicable service area;

ii. Determine the applicable land use type~~category~~;

iii. Verify the number of ~~dwelling~~ units or the amount of gross floor area (whichever is applicable) in the development; and

iv. For the applicable land use type, multiply the unit by the fee per unit ~~Multiply the number of dwelling units or the amount of gross floor area, whichever is applicable, by the applicable impact fee~~ from the fee schedule in Exhibit E. [Wording is for clarity and reference to the Ordinance.]

improvement included in the CCIP shall be considered a project improvement.]

c. System improvements and system studies (as defined by ~~the Development Fees Act and~~ the Impact Fee Ordinance) that are not accepted by the City; and [The Act does not define or use this term.]

d. Construction of improvements or conveyance of land for which consideration has previously been given by a governmental body.

2. No credit shall be given for:

a. Private improvements;

b. Road or trail right-of-way dedication after the effective date of the Ordinance. ~~Project improvements (as defined by the Development Fees Act and the Impact Fee Ordinances). For CCIP roadway facility projects, roadway construction in excess of the project improvements required by the city development process is eligible for impact fee credit. Lanes eligible for impact fee credit will be confirmed by the Impact Fees Administrator prior to the execution of the Development Agreement for Impact Fee Credit.~~ [Credit for road and trail ROW is no longer eligible for credit. Deleted language is inconsistent with the ordinance, which states that no

12. It has been over twenty years since the City of Albuquerque built a Community Center on the Northwest side of the Rio Grande, and existing City and County Community Facilities have twice the volume of users as compared to other sectors of the City[i]. Because impact fees were waived throughout the Mayor Berry Administration in this fast growing area. Public amenities were not built and meeting spaces and office space is needed. [ii]

C. Park, Open Space and/or Trails ~~and Recreation~~ Impact Fees

1. **Service areas.** There are four (4) ~~currently seven (7)~~ Park Service Areas, ~~and Recreation Development Impact Fee service areas~~ one (1) City-wide Open Space Service Area and one (1) City-wide Trails Service Area within the incorporated area of the City of Albuquerque, excluding the Mesa del Sol Development. [Reflects updated fee types and service areas.]

2. **Deposit of the impact fee.** All park, open space and/or trails ~~and recreation~~ impact fees collected shall be properly identified by the park, open space or trails ~~and recreation development~~ impact fee service area and promptly transferred for deposit in the appropriate Park, Open Space or Trails ~~and Recreation Development~~ Impact Fee Fund to be held in a separate account until expended or encumbered in accord with these Rules and the ~~Development~~ Impact Fee Ordinance. [Updated language and the word development is not part of the Ordinance title.]

iii

Section 7. USE OF IMPACT FEE FUNDS

A. Purpose

Funds collected from Road, Drainage, Fire, Police, ~~Public Safety and~~ Parks ~~and Recreation~~, Trails and Open Space ~~development~~ impact fees shall be used for the purpose of acquiring and/or making system~~s~~ improvements to Road Facilities, Drainage Facilities, Fire Facilities, Police Facilities, ~~Public Safety Facilities~~, Park~~s~~ Facilities ~~and Recreation~~, Trail~~s~~ Facilities and Open Space Facilities ~~and Roads Facilities~~ under the jurisdiction of the City of Albuquerque, the State of New Mexico, or other political subdivisions, and shall not be used for maintenance or operations. [Reflects updated fee types.]

Albuquerque's past Coors Corridor Plans and Northwest Mesa Escarpment Plan would be examples of data driven analysis, with concretely expressed conditions for permitting variances or conditional use. The goals and criteria were clearly stated and were molded by citizen consensus were similar goals to goals in the Regional Comprehensive plans. The IDO and reciprocal changes in the Department's Development Process Manual actually negate language and goals in the ABC Comp Plan, shifting responsibilities for public amenities from developers to public funding mechanisms like bonds.

An example: The developer for the Poole property has no public paths along the arroyo as required, and trails are longer reimbursed under impact fees in the DPM. The original Poole house and grounds are not required for community facilities, because the DPM no longer requires developers to provide them. Section in the DPM have been revised; and apparently computing the existing need for community facilities into quantitative analysis and computation of assessing impact fees wasn't important to the City.[1]

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[1] From the proposed COA DPM Chapter 22, Section 18 IMPACT FEES REGULATIONS 2018, proposed, (Page 18-1)

Under the IDO, Small Developments have different review and approval standards and impact fees. DPM and IDO Changes in the square footage criteria for impact fee assessments for all development types reduced fees. What study was conducted that demonstrated these changes would produce a net positive effect on COA income as funding for community amenities is shifted to taxpayers through taxation and bonds, and revenue streams from fees from all developments are further limited?

The recent owners of the historic Rufus and Suzy Poole property and their development partners submitted a multi-phase development approval request to the City of Albuquerque, Planning Department. The City of Albuquerque Planning Department scheduled an EPC meeting after an abbreviated technical review.

The multi-phase request included: (1) new multi-parcel plat changes to the existing legally recorded tracts[iv], including (2) a new subdivision plat with streets. (3) A new schematic drainage plan, open space plan and utility plan with a sewer system to be acquired by ABCWA, but needing pumps to elevate the effluent (liquid waste and sewage). (3) A new subdivision site plan required changes in the zoning map classification and dramatically increased density on a lot previously designated as rural/agricultural. These changes include: (a) increased site density, "cluster" development on agricultural land and (4) redirection of storm water to the San Antonio Arroyo, a monitoring site for a Federal MS4 storm water permit[v] or Section 404 of the Clean Water Act (CWA) and establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States … The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must first show that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts.[vi]

Ultimately the IDO makes the cost of proposed development burdensome to the COA, private property owners and city residents, by allowing developers the opportunity to benefit from encroachment through variances. Did the City Council's approval of the IDO render the City of Albuquerque and its departments inoculated from state and federal statues, imposition of fines, penalties or termination of delegations of authority and permitting, or the cancelling of future federal funding such as for the ART project as an example? How well did that same logic work for Albuquerque policing?

The Peruvian Economist Dr. Hernando DeSoto explains the importance of administrative processes as a key to property in his book: the Mystery of Capital: Why Capitalism Triumphs in the West and Falls Everywhere Else. Paraphrasing the jacket cover, the central concepts are: In the West there exist consistent processes and legal values, including rules of administrative procedure integral to the legal structure of our democracy and reflected in our property system. Every developing nation in the world at one time

went through the transformation from predominately extralegal property arrangements, brokered with officials to accepted administrative procedures. Compromising democratic values may create short-term investments bubbles, but when property decisions are arbitrary or unfairly weighted, the value of everyone's property is diminished. Arbitrary zoning and project review decisions cause property values to fluctuate. More dangerous still, people lose faith in the institutional sureties (title insurance, appraisals, development bonds, etc), and the security and value of property investments. Administrative Processes must be more than consistent; they must also be fair. Technology and the Internet have streamlined, but not changed the need for immutable protection of democratic rights within land management administrative processes. Someone always pays the price of damaging development. Under the IDO, the burden of a developer improperly selecting or investing in property so located as to be cumbersome for development is shifted from developers to: future purchasers, the community and City of Albuquerque. Are any properties or locations such that a variance cannot be issued under the IDO?

6-6(H)(3) Review and Decision Criteria
Any application for a Site Plan – EPC shall be approved if it meets all of the following criteria:
6-6(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.
6-6(H)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.
6-6(H)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.
6-6(H)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable. [Does mitigation include paying impact fees? A County Planning Document finds the City of Albuquerque's suspension of impact fee assessments under Mayor Berry and accelerated approval process has left overcrowding in County and City Community Centers in the Northwest Mesa]
6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area <u>to the maximum extent practicable</u>.

The San Antonio Arroyo has water quality monitoring and empties into the Rio Grande. The US Army Corp of Engineers has conducted Environmental Assessment in the adjacent San Antonio Oxbow. The endangered Willow Flycatcher nests there. Does the City of Albuquerque planning Department wish to arbitrate the legalities of the Endangered Species Act, M42 Water Permits or the protections to the "Waters of the United States" for developers by defining what is practicable?

Economic prosperity and growth is tied to unbiased legal property systems. These systems are:

- Consistently applied to all property owners,
- Publically available, with intelligible rules,
- Have transparent data collection with fixed qualitative and quantitative criteria for exceptions,
- And Equal legal standing and weighted processes for all property owners.

“To the extent practicable” is insufficient criteria. The sign of this insufficiency is no data predicates the decision, and no data is collected to support it, meaning the decision is arbitrary. When jurisdiction, typography, ecology, history or other factors require a deviation for the public good or to allow fair use by the individual property owner, then variance from the ordinance are listed in explicit fact-driven criteria.

We in the West never realize that capital is a dormant value hidden in the assets we own. Capital can be used to elevate our families, our communities and our selves. The potential in property must be convertible to cash or “fungible”. Property processes matter, and must be: (1) clearly defined, mapped or located; (2) the value should be easily assessed assisted by zoning laws, legal covenants and classifications that don’t fluctuate. (3) Property values should be easily extrapolated for years before and after adjacent development. (3) Variances and conditional use permits involve the individual property rights of owner and the larger community should be quasi-judicial or judicial, using rules of procedure and due process. “To **the maximum extent practicable” is an example of equivocal language used for variances sprinkled throughout the IDO and is frankly insufficient in describing process and criteria.** Simply ignoring federal and state requirements for technical data collection or diluting historic preservation protection by limiting where properties may be preserved is problematic and will be adjudicated. The when judgments must be made by a legislative or deliberative body then the determinative notice must include easily understood, fact-based and publically available criteria.[vii]

As an example: by virtue of the Poole property’s location in an area formerly covered by the Coors Corridor Plan, but revised under the IDO, the historic buildings don’t have protections against razing by developers, unless already on a preservation register. If located elsewhere, multiple attributes of this property would engage a complete preservation review. Preservation ordinances were developed in Albuquerque since 1970s. The IDO uses language from the Comprehensive Plan, but administratively ignores those Comprehensive Plan directives with administrative processes mixing administrative, legislative and quasi-judicial procedures.

The IDO fails as a zoning ordinance, because it lacks methods to collect and consider critical data: for protection to public resources, and consistent findings of fact. Data must be collected and reviewed by someone will the certification and training to evaluated the data and must be treated as dispositive to future permitting. Data must be considered in an administrative, legislative or quasi-judicial determination or appeal. Because of the limited area of historic overlays and other IDO provisions creating omissions in data collection, data is not available and cannot be applied in later enforcement or permitting. Further, data critical to federal permitting is not being collected or technical studies supplied even for properties that could impact the “waters of the United States” or “Endangered Species Act.” The Poole Estate is such a property. Approval of a site plan when the very nature, location and extents of the development are schematic or unpermitted is problematic. The San Antonio Oxbow is a miracle that survived Bosque Fires and Water Restrictions. It is also a very well documented feature including US Army Corp Of Engineers Environmental Assessments (2011, 2016), Water testing and gauging on the San Antonio Arroyo and positive findings under the Environment Assessment for Endangered Species Act (2016) in the Oxbow and documented need for Storm Water Permits.

I imagine if Mr. Poole was retained for such a case involving some hypothetical city, he would point out it is irrelevant if a City Council approves legislation, in the form of a Zoning Ordinance, if that ordinance allowed actions, not allowed under State and Federal Law. An ordinance can however require greater restrictions and noting the following section of the Ordinance: If any regulation in this ordinance conflicts with other applicable laws or regulations of the City, or **conflicts with applicable state or federal law, the more restrictive provision shall prevail,** unless the provisions of state or federal law, as interpreted by the courts, prevent that result. Then In my imagined scenario, Mr. Poole would say, I believe we need to request a suspension of ordinance mandates and request the City revert to prior procedures for project review due to the above. The administrative sections of the Ordinance contradict itself it, and cannot stand and should be reversed if:

1. Ordinance protections, collections of data and review procedures differ in various locations within the City, allowing only selected locations to be protected by National Historic Preservation Criteria. Areas without these protections are denied preservation investments, preservation grants, technical support and resource listing. Such treatment is unequal.
2. The Ordinance legislated areas of the City to be without the benefit of historic and culturally significant structures, because they cannot be saved from demolition. Criteria for variances allowing demolition appear arbitrary and based on unquantifiable maximums like: " to the maximum extent practicable." There is no supporting planning data specifically detailing why such discrimination isn't an unjust application of the protections or supports the public interest.
3. Diminished preservation criteria within the ordinance may be insufficient, when weighed against national and state statues and previous preservation standards and criteria. These administrative inadequacies could be limiting nonprofit, for profit and institutional investment opportunities unequally.
4. Decades of regional comprehensive plans, environmental investments and defined community, regional, national and International legal interests are being treated as though a local ordinance could supersede them.
5. The ordinance is inconsistent with existing community, and regional Comprehensive Plans and Assessments.
6. The ordinance ignores federal regulation by omissions in procedure and processes.
7. The ordinance contradicts itself by employing some criteria from the most recent Comprehensive plan, but administratively does not ensure enforcement. The ordinance <u>mandates</u> variances based on nonspecific language like: to the extent practicable.
8. And the administrative procedures do not support the individual property rights of adjacent property owners with standing, because the Ordinance combines administrative, legislative and quasi-judicial functions, and allows variance to be issued without prior public notification, opportunity to cross examine witnesses or findings of fact or specifically qualifying criteria.

Rufus Poole co-wrote the enabling legislation for our national historic preservation act and designed the processes, criteria and mechanisms for a national historic trusts. The environmental sensitivity of the site has been defined in existing studies, and planning documents. These documents trigger a full review under the federal and state statutes. Reviewing the structure under the deficiencies of the IDO is illogical. These problem and procedural issues can't be resolved within mandated generated by the IDO Zoning

ordinance, because to do so contradicts existing federal and state requirements and the IDO itself.

Thank you,
Elizabeth Haley M Arch
505 407 4381
ekhaley@comcast.net

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[i] Bernalillo County The Parks, Recreation & Open Space Facilities Master Plan (PROS Plan) 2015, Page 30: "Paradise Hills is the most challenged of any of the NCAs and meets only one of the level-of-service standards. This is due to the fact that the pace of growth has outstripped the ability of the City and County to provide parks and recreation facilities in this area. The gap is projected to increase dramatically in five of nine categories by 2030. The County will have to work with the City to identify opportunities to remedy these shortfalls through acquisition and development of new facilities and increasing the scale of existing facilities such as Paradise Hills Community Center."

[ii] Bernalillo County The Parks, Recreation & Open Space Facilities Master Plan (PROS Plan) 2015, Page 30: "Paradise Hills is the most challenged of any of the NCAs and meets only one of the level-of-service standards. This is due to the fact that the pace of growth has outstripped the ability of the City and County to provide parks and recreation facilities in this area. The gap is projected to increase dramatically in five of nine categories by 2030. The County will have to work with the City to identify opportunities to remedy these shortfalls through acquisition and development of new facilities and increasing the scale of existing facilities such as Paradise Hills Community Center."

[iii] (COA DPM Chapter 22, Section 18 IMPACT FEES REGULATIONS 2018, proposed).

[iv] Process for changing the legal description/ zone classification of a lot with the Office of the Bernalillo County Clerk: **Universal Citation:** NM Stat § 61-23-28.2 (2017) **61-23-28.2. Surveying; record of survey. (Repealed effective July 1, 2024.)**

A. For those surveys that do not create a division of land but only show existing tracts of record, except in the instance of re-monumentation as specified in the board's minimum standards for boundary surveys, within sixty calendar days of the completion of the survey, a professional surveyor shall cause to be recorded at the office of the county clerk a survey entitled "boundary survey" that shall:

(1) contain a printed certification of the professional surveyor stating that "this is a boundary survey of an existing tract", or existing tracts, if appropriate, and that "it is not a land division or subdivision as defined in the New Mexico Subdivision Act";

(2) identify all tracts by the uniform parcel code designation or other designation established by the county assessor, if applicable;

(3) meet the minimum standards for surveying in New Mexico as established by the board; and

(4) not exceed a size of eighteen inches by twenty-four inches and be at least eight and one-half inches by eleven inches or as required by the local governing authority.

B. Fees for recording a boundary survey shall be in conformance with Section 14-8-15 NMSA 1978.

C. For those surveys that create a division of land, the survey shall be completed in conformity with the board's minimum standards and in conformity with the New Mexico Subdivision Act and any applicable local subdivision ordinances. Filing procedures shall be prescribed in the board's minimum standards. The record of survey required to be filed

and recorded pursuant to this subsection shall be recorded at the office of the county clerk within sixty calendar days after completion of the survey or approval by the governing authority.

[v] Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011. Page 54-55
Jurisdictional wetlands (relative to Section 404 of the Clean water Act) do occur in the Proposed Action Area. Most wetlands within the floodway have developed in areas with a high groundwater table. Those in shallow basins or relatively far from the river are likely seasonally or temporarily flooded; that is, inundated during the majority, or just a portion, of the growing season, respectively. Within the Rio Grande floodway, most islands, point bars and side channels are periodically inundated by river flows and support marsh, meadow or shrub wetland communities.

Abandoned channels or depressions deep enough to intersect the regional ground water table often support permanently or semi-permanently flooded ponds and marshes. The San Antonio Oxbow is an example of this type within the Proposed Action Area, and is one of the largest wetland complexes in the Middle Rio Grande valley. This wetland's water regime is influenced by shallow groundwater, and surface water from the Rio Grande, San Antonio Arroyo, and the riverside drain.

[vi] Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredgedor fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must first show that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts.

Proposed activities are regulated through a permit review process. An individual permit is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers, which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines, regulations promulgated by EPA. Some states have assumed this permitting authority and regulate these activities.

https://www.epa.gov/cwa-404/section-404-permit-program

[vii] **Public Meeting or Public Hearing: What is the Difference?**
https://www.rrnm.gov/DocumentCenter/View/64362
Rules and distinctions between legislative and quasi-judicial; New Mexico Municipal League PowerPoint presentation

October 30, 2018

Cheryl Somerfeldt
Planner City of Albuquerque

Planner Somerfeldt,
Please submit this email to Record Proper.

RE: EPC Hearing scheduled November 8, DRB Hearing Scheduled November 7

Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenido Place; and: Oxbow Open Space Applicant: Gamma Development, LLC

Bernalillo County has been my home for over forty years. I chose to relocate to Albuquerque for the unique educational opportunities offered by the University of New Mexico, School of Architecture and Planning. After completing my Master of Architecture, I stayed in Albuquerque, because there was an ethos here, a communal agreement about conservation of culture and history, inclusivity and tolerance, and a regional architectural style, pueblo revival, derived from hand-built traditions that celebrated New Mexico's unique tripartite culture. The University of New Mexico's landscape architects, ecologist, geologists, architects, architectural historians published here and their books and articles were the lenses that gave focus to what made Albuquerque a visually interesting city. The geologically spectacular landscape, with the contrasting volcanic and riparian resources of the Rio Grande Rift Valley, somehow undiminished by centuries of human influences gave me awe. All these forces made me proud to be a burqueña.

My small firm was recruited for most contracts and the procurement was justified under federal and state procurement criteria for hiring a sole source due to subject matter expertise. These projects often included coordination with coalitions of state and federal governments, tribal governments and nonprofit entities. The National Park Service and states of Arizona and New Mexico Historic Preservation Offices approved my qualifications to act as an architectural historian for pre-Columbian and regional architecture. My professional portfolio includes projects for: the National Endowment for the Humanities, National Park Service, the White House Office of Management and Budget, Indian Health Service, the Department of the Interior, Bureau of Reclamation, Bureau of Indian Affairs and State of Arizona. National and regional nonprofit entities and several tribal nations were also clients. I have served as an adjunct professor for the University of New Mexico School of Architecture and Planning, and was a co-author of Congressional Testimony delivered before the United States House of Representatives, Natural Resources Committee on federal trust land regulation, ordinances, technology and data management in October 2008.

Many of the building structure in these projects were qualifying and subsequently loaded into Heritage Documentation Programs.

The Historic American Buildings Survey (HABS), the Federal Government's oldest preservation program, and its companion programs: the Historic American

Engineering Record (HAER) and Historic American Landscapes Survey (HALS) are administered by the Heritage Documentation Programs. These programs are part of the legacy of Rufus G. Poole who co-authored the enabling federal legislation creating them. My experience is sufficient to speak to the historic structures reports and [i]project review processes mandated or abbreviated by the IDO, and speak to the application of these processes to the Poole Property. Having conducted several thousand project reviews, I have questions about the internal contradictions within the ordinance.

ADDITIONAL CONSIDERATIONS: HISTORIC STRUCTURES REPORT PRESERVATION AND SUITABILITY FOR NOMINATION TO THE NATIONAL REGISTER.

Part of the proposed site development plan includes the redirection of storm water to the San Antonio arroyo. The federal MS4 storm water permit might trigger federal historic structures evaluations for the Poole Ranch residence[ii]. The structure was built over fifty years ago. The building cluster was well maintained and would conform to federal and state nomination criteria and past Albuquerque Historic Preservation Ordinance criteria[iii]. It is unclear whether these historic buildings would meet the Integrated Development Ordinance, where developer interest and standing are heavily asymmetrically weighted.

The Rufus G. and Suzanne Hanson Poole Historic Ranch, is the entry point to a historic landscape and Ecology and Conservation District comprised of Open Space and the Rio Grande State Park and Nature Center. The San Antonio Oxbow Overlook is the best view of this area and a gateway from the Westside of the Rio Grande. The House and Gardens open to views of the Bosque and semicircular San Antonio Oxbow. The site is primarily undeveloped and disturbed, but because the majority of the Poole's residual property was maintained in its undeveloped state, the site also affords spectacular public views. Those public views may become private property depending on how the City of Albuquerque (COA) Planning Department's interprets the recently approved Zoning Ordinance developed by a outside consultant and called the IDO or Integrated Development Ordinance. The IDO is a radical departure from the policy trajectory, principals and goals of historic Albuquerque Comprehensive Plans. The IDO is regressive legislation rolling back of decades of protections for environmental, geologic, cultural and historic resources. The choice to arbitrarily remove protections for historic structures based on solely on location as opposed to criteria is incredibly Ironic because Rufus Poole as the coauthor of the first comprehensive National Historic Preservation Programs.

CONSERVATION LANDSCAPE AND CONTRIBUTING ARCHITECTURAL FEATURES.

Albuquerque's unique rift valley is a geological treasure and the only young volcanic rift valley within a metropolitan population area in North America. This unique geology feature is comprised of different ecological zones. One feature of the rift is the Rio Grande, open spaces, riparian conservation areas, wetlands and Bosque. The Pooles were early conservationist, and Rufus Poole, as Assistant Solicitor for the Department of the Interior under Harold Ikes coauthored some of the New Deals most import conservation and natural resources regulatory legislation including the first Historic Preservation legislation. He continued that work after he left government for private practice as President of the National Bar Association's Administrative Law Section.

HISTORIC AND CULTURAL SIGNIFICANCE OF THE POOLE PROPERTY

The Criteria used is from the National Historic Preservations Guide. The Nation Historic Preservation criteria were adopted in Albuquerque in 1978. Until the last mayoral administration and the IDO Ordinance strip areas of the city from historic protection and limited the scope of qualifying categories and data gathering, thus limiting our understanding of historic features in Albuquerque and especially the northwest mesa, were few structures represent the historic, period. The Poole Ranch is unusual for it's size level of handmade craftsmanship and association with significant historic and architectural figures in Regional Architecture and especial the Pueblo Revival Style. In the City of Albuquerque, Historic Structures Report there was an error. Pueblo Revival is not an architectural period it is a regional style of architecture.

The style has representations from many decades and uses massing and elements from Pueblo, early Spanish and Mexican Adobe Structures. Plazas and basilica forms are important building types, but not necessarily adobe materials. The School of Architecture designed by Antoine Predock is a modernist buildings, with elements of Pueblo Revival Style in keeping with the whole of the University of New Mexico Campus. John Gaw Meem originally designed the campus in the 1930s. He called the campus "a pueblo on the hill." Predock's masterpiece La Luz also has Pueblo Revival Elements, although it is a modernist building in plan. The La Luz site was purchased from the Poole's by Ray Graham is associated with the Poole Ranch. These projects are example of a stylistic compendium and serve as key examples of post-war progression of the style. And the naturally passive solar designs incorporating more technically engineered design

Named after a local architect and donor to the School of Architecture, George Pearl Hall brings into the twenty-first century the long-standing debate over how the University of New Mexico should balance the competing interests of antiquity and modernity when representing itself. George Pearl Hall at once mediates between the campus and the city, and recasts the image that John Gaw Meem had codified in the 1930s for this "pueblo on the mesa."

The Zimmerman Library, main library at The University of New Mexico has contributions from both Meem and Pearl 1936–1938, John Gaw Meem; 1963–1967 addition, Ferguson Stevens Mallory and Pearl; 1973–1976 addition.

The following is a description stylistically of the Pueblo Revival Style:

Where Scholes Hall makes literal use of the mission church at Acoma Pueblo, Zimmerman Library deploys the now-generalized language of a "Modified Pueblo" or Spanish-Pueblo style to evoke, rather than copy, its historical sources. Thus, the design avoids the cultural and programmatic dissonance that can come from using past forms too literally for different purposes in the present. This stylistic loosening allowed Meem to express the library's function with a frankly revealed stack tower, whose continuous vertical piers punctuated by decorated concrete spandrels are foreign to Pueblo and Spanish Colonial traditions, yet suggestively reminiscent of more modern structures like Louis Sullivan's Wainwright Building in Saint Louis. Inside, this loosening similarly allowed Meem to re-imagine the single-nave spaces of Spanish Colonial churches as stately reading rooms that elide notions of spiritual with secular enlightenment.

The generous budget, combined with the skilled yet inexpensive labor available during the Depression, made it possible to complete the modern structure of brick, hollow terra-cotta tile, and reinforced concrete with carefully crafted details. {Hand crafted details are representative of the style in found within the Poole property. The

battered profiles of the library's exterior, recalling mission churches, were realized with double walls of brick, which pair a perpendicular inner wall with an outer sloping wall that ends at a connecting curved parapet. The vigas that span the 35-foot-wide interiors are actually reinforced concrete beams clad with wood boards decorated by Native American artists.

[George Pearl's] love for the state, its people, culture, and architecture, made him an advocate for the preservation of its cultural and natural environment. George's career spanned over 30 years with SMPC Architects where his architectural designs included the pedestrian bridge over Lomas Blvd at UNM Hospital, the Albuquerque Public Library and several historic churches of New Mexico. At the same time, he served in a number of key advocacy roles for historic preservation and has advised on the maintenance of historic churches and restoration of historic structures.[iv]

George Clayton Pearl and John Gaw Meem are both associated with the Poole Property The main building was designed around and anchors an ecological wetland.

SIGNIFICANCE AS LINKED TO A PERSON

Rufus G. Poole, owner, original resident and developer with his wife Suzanne Hanson Poole. The Poole Property has a vital connection to National Historic Preservation. As Assistant Solicitor for the Department of the Interior in 1933, Rufus G. Poole was the co-author of the legislation incorporating the overall plan for a national program of historic preservation as well as the administrative machinery for a national park trust fund board. Rufus G. Poole, was not only the architect of our National Historic Preservation Institutions, and national historic survey criteria, but as Assistant Solicitor of the Department of the Interior (1933-1937) under Harold Ickes, Rufus Poole authored much of the "New Deal Legislation" defining our federal lands held in trust. Poole was a specialist in the Administrative Law protecting natural resources we hold in common public trust and ownership. Poole contributions to administrative law as DOI Assistant Solicitor also include: grazing and water rights, timber rights, soil conservation service[v], historic preservation and Indian Law. Rufus G. Poole was the architecture of Public Land Laws that have shaped not only New Mexico, but the whole of the western United States.

Poole was also Associate Solicitor in the Labor Department Under Secretary Mrs. Frances Perkins from 1937-1950 and wrote extensively on the enforcement of the Wage and Hour Act. The Act introduced the Minimum Wage, a key component of economic recovery in the New Deal Legislative Agenda. There is a theme running through Rufus Poole's government, private and institutional law practice and writing. He chose projects or accepted assignment defining how administrative law effects the rights of all of us, weighing individual rights to use lands to create capital against public property rights. During his later private practice and role as President of the American Bar Association's, Administrative Law Section, Poole was the author of articles and legal opinions requiring legislative bodies to be explicit, when they chose to weigh the profits of the few over the well being of the many.

Properties meeting definitions of communal property interest are assigned special protections. Collecting and weighing data isn't ignoring property rights; it is protecting our communal interest in property determinations impacting our communal resources: water, air, fire protection etc. The City Council is attempting to reduce community standing, by restricting the radius of standing or requirements for notification legislatively (through an

ordinance). However a local ordinance can't ignore federal and state regulations. That means data must be collected and if collected used for development restrictions and cannot be not waived because a variance has been issued to the developer.

The San Antonio Oxbow is a miracle that survived Bosque Fires and Water Restrictions. It is also a very well documented feature including US Army Corp Of Engineers Environmental Assessments (2011, 2016), Water testing and gauging on the San Antonio Arroyo and positive findings under the Environment Assessment for Endangered Species Act (2016) in the Oxbow and the documented need for Storm Water Permits.

In 1934, Congress passed the Taylor Grazing Act (48 Stat 1269, "Act of June 28, 1934" codified at 43 U.S.C. 315 et seq) "to stop injury to public grazing lands by preventing over-grazing and soil deterioration, to provide for orderly use, improvement and development, to stabilize the livestock industry dependent upon the public range." The Act applied to remaining unreserved public domain lands, managed by the BLM, which had not yet been offered for disposal

Rufus G. Poole, Assistant Solicitor for the Department was principal spokesman for the Interior during all the hearings on the Taylor Grazing Act. On page two of this same Report, Ickes is quoted: "We have no intention of making this a revenue producer at all." The Secretary [Harold Ickes] and Poole insisted that they had staff and information and bureau enough to administer the Act, if it were passed [vi]

During Congressional Testimony about the Oregon and California Yield Act and timber rights and the cost of conservation Poole explained:
"[T]he forests were not revenue-builders, but rather a "national resource that we want to hold in perpetuity and protect as a reservoir for the timber needs of the United States."

As a Labor Department Attorney, Poole Led Congressional Testimony on the Fair Labor and Wage Act, introducing the minimum wage and a key provision of the "New Deal".

Poole was a past chairman of the American Bar Association Section on Administrative Law and the secretary of the Association of American Indian Law. Through those assignments and National Bar Association Publications and Congressional Testimony, Poole continued to shape federal law especially those impacting the conservation measure of the US Army Corp of Engineers, National Park Service and Bureaus of the Departments of the Interior and Department of Agriculture. Poole shaped environmental and conservation regulation. In many ways he legislated conservation and preservation resources existence and sustaining support.[vii]

As Chairman of the American Bar Association Section on State Administration, Poole engineered also changes in the Department of Interiors Regulation on rules allowing tribal nation to select the attorneys representing them; a small but critical game-changer in Indian Rights Law.[viii]

Cultural figures of the period connect the house with larger movements and cultural events in Albuquerque including: The Pueblo Revival in late twenty century Architecture. associated with Architects George Pearl and John Gaw Meem, conservation and environmental movements, Native American Land Rights and Arts Planners, Philanthropists and Patrons. The Pooles were recognized figures in zeitgeist of the 1950s and 1960s not just for Albuquerque, but the County. Rufus Poole died in 1968,

but Suzanne Poole continued their philanthropy even after her death through generous bequests. Suzanne Poole was independently wealth.

Roy Hanson, her father bought two patents for "see-through paper". His business, producing cellophane, thrived during the Depression and WWII because cellophane protected cigarette packages and cigarettes were generously distributed to soldiers. He eventually sold his prosperous company to Benson and Hedges (Philip Morris) cigarettes thus allowing his daughter to become a generous philanthropist.[ix]

The Poole property was at the center of a social and political group, experienced in law and government and recently transplant. This group was concerned with preserving Albuquerque's unique sense of place and priceless natural resources. Both Pooles were patrons of the arts. Rufus Poole was a former Board President of the Albuquerque Symphony. Instrumental with her husband on a committee to bring a performing arts center to UNM, Suzanne Hanson Poole later gave Popejoy Hall $655,874 in 2009 to help buy a new state-of-the-art sound system.

In 1970 President Nixon appointed Suzy to the John F. Kennedy Center's Advisory Committee on the Arts. Suzanne Hanson Poole first underwrote an entire production for the Santa Fe Opera starting in 1986 with "Die Fledermaus." She attended every production of every season almost without fail. This continued through her final year, when she underwrote the production of "Faust," which she said transported her. In 2007 she expanded her gift from the Opera house stage to the simulcast presentation of La Boheme. Residents in Santa Fe and Albuquerque were treated to an outdoor live performance of the opera in Major's Park and Tiguex Park for thousands of people to enjoy.

The story of the Pooles and the Oxbow and the Blue Lake is visual, iconic and redolent of our best memories of what drew many to Albuquerque during and after World War II. It is a story of diverse communities of interest coming together, national activism and a long fight and public outcry for justice in Indian Land Management Trust Law.
This house was a stop for almost every scientist, artist, architect, musicians and political figure and presidents representing both parties in the post war era. This house was a stop for almost all national figures traveling through New Mexico, because the Pooles were lobbying for conservation, environmental protection, and social justice and endowing the arts. The restoration of the Rio Grande and projects benefiting the Nature Center, Oxbow Conservation Area and the Santa Fe Opera, Symphony, Albuquerque Art Museum and Poejoy Hall were all endowed through their efforts.

The Pooles nurtured much of what is exceptional about Albuquerque and its unique sense of place. One of the most significant events tied to the house is the legal battle for the Blue Lake. The legislation engineered by Rufus G. Poole returning Blue Lake to the Taos Pueblo is a milestone in the legal battle for indigenous rights and consumed his energies for the last six years of his life. The legislation reverted management of the lake from the Bureau of Land Management (BLM) to tribal trust status and Taos Pueblo. It is a story about a sacred lake and Native Americans wishing to protect it from logging and development, and once again worship at their sacred placed as they had done for hundreds if not thousands of years. (Taos Pueblo is one of the oldest continuously occupied urban spaces in North America.) The legislation also reminds us there was a time when both parties could join with an embattled President (President Nixon, 1970) to right a wrong. It is also worth noting that Rufus G. Poole wrote the legislation that made

possible the permit for logging at Blue Lake. Sometimes legislation created with the best intentions must be amended to better protect individual and communal property rights.

Rufus Poole, Assistant Solicitor General of the Department of the Interior and the Passage of Legislation for National Program of Historic Preservation. The [federal government New Deal] reorganization of 1933 revealed the lack of a comprehensive nationwide program for the selection, acquisition, and preservation of historical and archeological sites. The federal government had been unable to plan, promote, and develop a well-rounded national program for the preservation of American historical and archeological sites under existing legislation. Certain periods of American history were well represented in terms of historical areas, while others equally important in the growth and development of the nation were ignored… no systematic evaluation of the historical resources of the nation had ever been undertaken … Several factors helped to focus attention on the need for new legislation in the field of historic preservation in the early 1930s…HABS directed attention to the vast number of important historical structures that were rapidly disappearing and the need for a comprehensive policy of wise selection based on high preservation standards…In early January 1935 he [J. Thomas Schneider, Assistant to Harold Ickes, the Secretary of the Interior under FDR] drafted a bill with the help of Assistant Solicitor Rufus G. Poole, incorporating the overall plan for a national program of historic preservation as well as the administrative machinery for a national park trust fund board.

Rufus Poole during his tenure at the Department of the Interior authored several other major legislative initiatives changing the character of western state such as grazing rights and water rights legislation. He is perhaps best known aside from his water rights and conservation efforts, as The longtime advocate to return the sacred Blue Lake to Taos Pueblo.

Princeton University Library and the State of New Mexico have Rufus G. Poole's papers and correspondence concerning his role as special attorney to the [Taos] Pueblo and the collection also document the founding of the National Committee for Restoration of the Blue Lake Lands. Rufus Poole spent the last six years of his life laying the legal and legislative groundwork to have Blue Lake returned to Taos Pueblo. From the Santa Fe New Mexican, Nixon Crucial to Taos Pueblo 's Recovery of Blue Lake; Support 40 years ago helped tribe regain sacred lands (September 11, 2010):

"During the Theodore Roosevelt administration, the U.S. government seized ownership of 48,000 acres of tribal lands as part of the Carson National Forest. The land included Blue Lake, site of the tribe's annual pilgrimage and some of its sacred ceremonies…As the late Paul Bernal, longtime tribal secretary, once said, not one person alone is responsible for Blue Lake's return. The effort, which ended in 1970, took the persistence of Taos Pueblo leaders (many of whom are now deceased), other tribes and non-native friends…Federal officials stymied the tribe's opponents, including Clinton Anderson, a New Mexico U.S. senator who said returning the land would set a bad precedent. But Taos Pueblo had the bipartisan backing of key legislators such as U.S. Sens. Fred Harris, Edward Kennedy, Robert Kennedy, Barry Goldwater and George McGovern. And the tribe found a formidable supporter when Nixon became aware of its cause… Nixon said at signing ceremony for the legislation returning the lake:
'I consider the signing of Public Law 91-550 one of the most significant achievements of my Administration. It is more than just a land settlement: It is a symbolic turning point in

the history of those who were the first Americans. It is the beginning of a new era which will finally achieve for you the fullness of the prosperity and progress you deserve as citizens of this richly endowed land.'"

THE MAIN STRUCTURES, HOUSE AND LANDSCAPED GARDENS

The Poole home is probably a contributing historic pueblo revival adobe home and the jewel in a major ecological historic landscape. A place so special it should be documented for both HALS and HABS, and should be preserved. It should also be preserved for the home's historic connections to the repatriation of The Sacred Blue Lake to Taos Pueblo. Rufus Poole was the consulting attorney to Taos Pueblo and spent his final years on that important civil rights legislation, signed in 1970 by Richard Nixon. The house and garden complex are over fifty years old and have contributing original materials in the pueblo revival style. It is part of a conservation complex and historic landscape including the San Antonio Oxbow, the Rio Grande Nature Center and Rio Grande State Park. Mrs. Poole displayed pre-Columbian material culture found on the site and a garden with native and medicinal plants. The house was well maintained until her death five years ago, with excellent conservation of its traditional adobe features including local artist carvings of traditional wooden elements: posts, corbels, vigas, latias and carved doors. Hand glazed tile is used. Georg Pearl, Historic Architect, namesake of the University of New Mexico School of Architecture building wrote a draft nomination to the Nation Register of Historic Structure for the house. Mr. Pearl defined the origins and evolution of New Mexico regional architecture and the Pueblo Revival Style. And John Gaw Meen, Architect of the University of New Mexico Campus and leading proponent of the Pueblo Revival style contributed the exterior stucco color choices. The exterior spaces are especially lovely as Mrs. Poole was also a great patron of the Santa Fe Opera, Albuquerque and New Mexico Symphony Orchestra and Popejoy Hall Performing Center. Mrs. Poole was a performer and enjoyed using her home for benefits for arts foundations and fund raising events. Many national cultural and political figures stayed there.

There is no other city in America where this house would be demolished at the whim of a developer, rather than preserved as part of the historic legacy of its owners to New Mexico and National history, or the cultural context as the home of an author of the bill, incorporating the overall plan for a national program of historic preservation as well as the administrative machinery for a national park trust fund board. The legacy to Indian Law, the legislation saving Blue Lake, Federal Trust Land and Water Rights Legislation; Conservation History. The House is connected with the creation of the Conservancy Areas and Rio Grande Nature Center and Rio Grande State Park. The Oxbow Outlook on the property is a primary link to these features and the these remaining parcels are the centerpieces of a conservation landscape that should have made a preservation decision easy. However, less than six months ago the Albuquerque City Council decided to strip away historic protections for every property outside of a handful of locations: From photographic evidence the Poole house was in fairly pristine condition when acquired by a local developer, in a private real estate transaction with the Poole family trust.

CONSERVATION LANDSCAPE AND DISTRICT

Pooles were also conservationists. And Suzanne Hanson Poole was a committed environmentalist having preserved several stretches of the Rio Grande and numerous other projects in partnership with The Nature Conservancy and Wild Earth Guardians. She had just completed a project and underwritten the publication of thousands of

photos by Adriel Heisey of the Rio Grande from its headwaters to the Gulf taken by air in a book called "The Rio Grande An Eagle's View.

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

CONCENTRATION, LINKAGE, & CONTINUITY OF FEATURES
A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A district can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment. The Poole Hacienda is a reflection of the architectural and environmental movements that coalesced into a civic force in Albuquerque in the 1950s and 1960s. The House reflects natural components of the Pueblo Revival Style and the placement of the house and grounds reflect a desire to be connected with the natural World and the larger present conservation area. These attributes of architecture, nature, historic reference and handmade components signaled the beginnings of the Conservation and Preservation Movements in Albuquerque, making the house part of the larger conservation district and state park that the Poole worked to create and endow.

Of its indigenous architecture [New Mexico], George [Pearl] said, "It's the oldest tradition of any in the country and also has the closest relationship to the landscape."

SIGNIFICANCE
A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archeological, engineering, or cultural values. Therefore, districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D. The Poole property is contributing under several Criterion: including historical, architectural, archeological, engineering, or cultural values. Rufus Poole lobbied for changes in the wetland’s management and engineering to mitigate for flash floods and periodic dry spells due to large amounts of downstream water discharge, according to staff verbal reports.

TYPES OF FEATURES
A district can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.
A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The numbers of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole. Currently the Area

surrounding the Poole Hacienda is relatively untouched and there is anecdotal evidence of archeological and material culture deposits. The House and grounds were built to open up to the views of the Oxbow and the Conservation area was the reason for the selection of the building site,

GEOGRAPHICAL BOUNDARIES

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

The Rio Grande Bosque and riparian restoration and conservation areas within and without of the Rio Grande State Park could be considered a Discontiguous Districts
A district is usually a single geographic area of contiguous historic properties; however, a district can also be composed of two or more definable significant areas separated by nonsignificant areas. A discontiguous district is most appropriate where:

- Elements are spatially discrete;
- Space between the elements is not related to the significance of the district; and
- Visual continuity is not a factor in the significance.

By virtue of the Poole property's location, the historic buildings don't have protections against razing by developers, unless already on a preservation register, but if located elsewhere, would engage the preservation review process in Albuquerque ordinances since 1978. The IDO has language from the Comprehensive Plan, but administrative process to ignore those trouble Comp Plan criteria directives. My opinion given the beauty of the place, historic stature of the occupants and their ties to culture, historic and environmental preservation (Rufus Poole co-wrote the enabling legislation for our national historic preservation act and designed the processes, criteria and historic trusts) the COA should look to the IDO for the development criteria, because the administrative loopholes will be closed by class action litigation, administrative actions of enforcement agencies, punitive penalties and revocation of enforcement.

Everyone in the Middle Rio Grande Valley shares air, water, natural resources, geological wonders, and cultural and historic treasure. We have short life spans, requiring continuity in art, history, law and the preservation of our common past, common rights, ecological wonders and this jewel of a valley. The historic Poole Adobe home and garden complex is situated on approximately twenty-three acres on the bluffs overlooking the Oxbow Wetlands Conservation Area, CAO Open Space and US Army Corp of Engineers managed river. The Nature Center is located across the river. Rufus and Suzanne Poole donated to public conservation projects benefiting the Oxbow. Until the death of Suzy Poole, the remaining residual parcels from their ranch were zoned Agricultural. These parcels were primarily undeveloped, with low levels of soil disturbance and functioned as natural infiltration and groundwater recharge areas. The higher elevations of the buff property is bordered by the adjacent unlined San Antonio Arroyo and according to the US Army Corp of Engineers, both ground water and hydrating the conservations areas below the property, including the San Antonio Oxbow with ground water, arroyo flows and River water during period of the Spring, when the Rio Grande has higher flows from snow melting at the higher elevations.

Excerpted from: Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011. Page 54-55
"Jurisdictional wetlands (relative to Section 404 of the Clean water Act) do occur in the Proposed Action Area. Most wetlands within the floodway have developed in areas with a high groundwater table. Those in shallow basins are relatively far from the river are likely seasonally or temporarily flooded; that is, inundated during the majority, or just a portion, of the growing season, respectively. Within the Rio Grande floodway, river flows and support marsh, meadow or shrub wetland communities periodically inundate most islands, point bars and side channels. Abandoned channels or depressions deep enough to intersect the regional ground water table often support permanently or semi-permanently flooded ponds and marshes. The San Antonio Oxbow is an example of this type within the Proposed Action Area, and is one of the largest wetland complexes in the Middle Rio Grande valley. This wetland's water regime is influenced by shallow groundwater, and surface water from the Rio Grande, San Antonio Arroyo, and the riverside drain."

Under some provisions of the IDO the project would not be considered. Within the Ordinance's Development Standards, the Poole property could be identified with most of the ten categories of sensitive lands and provision saying nothing should be developed, but equally no matter how sensitive, a variance is available; contradictory statements, but equally accurate in terms of the IDO.

IDO Part 14-16-5: Development Standards 5-2 (Page 198)
5-2: Site Design and Sensitive Lands 5-2(C) AVOIDANCE OF SENSITIVE LANDS
5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:
5-2(C)(1)(a) Floodplains and flood hazard areas
5-2(C)(1)(b) Steep slopes
5-2(C)(1)(c) Unstable soils
5-2(C)(1)(d) Wetlands
5-2(C)(1)(e) Arroyos
5-2(C)(1)(f) Irrigation facilities (acequias)
5-2(C)(1)(g) Escarpments
5-2(C)(1)(h) Rock outcroppings
5-2(C)(1)(i) Large stands of mature trees
5-2(C)(1)(j) Archaeological sites

6-5(G)(2) Procedure
6-5(G)(2)(a) The ZEO shall review the application and make a decision on the Site Plan – Administrative. An initial review with comments shall be completed within 10 business days of the receipt of a complete application.
6-5(G)(2)(b) For properties in the NR-PO zone district, the ZEO shall coordinate the review with Parks and Recreation and/or Cultural Services staff, as relevant.
6-5(G)(2)(c) The ZEO may also grant Deviations to IDO standards as part of this approval within the thresholds established per Section 14-16-6-4(O) (Deviations). Beyond these thresholds, a Variance to IDO standards (other than to standards in Sections 14-16-5-3, 14-16-5-

4, or 14-16-5-5) requires review and approval by the ZHE per
Subsection 14-16-6-6(N) (Variance – ZHE).

6-6(G)(2) Procedure
6-6(G)(2)(a) The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
6-6(G)(2)(b) The DRB shall conduct a public meeting on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
6-6(G)(2)(c) A Site Plan – DRB may not be approved until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
6-6(G)(2)(d) The DRB may grant Deviations to IDO standards as part of this approval within the thresholds established per Section 14-16-6-
4(O) (Deviations).
6-6(G)(2)(e) The DRB may grant a Variance to standards in Sections 14-16- 5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-
16-5-5 (Parking and Loading), or the DPM as part of this approval per Subsection 14-16-6-6(L) (Variance – DRB).
6-6(G)(2)(f) Site Plans shall be reviewed administratively for compliance with conditions of approval and zoning standards prior to the issuance of a building permit.

6-6(H)(2)(c) The EPC shall conduct a public hearing on the application and shall make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
6-6(H)(2)(d) The EPC may delegate authority to the DRB to determine technical review of compliance with conditions of approval and DPM standards.
6-6(H)(2)(e) A Site Plan – EPC may not be approved until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
6-6(H)(2)(f) The EPC may grant a Variance to IDO standards as part of this approval per Section 14-16-6-6(M) (Variance – EPC).
6-6(H)(2)(g) Site Plans shall be reviewed administratively for compliance with conditions of approval and zoning standards prior to the issuance of a building permit.
6-6(H)(3) Review and Decision Criteria
Any application for a Site Plan – EPC shall be approved if it meets all of the following criteria:
6-6(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.
6-6(H)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.
6-6(H)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.
6-6(H)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.
6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

This “one-size fits all” zoning ordinance interprets agricultural parcels abutting critical

wetlands, views, historic structures, and sections of historically significant conservation landscape developed by the Poole family, as an opportunities for urban sprawl infill. Rufus Poole was a Deputy Secretary of the Department of the Interior and a water law attorney who assisted the Taos Pueblo in obtaining control over their sacred Blue Lake from a developer who sought to exploit it as a commodity. The Poole's also helped raise funds for the protection of the Alvarado Hotel, after the City of Albuquerque issued permits for its demolition. The City still lists the hotel as one of its important historic and cultural structures, sadly now gone.

Ordinances are designed to weigh private interest and community interest. The transitory profit of developers must be weighed over the lasting import of a development to the quality of life and communal resources of existing and future property owners. This balance has been clear in every Comprehensive Plan and sector overlay, until this year. The IDO solely weighs land as a commodity and in most cases the scale is weighted to favor the value of land as a commodity to developers not the purchasers, communities or the public good.

The Following are the preventive measure used by the US Army Corp of Engineers on the Restoration project abutting the Poole property to protect Water Quality. Although not in the Bosque, a wetland of the United States, this project abuts the Bosque and uses the San Antonio Arroyo for storm water discharge and the San Antonio arroyo drains into the Rio Grande or waters of the United States. From the Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011. Page 54-55:

"Denuded soils would be susceptible to erosion by wind and water. This erosion could result in introduction of sediment to the Rio Grande. The potential for storm water pollution during construction is minimal for this project. The contractor's work would be in accordance with the National Pollutant Discharge Elimination System permit as described below.
Mechanical equipment such as brush-clearing machines and excavators could potentially leak oil, fuel, or hydraulic fluid, which could reach the Rio Grande and affect surface water quality. Spills of such materials could similarly contaminate surface water in the river or riverside drain. All equipment would be inspected daily to ensure that oil, fuel, hydraulic fluid, or other potential contaminants are not leaking. All petroleum products would be stored outside of the 100-year floodplain and maintained to ensure that leaks or spills are contained and remediated at the storage site.

Section 404 of the Clean Water Act requires analysis under the EPA's 404 (b)(1) Guidelines if the Corps proposes to discharge fill material into a water or wetlands of the United States. A 404 (b)(1) Evaluation was completed for this project (Appendix E). The 404 (b)(1) analysis has been completed for Nationwide 33 (Temporary Construction, Access, and Dewatering) due to the potential need to dewater at the bank of the river when constructing the high-flow channels, and Nationwide 27 (Stream and Wetland Restoration Activities) for work that would take place in the San Antonio Oxbow to restore wetland function in that habitat. All conditions under Nationwide 76."

The San Antonio Arroyo as well as groundwater and the Rio Grande are documented sources of water for the Oxbow wetlands.

From the Environmental Assessment for the Middle Rio Grande Bosque Restoration

Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011.
Page 54-55:
"Abandoned channels or depressions deep enough to intersect the regional ground water table often support permanently or semi-permanently flooded ponds and marshes. The San Antonio Oxbow is an example of this type within the Proposed Action Area, and is one of the largest wetland complexes in the Middle Rio Grande valley. This wetland's water regime is influenced by shallow groundwater, and surface water from the Rio Grande, San Antonio Arroyo, and the riverside drain." The Oxbow Wetlands are being sustained by river water and ground water.[x]

Decreased ground water infiltration and infill of the site caused by the proposed site hydrology and drainage plan should be evaluated for both ground water and storm water impacts to the San Antonio Oxbow.

IDO (Page 198)
5-2(C)(4) If avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.[xi]

This illustrates one of the ongoing internal self-contradictions within the IDO and inherent problems with one-size fits all processes - not all land in Albuquerque are geologically similar. Some parcels have preexisting, legally defined and technically described value to public resources, overriding the rights of potential owners and their development partners. Choosing inappropriate uses for lands adjacent or impacting critical public resources should not be expedited or used as part of an approved variance or conditional use criteria. The variance criteria under the IDO Development review sections does not have a priority right over water resources under federal and New Mexico State statutes, nor does the IDO give the Planning Department a legal imperative to expedite plans based solely on the basis of ownership rights. To do so would violate federal and state regulations already weighing private ownership and public investments in resources like water, wetlands, open spaces and existing compliance frameworks including EPA Section 404[xii].

The proposed site plan will certainly impact ground water tables in the San Antonio/Oxbow and may lead to the further spread of drought tolerant, wildfire intensive, invasive and water consuming tree and shrub species. Invasive species removal and eradication projects would be negated after costing $115 million in federal funds (US Army Corp of Engineers Environmental Assessment, 2011) and $800 thousand in New Mexico Environmental Trust Funds (Spartan Industries Report, 2006).

The State of New Mexico should establish dedicated funding sources to support land acquisition and private land conservation in order match all federal funds available for conservation easements and private landowner conservation assistance.

Local government (counties, municipalities) in the Middle Rio Grande should continue to take a significant role in conservation and management of the river and Bosque, recognizing the success of efforts such as Rio Grande Valley State Park. Entities that have open space and agricultural land protection pr ograms should focus efforts and

resources on the Middle Rio Grande and apply for federal grants and assistance. Government entities that lack such programs should establish them, as there is a great need to consolidate development and/or reserve lands from development.

Protect existing and potential high quality wildlife habitat areas through partnerships with agencies and individual landowners as the Poole did throughout their lifetimes. Facilitate and secure resources for existing efforts (land trusts, non-profit organizations, and agency programs) that support conservation easement establishment Prepare and implement a regional, watershed-based “greenprint” plan (or series of more localized plans) that can make recommendations, consistent with existing authorities, as to where to invest in public and private land to protect and improve key habitat, maintain wildlife corridors (throughout the MRG, but especially east-west corridors), and conserve agricultural lands that link the river to adjacent lands, maintain a landscape mosaic, and maintain view sheds like the Poole Property.

Landscape Level Conservation and Restoration. Effective, long-term conservation of the MRG requires: an ecosystem approach that addresses the entire 180-mile stretch; restoration of biological, hydrological, and geomorphologic processes in the MRG to the extent feasible; conservation stewardship and landscape-level connections of publicly-owned protected areas and private working lands; and appropriate recreational use that allows the public to enjoy and connect with the resources. The notion of a living river and river restoration must work within the reality of the river’s modern water supply and management and recognized and protect vested water rights in the MRG. Investment. Programs focused on conservation, education, and recreation in the MRG must be viewed as community, regional, and national investments that will pay short- and long-term dividends to society. Funding for these programs at the local, state, federal, and tribal levels is presently inadequate across the board. The Middle Rio Grande should be a national priority area for federal funds from numerous applicable programs, but federal dollars must be leveraged with increased local and state funding.

The acquisition of the Poole Property to act as a Westside gateway to the Oxbow overlook and Conservation Districts beyond would be valuable to the City of Albuquerque and the Nation.

Thank you,

Elizabeth Haley M Arch
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ekhaley@comcast,net

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[i]

[ii] Criteria for A Historic Structure evaluation:

[iv] Donor Stories George Clayton Pearl Albuquerque Foundation
http://albuquerquefoundation.org/donor-stories-george-clayton-pearl.aspx
[v] Letter to Rufus Poole. Secretary of the Interior File, 1928-1946, Harold L. Ickes Papers …HL Ickes1935
[vi] http://epubs.nsla.nv.gov/statepubs/epubs/210777-1969-1Spring.pdf Taylor Grazing Act of 1937., NEVADA HISTORICAL SOCIETY, SPRING 1969, VO VII, No. 1 (pg 26)
[vii] JOURNAL ARTICLE, NATIONAL COMMITTEE REPORT ON LEGISLATION
Rufus G. Poole and L. Clair Nelson
Administrative Law Bulletin
Vol. 6, No. 4 (AUGUST 1954), pp. 251-269

[viii] COMMITTEE ON STATE ADMINISTRATIVE LAW
CH Woods - Administrative Law Bulletin, 1951 - JSTOR
https://www.jstor.org/stable/40712337?seq=1#page_scan_tab_contents
[ix] Obituary, Albuquerque Journal Sunday July 08, 2012,
http://obits.abqjournal.com/obits/show/227139
[x] Environmental Assessment for the Middle Rio Grande Bosque Restoration Project, Prepared by U.S. Army Corps of Engineers Albuquerque District, June 2011. Page 54-55

[xi] Part 14-16-5: Development Standards 5-2(A): Purpose
5-2: Site Design and Sensitive Lands 5-1(E)(1): Non-residential Zone District Table
Revised and Updated Through May 2018 Integrated Development Ordinance
Page 198 City of Albuquerque, New Mexico
5-2 SITE DESIGN AND SENSITIVE LANDS May 2018 (Page 198)
5-2(A) PURPOSE
The regulations in this Section 14-16-5-2 are established to minimize the impacts of development on the natural environment and to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities. Site design standards are intended to enhance the visual appearance of non-residential development, promote street and neighborhood character, and strengthen the pedestrian environment.
5-2(B) APPLICABILITY
These standards apply to all site development and new subdivisions, unless explicitly exempted elsewhere in this IDO. The design standards in this section are minimum standards.
The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in this IDO.
5-2(C) AVOIDANCE OF SENSITIVE LANDS
5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent practicable, new subdivisions of land and site design shall avoid locating development, except for open spaces and areas that will not be disturbed during the development process, in the following types of sensitive lands:
5-2(C)(1)(a) Floodplains and flood hazard areas
5-2(C)(1)(b) Steep slopes
5-2(C)(1)(c) Unstable soils
5-2(C)(1)(d) Wetlands

5-2(C)(1)(e) Arroyos
5-2(C)(1)(f) Irrigation facilities (acequias)
5-2(C)(1)(g) Escarpments
5-2(C)(1)(h) Rock outcroppings
5-2(C)(1)(i) Large stands of mature trees
5-2(C)(1)(j) Archaeological sites
5-2(C)(2) Street crossings of irrigation ditches and drains shall be minimized to the maximum extent practicable.
5-2(C)(3) Street crossings of sensitive lands shall be minimized to the maximum extent practicable.
5-2(C)(4) If avoidance of sensitive lands, other than floodways and flood fringe areas referenced in Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

[xii] Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).
The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment or (2) the nation's waters would be significantly degraded. In other words, when you apply for a permit, you must first show that steps have been taken to avoid impacts to wetlands, streams and other aquatic resources; that potential impacts have been minimized; and that compensation will be provided for all remaining unavoidable impacts.
Proposed activities are regulated through a permit review process. An individual permit is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers, which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines, regulations promulgated by EPA. Some states have assumed this permitting authority and regulate these activities.
https://www.epa.gov/cwa-404/section-404-permit-program

Somerfeldt, Cheryl

From: UE Medina <uemedina@gmail.com>
Sent: Sunday, November 04, 2018 7:32 PM
To: Somerfeldt, Cheryl
Cc: Rene Horvath; educhaudoir@gmail.com
Subject: (1) Please add this email to Record Proper. (2) ERRATA on Long Range Planning Agency Comments. Project No: PR-2018-001403 and Case No. S1-2019-00171 (3) This technical error calls into question whether the City is checking applicant data or applican...

Follow Up Flag: Follow up
Flag Status: Flagged

Planner Sommerfeldt,

(1) Please add this email to Record Proper to document:

(2) Errata on Long Range Planning Agency Comments.
EPC: Environmental Planning Commission Hearing
Project No: PR-2018-001403 and Case No. S1-2019-00171
Site Address: 5001 Namaste Rd. NW; Between La Bienvenida Place; and: Oxbow Open Space Applicant: Gamma Development, LLC

Errata:
Street names are incorrect on map submitted by City of Albuquerque Long Range Planning as a component of their Agency Comments.

ERROR:
Bienvenida should be shown as the street that runs east-west on the north border of the Poole Property, (not the north-south street that is shown on the map, which is shown in error).

OMISSION:
The north-south Street on west border of property should be Tres Gracias. Tres Gracias was omitted on the submitted map.

CONSENSUS IS NOT RESPONDING TO NEIGHBOR INPUT AS CLAIMED
The neighbors pointed out this map error to Consensus Planning during the August 20 Facilitated Meeting. At that time and since that time, Consensus Planning has claimed repeatedly that they have responded to all neighborhood concerns and mitigated neighbor concerns. However, at the very least, this map error is a technical error, easy to correct but was not corrected by Consensus. Consensus subsequently gave this erroneous map to Long Range Planning. Long Range Planning failed to check the facts and has adopted Consensus error and propagated that technical error.

CITY CANNOT RELY UPON CONSENSUS TO PROVIDE ACCURATE TECHNICAL DATA

(3) Please advise staff in the Planning Department that it would be prudent to stop relying upon Consensus Planning for accurate technical data or accurate maps. It is arguably an error of omission and commission that Consensus has claimed to have listened to and mitigated all neighbor concerns when they have not.

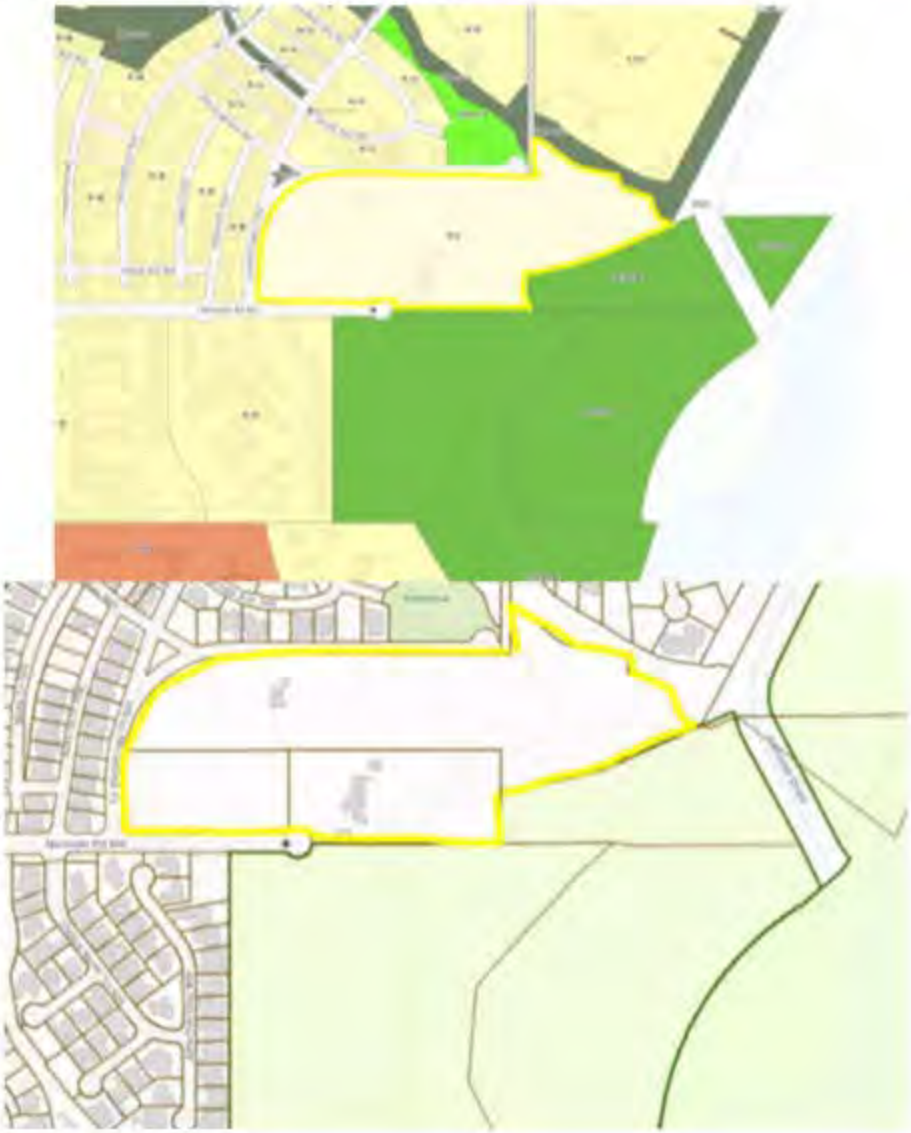
This technical error calls into question whether the City is checking applicant data or applicant-generated facts for technical errors.

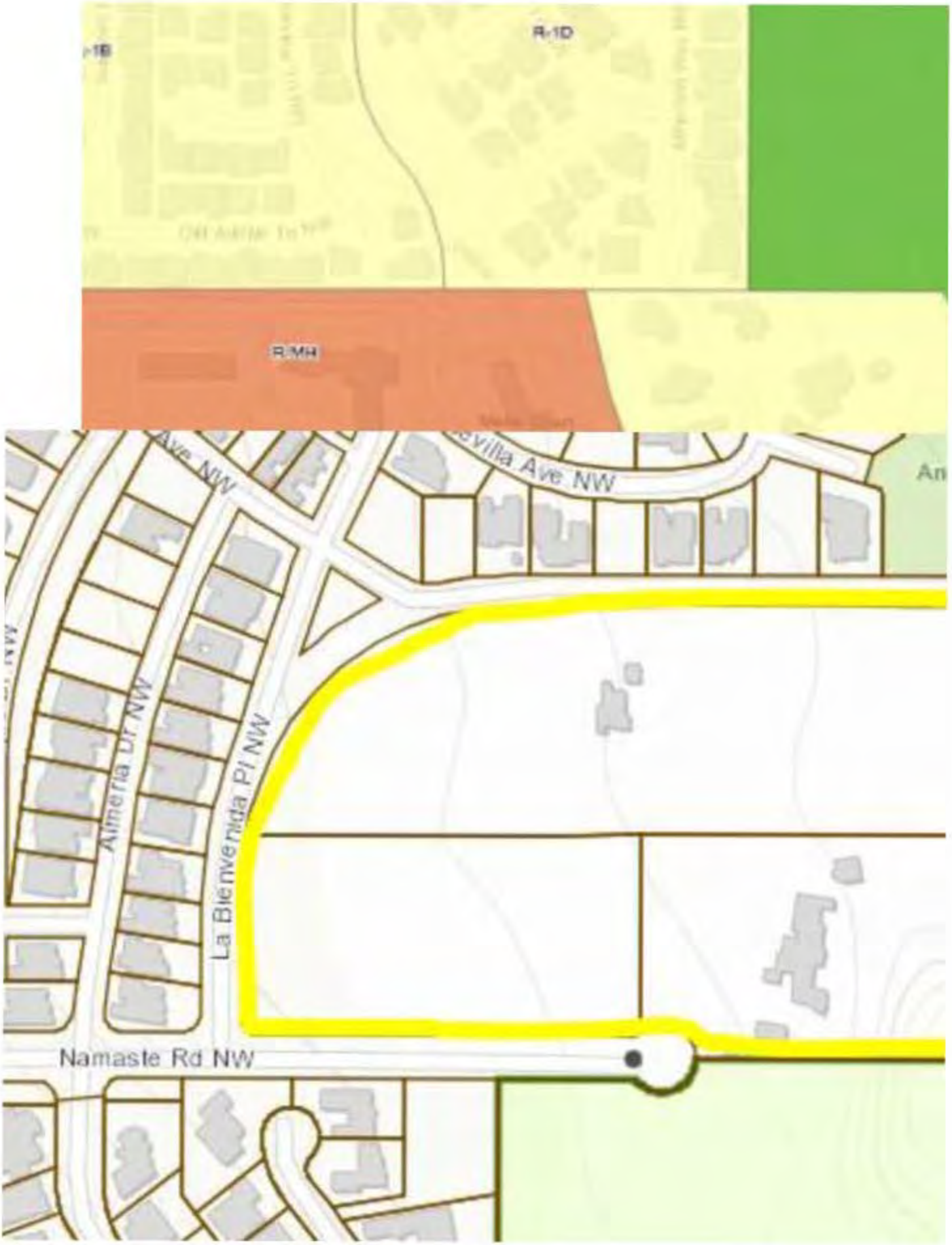
Agency Comments

PLANNING DEPARTMENT

Long Range Planning

This subject site is approximately 25 acres of R-A surrounded by NR-PO-B (City-owned or City-managed Major Public Open Space) to the east and south and by R-1C and R-1D to the west and north. There are also two smaller properties zoned NR-PO-A and NR-PO-C abutting the northern edge of the site.




R-1D
R-MH
Ave NW
Sevilla Ave NW
Almeria Dr NW
La Bienvenida Pl NW
Namaste Rd NW

Brian Hanson
Bosque Action Team, Rio Grande Chapter, Sierra Club
bhanson5@comcast.net

November 9, 2018

Mayor Tim Keller
1 Civic Plaza NW
Albuquerque, New Mexico 87102

Mayor Keller

The Bosque Action Team (BAT) objects to the development of residential housing on the Poole Property located on the west bank of the Rio Grande in Albuquerque, directly west of the Rio Grande Nature Center State Park. The BAT has over 40 members within the Central Group of the Sierra Club with over 4,000 members. The Sierra Club in New Mexico has over 10,000 members.

The current owners of the Poole property is Daniels Family Property. Houses would remove wildlife values of the 24 acre area forever and more importantly, could impact wildlife in the Rio Grande below the property. Immediately south of the property the oxbow wetland provides unique and valuable habitat for aquatic and terrestrial wildlife. At least four species that are federally endangered or threatened may use the oxbow:
Endangered - Rio Grande silvery minnow, Southwestern willow flycatcher and New Mexico meadow jumping mouse
Threatened - Yellow-billed cuckoo
We urge the City of Albuquerque to seek measures to protect the area including slowing down the development process so that alternate conservation uses of the area can be explored. We encourage the City to or others to purchase and manage the area for conservation purposes.

The adjacent river area would be less attractive to migratory birds since they would view a housing area rather than open space. The area to the west of the houses is grassland with some shrubs that produces small mammals that serves as a food base for predators. Around the houses are large trees that can provide nesting and perch sites for raptors. This property is adjacent to the Rio Grande which increases it's value to the river ecosystem.

Sandhill cranes roost along the river and need both feeding areas and roosting sites. Disturbance of roost sites may push sandhill cranes to other less suitable roost sites; cause them to move larger distances to find river areas that are undisturbed or cause sandhill cranes to abandon the area. There are several feeding areas in Albuquerque that sandhill cranes use including private cropland, Los Pablanos Open Space, Open Space Visitor Center, cropland adjacent to the Rio Grande Nature Center State Park, and other cropland that Albuquerque Open Space manages. If roosting areas along the Rio Grande are limited or further restricted, then the sandhill cranes

could abandon the area. One of the goals of a new, developing Resource Management Plan for Candelaria Farm Preserve, (near the Rio Grande Nature Center State Park on the east side of the Rio Grande) will be to attract sandhill cranes in the winter time. It is crucial that a nearby roosting area be available for cranes.

The Bosque Action Team urges the City to allow time to explore conservation alternative use of the Poole property.

Sincerely,

Brian Hanson
Lead for Poole Property preservation, Bosque Action Team, Rio Grande Chapter, Sierra Club

Cc:
Cheryl Somerfeldt, Planner
Planning Department, Urban Design and Development
Albuquerque, New Mexico 87102

Environmental Planning Commission, Albuquerque
509 Cardenas Dr. SE, Albuquerque 87108

Development Review Board
3601 2nd Street SW, Albuquerque, New Mexico 87105

Director Simon, Albuquerque Parks and Recreation
1801 4th Street NW, Albuquerque, New Mexico 87102

Somerfeldt, Cheryl

From: Norm Gaume <normgaume@gmail.com>
Sent: Tuesday, November 13, 2018 12:20 PM
To: Somerfeldt, Cheryl
Cc: Gould, Maggie S.
Subject: Re: Overlook at Oxbow Application Package 9/27/18

Ms. Somerfeldt,

Thank you for your November 9 reply to my November 6 email inquiry and particularly for making me aware of the single loaded street waiver authority in the IDO. I appreciate your sending me the Open Space letter dated October 9, 2018, substituting a landscape buffer of indeterminate width (minimum 20 feet). I subsequently received an October 24 version of the Open Space Division letter. It is attached it as the version you sent me Friday seems to have been replaced in October.

Your Current Planning Project Memo dated October 23, 2018, is helpful. Thank you for pointing out the requirements of IDO that the developer ignored in the sketch plat that the DRB reviewed. Most of my concerns will be resolved if the developer's revised site plan reflects these requirements and if the development is limited to the lots that can receive sewer service without a "public lift station."

I have a few other questions related to the IDO and the DRB and EPC processes/required approvals that are pertinent to this project given the sensitivity of the site. I will call you this afternoon.

Regards,

Norm Gaume
44 Canoncito Dr NE
Albuquerque, NM 87122
505 690-7768

On Nov 9, 2018, at 3:26 PM, Somerfeldt, Cheryl <csomerfeldt@cabq.gov> wrote:

Hello Mr. Gaume,
I am the EPC planner for this project, and unfortunately I do not have all of the details regarding the DRB. Maggie Gould, ccd on this email, is a DRB planner and should be contacted regarding the DRB questions (in your email below). It is typical for the all of the technical approvals to take some time prior to development.

Regarding the EPC case, I will add this email to the Neighborhood Comments to be forwarded to the EPC regarding the project.

Regarding the single-loaded street, please review the regulation language (copied below) which allows the Open Space Division to waive this requirement. Attached is the letter from the OSD with the Superintendent's waiver on the first page.

This is the relevant IDO regulation:
5-2(H)(2)(a) Development on properties of any size adjacent to Major Public Open Space shall:

1. Be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department. **Where a single-loaded street is not desired by the Open Space Division of the City Parks and Recreation Department, a landscape buffer with a minimum width of 20 feet may be substituted as approved by the Open Space Superintendent.**

Please let me know if you have additional requirements regarding the EPC case.

Thank you,

<image001.jpg>

CHERYL SOMERFELDT
current planner
o 505.924.3357
e csomerfeldt@cabq.gov
cabq.gov/planning

From: Norm Gaume [mailto:normgaume@gmail.com]
Sent: Tuesday, November 06, 2018 9:32 AM
To: Somerfeldt, Cheryl
Subject: Overlook at Oxbow Application Package 9/27/18

Dear Ms. Somerfeldt,

I wish to participate in the public review process of this development plan and need information from you to do so, please.

Mr. Cadena's response to my recent questions regarding the proposed public sewage pumping station was not informative. Mr. Cadena said the developer has failed to apply for a water and sewer availability statement and therefore Mr. Cadena can't respond to my questions about the sewage pump station, because he doesn't know what wastewater collection infrastructure would be required, despite the developer's plat. This lift station should be illustrated on the plat but only the label is included without any outline of surface or subsurface infrastructure.

There are many other concerns about the plat, including features that are in violation of IDO requirements, for example the requirement for a single loaded street adjacent to major open public space.

Is it normal procedure for the DRB to review highly preliminary plats that are as speculative or dependent on variances as this one? Where can I find the following information, please?

The agenda for the DRB hearing scheduled for November 14.
Packet materials for the subject development that the DRB will consider
Opportunities to make public comment
The relationships between DRB and EPC reviews and their normal procedures for development review.

Thanks,

Norm Gaume
44 Canoncito Dr NE
Albuquerque, NM 87122
505 690-7768

On Nov 5, 2018, at 11:33 AM, Cadena, Kristopher <kcadena@abcwua.org> wrote:

Mr. Gaume,

The Water Authority has not issued an availability statement for this project, meaning a commitment to service has not been provided. Once the Water Authority receives a request for availability, it will research how to best provide service to the development. All infrastructure shall meet the standards and specifications of the Water Authority.

Kristopher Cadena
505.289.3301

From: Norm Gaume <normgaume@gmail.com>

Sent: Thursday, November 1, 2018 3:48 PM

To: Cadena, Kristopher <kcadena@abcwua.org>

Cc: csomerfeldt@abcwua.org

Subject: Overlook at Oxbow Application Package 9/27/18

Dear Mr. Cadena,

I am writing to inquire about the "public lift station" shown on the 74th page of the subject application package. I have attached a screen shot of that page.

Because the site plan shows no surface manifestations of the lift station, I presume it is intended to be buried. I was unable to find any other information about the lift station in the application package. I called you to inquire. I am sending this email as suggested by your voice mail message.

> Is a buried public sewage pump station acceptable to the ABCWUA? This seems potentially unsafe and unreliable. Regardless, a small buried lift station would be maintenance intensive and a burden for this developer to place on the public.
>
> Is the intention to use submersible sewage pumps accessed and maintained from the street? Or would the buried pump station include a dry well to house below grade equipment.
>
> A buried sewage pump station would have surface manifestations for personnel and equipment access, telemetry antennas, emergency generator, ventilation, odor control etc. Is it acceptable for the site plan to not show these?
>
> What reliability features would the ABCWUA require to avoid overflow of sewage or back-up of sewage into homes in the event of a pump failure or power failure?

Thank you.

Norm Gaume, P.E. (ret.)

Somerfeldt, Cheryl

From: aboard10@juno.com
Sent: Friday, November 30, 2018 4:10 PM
To: Somerfeldt, Cheryl
Cc: jfworrall@comcast.net; sagehome@live.com; em@srmna.org; pannekuchen9@outlook.com; candypatt@aol.com; joevalles@aol.com; truj.cat@gmail.com; uemedina@gmail.com; ekhaley@comcast.net; hlhen@comcast.net; nick.new.mex@comcast.net; patgllgr@aol.com; normgaume@gmail.com; nday1648@gmail.com; beedee3@lawyer.com; edu.chaudoir@gmail.com; t0m2pat@yahoo.com; javierbenavidez@gmail.com; mombeeluz@comcast.net; kadamscairo@yahoo.com; steveps2@aol.com; canyonwrenconsulting@msn.com; sheakers@mac.com
Subject: WSCONA Resolution
Attachments: WSCONA Resolution 2018-11-07 - Poole Property.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Somerfeldt,

I am sending you WSCONA's position on the Poole property. WSCONA continues to support the Mayor's effort in acquiring the property. As mentioned in previous letters by the public, the Oxbow wetlands is a wildlife preserve which has the highest concentration of wildlife along the River. It is surprising how much bird life is in this area along with other mammals such as beavers, otters, bobcats, coyotes, etc. This is why a large buffer is needed to protect the wildlife & limit wildlife conflicts. A typical high-density subdivision is wrong for this site. There is growing concern as to why the applicant is requesting and receiving all these variances administratively and seeking another variance with the DRB before the EPC hearing. This undermines all efforts in protecting a valuable resource.

Please see attachment for the West Side Coalition Resolution. Please let me know that you received it.

Thank you,
Rene' Horvath
WSCONA

==========
This message has been analyzed by Deep Discovery Email Inspector.

WSCONA
West Side Coalition of Neighborhood Associations

Westside Coalition Resolution in Support of Protecting the Poole Property

WSCONA supports the efforts of the Mayor and the community in the protection and preservation of the Poole Property.

Whereas: The 22-acre property is one of the few remaining historical homesteads located along the west bank of the Rio Grande.

Whereas: The Poole Property sits on the west bluff overlooking the Rio Grande/San Antonio Oxbow, a 40-acre wetland that offers majestic views of the city and the mountains and is considered a significant landmark along the Rio Grande and serves as a wildlife preserve for many desert, riparian, aquatic plants and animals.

Whereas: The Poole estate maintained its rural character due to its minimal density and low impact use and has provided a significant natural buffer to the oxbow offering protection for wildlife from the nearby housing developments.

Whereas: The Pooles made many contributions to the New Mexico community, in the establishment of Popejoy Hall and the Santa Fe Opera. Rufus G. Poole was a coauthor of the first National Historic Preservation Acts, and active in Legislation to return Blue Lake to Taos Pueblo. Their legacy should be recognized.

Whereas: The Poole Property is historically and culturally significant with ties to New Mexico's famous architects: George Pearl designed the Poole's home, John Gaw Meem provided color details for the home, and Antoine Predock who designed the award winning 1968 La Luz, built on property once owned by the Pooles.

Whereas: The applicant intends to raze the existing 60-year old mid-20th century adobe, pueblo revival homestead, to build 73 homes that abut the wetlands and Bosque.

Whereas: The Poole homes qualify for historic preservation as they possess all the characteristics required for historically significant properties, that are in sound condition, and should not be considered candidates for demolition, per the IDO.

Whereas: The existing structures would enhance the City's heritage and historic Identity which contributes to the City's economic development and tourism industry.

WSCONA

West Side Coalition of Neighborhood Associations

IDO/Site Plan Deficiencies:

Whereas: The application is deficient with significant omissions that are required making analysis impossible for EPC to properly use their discretionary authority.

Whereas: The site plan application fails to properly apply provisions of the IDO regarding 'Avoidance of Sensitive Lands' and 'Properties Adjacent to Major Public Open Space.**'**

Whereas: The application does not provide typical site plan documents that show design guidelines and architectural standards that should be required on a site adjacent to the sensitive lands of the Bosque and wetland.

Whereas: The applicant is seeking a variance to the requirement of incorporating a single loaded street between the development and Open Space but fails the variance test to waive this requirement.

Whereas: A single loaded street as specified in the IDO, would allow better protection for Open Space and as well as the homeowners, in terms of soil erosion, fire protection, and conflicts with wildlife. The Open Space Advisory Board has yet to make a recommendation on the Single loaded street issue for this site plan.

Whereas: This landscape is irreplaceable, incapable of being replicated elsewhere. It touches the Oxbow wetland, Rio Grande River, the Rio Grande State Park, the Bosque, a public park, public open space, and private open space. What other property in Albuquerque claims this uniqueness? It has unparalleled views, it is a wildlife corridor with habitat for avian "species of concern" and connects the biodiversity of river habitat.

Be It Resolved: WSCONA believes the Poole Property holds much greater value as a protected natural site and has attributes that would better serve the Albuquerque public, rather than as a typical subdivision. WSCONA does not support the site plan as proposed and it should be denied.

The WSCONA Board approved this resolution on November 7th, 2018 by a 22:1 vote.

Somerfeldt, Cheryl

From: aboard10@juno.com
Sent: Friday, November 30, 2018 4:46 PM
To: Somerfeldt, Cheryl
Cc: kadamscairo@yahoo.com; mombeeluz@comcast.net; javierbenavidez@gmail.com; t0m2pat@yahoo.com; edu.chaudoir@gmail.com; beedee3@lawyer.com; nday1648 @gmail.com; patgllgr@aol.com; normgaume@gmail.com; nick.new.mex@comcast.net; hlhen@comcast.net; aboard112@gmail.com; ekhaley@comcast.net; uemedina@gmail.com; seniorcare@thuntek.net; chasestream@live.com; patsycnelson@msn.com; candypatt@aol.com; alretberg@gmail.com; canyonwrenconsulting@msn.com; sheakers@mac.com; pannekuchen9@outlook.com; totah505@gmail.com; truj.cat@gmail.com; joevalles@aol.com; sagehome@live.com; em@srmna.org; jfworrall@comcast.net
Attachments: 2003 BOSQUE FIRES.doc

Follow Up Flag: Follow up
Flag Status: Flagged

11-30-18

Dear Ms. Somerfeldt,

One of the concerns for having houses built right up to the Bosque and Oxbow wetland is the fire risk. We have had several fires in the Bosque. The most memorable fires happened in 2003. I am sending you reports about those fires to add to the EPC packet. Please see attached. If there was another fire nearby; how would the fire department protect the homes built right up to the edge of the bluff? We support a much larger buffer for the eastern half of the property than what is being proposed and a single loaded street separating the homes from the open space as a better design in protecting those homes.

Thank you,
Rene' Horvath

==========
This message has been analyzed by Deep Discovery Email Inspector.

2003 BOSQUE FIRES

The following is a summary of two better known fires in the Middle Rio Grande Valley (information from the City of Albuquerque Open Space Division, the Middle Rio Grande Conservancy District and the Bosque del Apache National Wildlife Refuge). Look at the *Bosque Education Guide* web site for additional sites.

http://www.nmnaturalhistory.org/bosque-education-guide/chapter-6-fire-rio-grande-bosque#selectedbosquefires

I-40 (Atrisco) Fire

When: June 24, 2003
Where: On both sides of the river, mostly north of the I-40 bridge, to just south of Campbell Road (south of the Nature Center Discovery Pond)
Size: 150 acres (61 ha). Started on public land, spread to private land
Cause: Human-caused (fireworks)
Recovery work: Large burned trees were cut down and most of the wood was chipped and spread on the ground. Some larger pieces were offered to the public as firewood. Some cottonwood and willow poles were planted. Larger areas farther from the water table were seeded with native bosque grasses. Exotic re-sprouts from stumps were sprayed with herbicide while native re-sprouts were protected with beaver caging. Open Space Division and students are monitoring recovery.

Hundreds Flee Wildfire in New Mexico

PATRICIA GARCIA - Associated Press Writer
Published 7:00 pm CDT, Tuesday, June 24, 2003
A wildfire that leapt across the Rio Grande forced about 1,000 people _ including the mayor's family _ to temporarily evacuate their homes and prompted the governor to declare a state of emergency.
The blaze burned through more than 600 acres of brush and other vegetation along the river, causing a power outage that temporarily left 16,000 homes and businesses in the dark and shutting down Interstate 40 for several hours.
Most of the evacuees from homes on both sides of the river were allowed to return home at around 10 p.m. Tuesday, Albuquerque Fire Chief Robert Ortega said**. A house under construction was destroyed and another home was damaged.**
The wildfire was one of many that burned Tuesday in Arizona and New Mexico. Firefighters in both states were hampered by hot, windy weather, low humidity and dry vegetation.
The cause of the Albuquerque blaze was being investigated. "Every indication we have at this point is that this was caused by fireworks," said Mayor Martin Chavez, whose wife and children were among the evacuees.
By late Tuesday, firefighters, with the help of water drops from a pair of helicopters, had gained the upper hand on the fire, Ortega said. But much work remained.
"We'll be here for two or three days trying to put this thing out," Ortega said.

The fire burned along the west side of the river, then jumped the river and at one point threatened homes on the east side, in an area of north Albuquerque where numerous high-priced homes are located.
"You can see the flying embers, it's scary," said Liz Lardizabal, whose home is located on the west side of the river. "The whole street in front of our house is solid with fire trucks."
Lt. Gov. Diane Denish announced the state of emergency from the fire command center in Albuquerque while Gov. Bill Richardson was in route. Richardson and Chavez returned Tuesday to New Mexico from a visit to Mexico.
https://www.myplainview.com/news/article/Hundreds-Flee-Wildfire-in-New-Mexico-8961693.php

FIRE IN ALBUQUERQUE - 1,000 EVACUATED

Published JUNE 25 -- ALBUQUERQUE, NM: A wildfire that leapt the Rio Grande yesterday forced about 1,000 people -- including the mayor's family -- to temporarily evacuate their homes as it burned through 700 acres of brush along the river. The fire caused a power outage that left 16,000 homes and businesses in the dark, and Interstate 40, which crosses the river, was shut down for several hours. Albuquerque Fire Chief Robert Ortega said the fire was probably started by fireworks.

ABC News reported that most of the evacuated residents were allowed to return last night; firefighters were still mopping up spot fires this morning. Fire Department Lt. Lynn Reule said about 50 firefighters were on the fire today, down from a peak of 140 yesterday.

The fire burned along the west side of the Rio Grande, then jumped the river. "You can see the flying embers, it's scary," said resident Liz Lardizabal. "The whole street in front of our house is solid with fire trucks."

The Albuquerque Tribune reported that the fire was not as disastrous as it could have been. The only house that burned was a vacant one under construction. But Chief Ortega said they were just seconds away from disaster. "It's amazing that we didn't lose more structures than we did," he said. "If we didn't have that air support, I'd say we would still be fighting a large-flame fire right now."

Mayor Martin Chavez has already accelerated the city's $350,000 annual bosque clearing efforts, pushing the city to finish clearing the 3,000-acre forest in five years instead of ten.

http://wildfirenews.com/archive/062603.shtml

BOSQUE FIRE
1 3:30 p.m. Fire reported south of I-40, races northward
2 4:30 p.m. Vista Grande neighborhood evacuated
3 4:45 - 5 p.m. La Luz Townhomes evacuated
Oxbow Bluff subdivision evacuated
St. Pius High School summer basketball campers evacuated
4 5:15 p.m. Oxbow Bluff house under construction burns
5 6 p.m. Homes in Thomas Village and several other neighborhoods east of the river evacuated
10 p.m. Mayor announces evacuees can return home
Montaño
Deilyne
Learning
Coors
Bosque Prep School
3
La Luz Subdivision evacuated
Rio Grande
Namaste
St. Pius High School
3
Rio Grande Nature Center
Candelaria
5
Thomas Village
Mayor's wife, Margaret Aragón de Chávez, soaks family home with garden hose
Ladera
4
Sequoia
Matthew
Oxbow Bluff subdivision
House on Snow Goose Ct. burns
Rio Grande
Quail
2
Vista Grande neighborhood
Alamogordo
West Bluff Park
40
Fire reported here about 3:30 p.m.
1
N
1/2 mile
JOURNAL

Montaño Fire
When: June 25, 2003
Where: Montaño Bridge at all quadrants. Source of fire was from the northwest section.
Size: 113 acres (46 ha)*. The northwest quadrant burned 67 acres (27 ha). Started on public land and spread to private land.
Cause: Human-caused (cigarette)
Recovery work: Large burned trees were cut down and cut into firewood-size pieces. Most of the wood was made available to the public as free firewood. There was less chipping in this area compared to the I-40 fire (see below). Larger open areas were seeded with native grasses and cottonwoods were pole-planted. Exotic stump re-sprouts were sprayed with herbicide. Native stump re-sprouts were caged to protect against beavers. Open Space Division and students are monitoring on- going recovery.

Arson eyed in New Mexico wildfire

Thursday, June 26, 2003 Posted: 5:15 AM EDT (0915 GMT)

(CNN) -- Fire crews from Albuquerque and at least 15 other communities Thursday battled wildfires that lit the night sky in a glowing orange along the banks of the Rio Grande, forcing the evacuation of neighborhoods, an apartment complex and a shopping center, a fire official said.

Wildfires lit the night sky in a glowing orange along the banks of the Rio Grande.

Story Tools

Arson was being investigated as a cause.

"It's possible 200 homes could be threatened if the fire gets out of control," said Lt. John Garcia of the Albuquerque Fire Department. "There's a real concern about the number of homes in jeopardy."

Deputy fire chief Robert Montoya said the flames were burning close to the Bosque School, a college preparatory school, but had not damaged the campus.

By early Thursday, an area a mile long and 300 yards wide had burned. Smoke billowed into the night air as tanker trucks doused the flames and glowing embers consuming the trees and brush. A Tuesday night fire charred about 700 acres.

The area of the city burning is known as the bosque, which means the forest in Spanish.

Evacuations include the Thomas Village and Dietz Farm neighborhoods, a shopping center and the Riverside Plaza apartments, Garcia said. Up to 15 square miles of the city have been evacuated, according to Montoya.

Increasing the difficulty for firefighters, according to Garcia, are the winds which are "picking up and going multiple directions."

About 30 city fire units have been called to the scene, he said, with an equal number being provided by neighboring communities under a mutual aid agreement.

The cause of the fire is uncertain, but may have been arson, he said. There were reports of "kids" running away from the area where the fire started.

Garcia said conditions along the river are like a tinderbox in an area filled with cottonwood trees, dry brush and ivy.

"It's real dry," he said. "There's been no rain in quite a while."

The lack of precipitation and use fireworks ahead of the Fourth of July holiday are a recipe that has often sparked fires in the past.

"It's something we always expect this time of year," Garcia said, "but to have two back-to-back is almost unheard of."

http://www.cnn.com/2003/US/Southwest/06/26/albuquerque.fire/

ALBUQUERQUE EVACUATES RESIDENTS AGAIN

JUNE 26 -- ALBUQUERQUE, NM: Helicopters began the assault on what was probably an arson fire at daybreak today, dropping water over a blaze about five miles north of town. The fire started last night and burned more than 700 acres, according to ABC News, threatening homes and forcing more than 200 people to evacuate. Albuquerque Fire Lt. Lynn Reule said the wildfire was contained this morning but not yet controlled.

Mayor Martin Chavez said the evidence suggests the wind-driven fire was not a flare-up of the Atrisco Fire the day before, about a mile to the south. "It has more than one point of origin which is suggestive of arson," Chavez said.

Gov. Bill Richardson called up National Guard resources and requested federal help. Hundreds of homes and apartment complexes were evacuated. Chavez said more than 100 homes were "very severely compromised" and 200 to 250 people were ordered to evacuate. Chavez said firefighters would be working strictly structure protection and would not be fighting the fire near the river; much of that area is drought-parched salt cedar and cottonwoods.

More information on Southwest region fires is available from the Southwest Area Coordination Center on their Morning Briefing page.

http://wildfirenews.com/archive/062603.shtml

Somerfeldt, Cheryl

From: aboard10@juno.com
Sent: Sunday, December 02, 2018 10:58 PM
To: Somerfeldt, Cheryl
Subject: WSCONA Resolution
Attachments: WSCONA Resolution 2018-11-07 - Poole Property.doc

Follow Up Flag: Follow up
Flag Status: Flagged

11-30-18
Dear Ms. Somerfeldt,
I am sending you WSCONA's position on the Poole property. WSCONA is on record of communicating to the Mayor support for the preservation of the Poole Estate. As mentioned in previous letters, the Oxbow wetlands adjacent to the Poole Property have the highest concentration of wildlife located in a single area along the Rio Grande. A large buffer is needed to protect the wildlife and the homeowner from wildlife conflicts. A typical high-density subdivision is too impactful. There is growing concern as to why the applicant is requesting and receiving all these variances administratively and seeking another variance with the DRB before the EPC hearing. These variances, without prior EPC approval, undermine all efforts to protect a valuable resource.
Please see attachment for the WSCONA Resolution.
Thank you,
Rene' Horvath
WSCONA

Please call me 898-2114 when you receive this email. Thank you!
==========
This message has been analyzed by Deep Discovery Email Inspector.

TAYLOR RANCH NEIGHBORHOOD ASSOCIATION INC.

December 4, 2018

Derek Bohannan, Chair
Environmental Planning Commission
(sent by email)

Dear Mr. Bohannan and EPC Commissioners:

RE: Overlook at Oxbow (Poole Property) 5001 Namaste Rd. NW
Additional Site Plan Issues

The Taylor Ranch Neighborhood Association voted to request denial of the proposed site plan for the Poole property. **I would like to provide additional information regarding how the proposed site plan violates the IDO processes for approval and IDO/Comprehensive Plan regulations and policies.**

I. EPC Application remains deficient and the IDO requires rejection of an incomplete application.

The EPC application is deficient in major submittals required by the IDO for sites containing sensitive lands and are adjacent to Major Public Open Space. The IDO states that "incomplete applications shall be rejected" and no hearings should be scheduled if the application is incomplete.[1] Staff issued a memo of deficiency to the applicant on October 24th. The staff

All references are from the IDO May 2018

[1] 6-4(H) APPLICATION COMPLETENESS 6-4(H)(1)
On receiving a development application, the Planning Director shall determine whether the application is complete. A complete application is one that contains all information and application materials required by this IDO, the DPM, and any administrative checklist for that type of development, in sufficient detail and readability to evaluate the application for compliance with applicable review standards in this IDO.
6-4(H)(2) Incomplete applications shall be rejected.
6-4(H)(3) If the Planning Director determines that an application is incomplete, the Planning Director shall notify the applicant in writing of the missing, incomplete, or unreadable materials within 5 business days after receiving the application. The applicant may correct the deficiencies and resubmit the application for a determination of completeness until the Planning Director determines the application is complete. If the applicant fails to resubmit an application with any additional or corrected materials necessary to make the application complete within 60 consecutive days after being notified of submittal deficiencies, the application shall be considered abandoned, and any application fees that have been paid and have not been expended during initial review shall be refunded
6-4(H)(4) No development application shall be reviewed for compliance with this IDO or scheduled for a public hearing by any review or advisory body until it is determined to be complete.

memo lists most of the deficiencies that should be addressed before this case is scheduled for hearing. The applicant responded almost six weeks later and only a week before the hearing. The applicant response remains deficient and incomplete. These are violations of the IDO provisions for "Application Completeness." The major deficient items are:

a. Analysis of site constraints related to 'sensitive lands.' 5-2(C)(1)

b. Design standards for colors and outdoor lighting, and pedestrian/bicycle access to Major Public Open Space. 5-2(H)(1)

c. Show that the development "will not create any material negative environmental impacts." 5-2(H)(2)(b)

The analysis required by the IDO is to help the reviewers of the site plan determine how much any development (homes or roads) should be set back from the sandy cliff, oxbow, Bosque, Corrales Drain, San Antonio arroyo, and the floodplain. It is the burden of the applicant to provide this analysis at the time of application. The applicant should provide evidence or justification of no negative impact.

Please note that a 100 foot buffer is required from the Corrales Drain. The Corrales Drain flows into and becomes the Oxbow. A minimum starting point to determine a buffer would be to move development away from the MPOS by 100 feet. As the Oxbow wetlands is more fragile than the Corrales Drain, there are steep slope and erosion considerations, and major habitat in the area, a distance of 500 feet should be considered. This would be accomplished when any private open space is required to be continguous to the MPOS as required by the IDO. And when development is moved back appropriate distances from the floodplain and steep cliff.

6-4(H)(5) On determining that the application is complete, the Planning Director shall accept the application for review in accordance with the procedures and standards of this IDO.

Just east of Poole property where the Corrales drain (right side) feeds into the Oxbow (left side).

Poole property fence (barely visible tan pipe fence) on the eastern property edge in background; Oxbow wetlands in foreground.

Oxbow wetlands foreground with sandy bluff/cliff in background. The cliff and a portion of the wetlands are within the Poole property on the south property line. Cliffs and wetlands on the Poole property are not developable land. There is a significant need to move development back substantially from the MPOS edges.

II. Neighborhood Meeting Materials Were Deficient

At the time of the neighborhood meeting in August, major portions of the submittal were unavailable as required by the IDO.[2] The items are still unavailable (analysis of sensitive lands; design guidelines, architectural style; conceptual elevations). The neighborhood should have a **neighborhood/facilitated meeting on this project when the proper application materials are available**. TRNA has requested such a meeting. The EPC hearing should not occur prior to that neighborhood meeting.

[2] 6-4(C)(5) At the neighborhood meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.

III. The IDO requires that the most restrictive provision of the IDO applies when two conflicting provisions apply.

The IDO states:

> "1-8(A) If two or more of the regulations in this IDO conflict with each other, the **more restrictive provision shall prevail**, unless specified otherwise, except that when the provisions of an Overlay zone conflict with any other regulation in this IDO, the provisions of the Overlay zone shall prevail regardless of whether the Overlay zone provisions are less or more restrictive than the other regulations."[3]

The developer is attempting to use cluster provisions (to reduce lot sizes) which apply across zoning categories, while ignoring the sensitive lands provisions which absolutely apply this site. The sensitive land provision is more restrictive than the cluster provision in reducing lot sizes. Therefore, the more restrictive sensitive land provision applies to the site.

The sensitive land provision says the maximum lot size reduction is 25% to total area or width by Planning Director approval.[4] For RA zoning, the minimum lot size is 10,890 s.f. and 75 feet wide. Therefore, lots may be no less than 8200 s.f. This site plan is proposing lots that violate this IDO provision. And it should be emphasized that the IDO expressly states these are **minimums**.[5] Minimum standards in this location will not further IDO and Comprehensive Plan provisions for Heritage Conservation. (see footnote 9 which follows).

IV. The citywide zoning conversion that took place in May 2019 provides important context for the appropriate density for the site.

The zoning for the property, prior to the IDO zoning conversion, had been RA-1 which requires[6]:

a. 20,000 or more square feet of open space per dwelling unit shall be preserved.
b. A minimum amount of 8,000 square feet shall be on the lot with the dwelling unit.

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[3] IDO, p. 4.

[4] IDO, p. 198 "Site Design and Sensitive Lands."
…the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

[5] IDO, p.198, "The design standards in this section are minimum standards."

[6] City of Albuquerque Zoning Code Page Rev. 10/2017 (Previous Zone Code).
§ 14-16-2-4 RA-1 RESIDENTIAL AND AGRICULTURAL ZONE, SEMI-URBAN AREA.
This zone permits low density houses and uses incidental thereto, including agriculture; clustering of houses is permitted.
(A) Permissive Uses.
(1) Uses permissive in the R-1 zone.
……
(D) Open Space. Twenty thousand or more square feet of open space per dwelling unit shall be preserved. Of the total 20,000 square feet, a minimum amount of 8,000 square feet shall be on the lot with the dwelling unit. The remaining requirement may be met by the alternatives listed in § 1416-3-8(A) of this Zoning Code.
(E) Lot Size. Minimum lot area is controlled by division (D) of this section. Minimum lot width shall be 75 feet, except in a Family Housing Development where the minimum lot width shall be 60 feet.

c. Minimum lot width shall be 75 feet.

The previous RA-1 zoning implied lot minimums in the range of 12,000 to 22,000 square feet. Land owners in this area purchased their homes with this zoning in place. It was not the intent of the IDO zoning conversion to densify rural zones. In fact, the Comprehensive Plan and IDO emphasize consistent lot sizes adjacent to established neighborhoods. The Poole Property is an "Area of Consistency." The EPC has the discretionary authority to evaluate this site plan for consistency for what the zoning pattern has been and is not obligated to approve whatever high density that the applicant creates. In fact, the Comprehensive Plan "requires new development or redevelopment will need to be compatible in scale and character with the surrounding area."[7] The applicant is proposing a density that is such a substantial change for the area that it should be considered a rezoning of the property.

V. The IDO does not support this developer attempting to carve up his parcel into pieces to avoid IDO requirements.

Note that the IDO talks about developments of "any size" being subject to the requirements within 330 feet of MPOS.

IDO, p. 205

> "5-2(H)(2) **Properties Adjacent to Major Public Open Space.**
> In addition to the standards that apply within 330 feet of Major Public Open Space in Subsection 14-16-5-2(H)(1) above, the following standards apply to development adjacent to Major Public Open Space. 5-2(H)(2)(a) Development on properties of **any size** adjacent to Major Public Open Space…"

The intent is that the entire development (entire subdivision with associated parcels) be subject together to the required provisions.

There was also a footnote reference in the Council IDO draft regarding all land adjacent to MPOS which shows there was a clear intent to "close the loophole of the carving up of property adjacent to MPOS into pieces less than 5 acres in order to avoid these requirements." (see excerpt below from the City Council redline draft.) The language is "these requirements" and refers to the 9 requirements of this section.

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[7] Comp Plan 2018, p. 5-23
"Areas of Consistency (City only) Neighborhoods designated as Areas of Consistency will be protected by policies to limit densities, new uses, and negative impacts from nearby development. While these areas may see some infill development and new uses, new development or redevelopment will need to be compatible in scale and character with the surrounding area."

[92] Added since EPC Draft to require EPC Site Plan approval prior to platting to close the loophole of the carving up of property adjacent to MPOS into pieces less than 5 acres in order to avoid these requirements.
[93] Revised since EPC Draft per Condition #120. This content will be moved to the DPM.

Integrated Development Ordinance
City of Albuquerque, New Mexico

City Council Redline Draft – July 2017
Page 226

VI. The proposed site plan violates the maximum block size in the IDO.

The maximum residential block is required to be 600 feet in length. [8]

A block is defined:

> "An area that is bounded but not crossed by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers." IDO, p. 449

The block of homes backing onto Tres Gracias measures longer than 600 feet.

VII. The application also does not provide typical site plan documents that show design guidelines and architectural standards for compatibility with Comprehensive Plan policy.

Detailed documents have been typical for site plans for subdivision adjacent to the Bosque/River, such as the adjacent Andalucia residential subdivision. Site plan design guidelines are neededd to show how Comprehensive Plan policies guiding development of land adjacent to the Bosque will be met. For example, how is the site restricting landscaping to native species of the Bosque per the Comprehensive Plan policy: "encourage… revegetation to a natural setting on lands adjacent to the Bosque." And what guidelines will there be for streets or yards near the Bosque so they will "ensure appropriate edge treatment" to the Bosque.[9]

Design guidelines would also help the EPC make sure that the requirements for properties within 330 feet of MPOS will be in met. (see IDO, 5-2(H)(1))

---

[8] 5-4(E)(3) Block Dimensions 5-4(E)(3)(a) Block Lengths Block lengths shall meet the requirements …
Local Streets ≤600.

[9] Comprhensive Plan
POLICY 11.3.3 Bosque: Regulate development on adjacent lands to preserve and enhance the Bosque as an important cultural landscape that contributes to the history and distinct identity of the region, as well as nearby neighborhoods.

a) Minimize grading, changes to natural topography, and land disturbance to preserve natural features.
b) Encourage reconstruction and revegetation to a natural setting on lands adjacent to the Bosque.
c) Assure compatible land uses and promote cluster development on lands adjacent to the Bosque.
d) Ensure appropriate edge treatments, transitions, and buffers through site design and development standards.
e) Encourage links to established public access points to the Bosque from adjacent development.

View of the Oxbow Wetlands looking west.

We appreciate the EPC taking all the time it needs to make sure this site plan is thoroughly analyzed alongside Comprehensive Plan and IDO policy and regulation. The way that this site develops will have a major effect on the gem that is the Oxbow/Bosque Open Space.

Sincerely,

Jolene Wolfley
Director of Government Affairs
Taylor Ranch N.A.

Attached is a supplement on the History/Purpose of the Single-loaded street which is addressed in my letter of October 23, 2018. I was actively involved in developing this policy for the City of Albuquerque as a consultant and later as a neighborhood leader.

Supplement Providing the History/Purpose of The Single-loaded Street Requirement Adjacent to Major Public Open Space

Prepared by Jolene Wolfley

The policy on requiring single-loaded streets adjacent to the Bosque was developed over several years and has distinct purposes to further the public good.

1. The policy to promote a single-loaded street was incorporated into the Volcano Heights/Cliffs Planning process in 2006 because single loaded streets were determined to be the best edge to Petroglyph National Monument. The single-loaded street policy was approved in the Volcano Sector Plans and the Westside Strategic Plan Amendment.

   The City of Phoenix experience was a major reference point for this planning process. Phoenix had allowed mostly residential backyards as the edge to its mountain preserve open space. Those residential owners acquired a sense that the open space was their 'private space' and discouraged others' recreational use. Most of the views into the open space were blocked for the majority of the public taxpayers to enjoy. Some backyard use adjacent to the open space was damaging to the open space.

2. The single-loaded street edge has worked well in Volcano Cliffs/Heights. Where the street is the edge on top of the escarpment, it collects stormwater. Where it is below the escarpment, it collects any dirt erosion. The Monument has remained visually open for all taxpayers to enjoy, while fencing controls access into the Monument.

3. The single-loaded street as the edge to open space policy was incorporated into the Comprehensive Plan Update in 2016.

4. A single-loaded street adjacent to open space was a requirement added to IDO in 2017. Note: During City Council approval, the Open Space Division asked to be given authority to ask for a 20 foot buffer in lieu of the single loaded street as they deemed best. No criteria were given for how this decision would be made and no clear path was identified for how this decision would be transparent to the public.

<u>Benefits of the Single loaded Street (one side of street is edge to open space):</u>

1. Gives the taxpayer the benefit of **seeing the open space** they have purchased. Most people are satisfied seeing a scenic area and walking along its edge without encroaching on it. It keeps Public Open Space public.
2. Manages **stormwater and erosion** events for both the natural area and private property. This can be true for a street above a feature (escarpment, bluff) and below the feature, as applicable.
3. The homes on the other side of the street (the loaded side) provide **'eyes'** on the open space to enhance safety in the open space.
4. Private backyard activity that could be detrimental to the natural open space is avoided. (invasive species, leaching of fertilizers, noxious activities)
5. Provides a fire buffer between development and the Bosque ecosystem.

PUBLIC COMMENTS

(Form Letter / Petition)

(Chronological Order)

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of StanlyLeeSteinberg at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 11:08 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Stanly

Steinberg

715 Jefferson St NE

Alququerque

NM

87110

StanlyLeeSteinberg@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
Click here to report unwanted email.
==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of susanjschuurman at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 11:19 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

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Susan

Schuurman

2112 Charlevoix nw

Albuquerque

Nm

87104

susanjschuurman@gmail.com

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of scoutveitch at me.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 11:47 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

James Scout

Veitch

12332 Candelaria NE Apt. 1

Albuquerque

NM

87112

scoutveitch@me.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
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-bosque (Policy 10.3.4; 11.3.3);
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-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of pam49 at mytangledweb.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 11:58 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Pamela

Britton

11104 Mahlon Ave NE

ALBUQUERQUE

NM

87112

pam49@mytangledweb.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of Bjdesan at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 12:59 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Barbara

DeSantis

10108 Arvada Ave NE

Albuquerque

NM

87112-3028

Bjdesan@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-recreational trails;
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of cara3cara05 at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 2:03 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Joan

Morrison

390 Rincon Rd

Corrales

NM

87048

cara3cara05@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of ambersrose at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 2:22 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Amber

Ripoll

6134 Red Rock Park NW

Albuquerque

New Mexico

87114

ambersrose@gmail.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of lisamattke at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 2:59 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

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Lisa

Mattke

5006 Pershing Ave SE

Albuquerque

NM

87108

lisamattke@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

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It is unclear from the application or site plan that the development will protect native species during

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-public and private open space (Goal 10.3);
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-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of Sharon at seniorcareoptions.net <form_engine@fs6.formsite.com>
Sent: Saturday, December 01, 2018 10:42 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

sharon

miles

2700 Vista Grande NW # 10

Albuquerque

NM

87120

Sharon@seniorcareoptions.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of weconomou at yahoo.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 01, 2018 9:22 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

William

Economou

334 Carlisle Blvd NE

Albuquerque

NM

87106

weconomou@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of vanessarb at comcast.net <form_engine@fs6.formsite.com>
Sent: Sunday, December 02, 2018 10:06 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Vanessa

Booker

3821 Delamar Ave. NE

Albuquerque

NM

87110

vanessarb@comcast.net

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The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of nan.porterfield at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, December 02, 2018 4:09 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Nancy

Porterfield

10608 Pastime ave NW

Albuquerque

NM

87114

nan.porterfield@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of susanjschuurman at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 11:19 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Susan

Schuurman

2112 Charlevoix nw

Albuquerque

Nm

87104

susanjschuurman@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
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-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of epmichelman at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 10:59 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Evelyn

Michelman

620 Marble Ave NE

Albuquerque

NM

87102

epmichelman@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of cathypiekos at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 9:48 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Catherine

Piekos

13112 PInehurst Ave NE

Albuquerque

New Mexico

87111

cathypiekos@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
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(4) Definitions
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of kristy_fc at yahoo.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 12:29 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Kristy

Goodwin

647 Stagecoach Rd SE

Rio Rancho

NM

87124

kristy_fc@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of smalldogstudio at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 3:59 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Lisa

Tremaine

1417 Adams St NE

Albuquerque

NM

87110

smalldogstudio@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of hmich at thuntek.net <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 5:09 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

H.

A.

PO Box 1845

Sandia Park

NM

87047

hmich@thuntek.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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It also appears that:
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(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
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-bosque (Policy 10.3.4; 11.3.3);
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-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of aaedillolipez at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 5:17 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Antoinette

Sedillo Lopez

622 Graceland SE

Albuquerque

NM

87108

aaedillolipez@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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-Rock outcroppings (5-2(C)(1)(h))
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-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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-wildlife habitat;
-recreational trails;
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of kerry_dalen at yahoo.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 6:56 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Kerry

Dalen

6104 Mossman Place NE

Albuquerque

New Mexico

87110

kerry_dalen@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(4) Definitions
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-recreational trails;
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of rezechukwu at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 8:57 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Rebecca

Ezechukwu

725 Arizona se

Albuquerque

NM

87108

rezechukwu@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of mamawolfen68 at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 10:02 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Brenda

Wolfenbarger

7908 Sierra Azul Ave NE

Albuquerque

NM

87110

mamawolfen68@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of chrislarranaga at yahoo.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 7:15 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Chris

Larranaga

1415 Tomasita Street NE

Albuquerque

New Mexico

87112

chrislarranaga@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

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It also appears that:
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(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
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-public and private open space (Goal 10.3);
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-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of sinw120 at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 8:14 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Willow

Singleton

2832 glenwood dr nw

Albuquerque

NM

87107

sinw120@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
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(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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-wildlife habitat;
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-watershed management; and
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of nedalene at hotmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 8:31 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Neda

McGuinness

516 Edith SE

Albuquerque

Nm

87102

nedalene@hotmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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-recreational trails;
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of paulavallejos49 at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 8:57 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Paula

Vallejos

616 Palomas SE

Albuquerque

NM

87108

paulavallejos49@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of lalunasirena at gmail.com <form_engine@fs6.formsite.com>
Sent: Friday, November 30, 2018 9:08 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Guillda

Archibeque

1259 Jeanette sw

albuquerque

New Mexico

87105

lalunasirena@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of sheakers at mac.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 2:38 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Diana

Shea

5113 Spinning Wheel NW

Albuquerque

NM

87120

sheakers@mac.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of tracyjord at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 2:11 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Tracy

Jordan

3812 12th St NW

Albuquerque

NM

87107-2547

tracyjord@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of jchamb3rs at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 1:47 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Jennifer

Chambers

908 Georgia St SE

Albuquerque

NM

87108

jchamb3rs@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of petercollins1945 at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 7:38 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Peter

Collins

17 Tennis Ct NW

Albuquerque

NM

87120

petercollins1945@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

(1) Site design
There are two huge problems with the site design. (i) The proposed development requires the razing and removal of structures having a significant historical connection with the City, Popejoy Hall, and the Santa Fe Opera. Moreover, house is a custom-designed house in the Santa Fe - Albuquerque adobe style. Its loss cannot be replaced, like the loss of the Alvarado Hotel. That mistake should not be repeated here. (ii) the site plan removes the ecologically valuable "edge effect," the result of the adjacency of wetland to upland, a prolific zone for wildlife. These are ecologically sensitive lands, as resource managers have testified at the last Open Space Advisory Board meeting. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands. The City Planner stated that the lots be moved west, and such revision should include the Poole house. Also, the park areas illustrated in the proposed site plan do not function as habitat adjacent to the riparian zone; they are ecologically fragmented and disjoint.

For these reasons, I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of tiggertoo79 at yahoo.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 10:46 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Andie

Watts

804 Palomas Dr NE

ABQ

NM

87108

tiggertoo79@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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(5) Landscaping
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(6) Other Related Issues
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-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of tandiwe76 at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 10:53 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Tandi

Hufnagel

343 Hermosa Dr NE

Albuquerque

NM

87108

tandiwe76@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of comecorrectinfo at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:02 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Lisa

Brown

628 Los Arboles Av NW

Albuquerque

NM

87107

comecorrectinfo@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

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-Unstable soils (5-2(C)(1)(c))
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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
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(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
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-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
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-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of bgilbert4 at cnm.edu <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:07 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Barbara

Gilbert

4826 Idlewilde Lane SE

Albuquerque

NM

87108

bgilbert4@cnm.edu

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

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-Unstable soils (5-2(C)(1)(c))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of itohch at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:09 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Charlotte

Itoh

411 Aliso Dr SE

Albuquerque

NM

87108

itohch@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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(4) Definitions
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-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of chasestream at live.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:09 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Arlette

Miller

5601 Palomino Dr NW

Albuquerque

NM

88120

chasestream@live.com

For all the reasons listed below, and with great concern for the quality of life in this city, I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of veronique_salinas at yahoo.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:31 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Veronica

Salinas

336 Aliso Dr NE

Albuquerque

NM

87108

veronique_salinas@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of dbeene at unm.edu <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:34 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Daniel

Beene

1800 Vassar Dr. NE, Apt. H

Albuquerque

NM

87106

dbeene@unm.edu

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(5) Landscaping
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(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
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-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of pbeene at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:46 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Patricia

Beene

1021 Monroe NE

Albuquerque

NM

87110

pbeene@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Unstable soils (5-2(C)(1)(c))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

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-wildlife habitat;
-recreational trails;
-watershed management; and
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of csouther7 at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 11:52 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Carolyn

Souther

1119 Morningside Dr NE

Albuquerque

NM

87110

csouther7@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(2) Sensitive Lands

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-Unstable soils (5-2(C)(1)(c))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
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-public park;
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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of karenykaren at msn.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 12:43 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Karen

Dewig

442 Montclaire Dr SE

Albuquerque

NM

87108

karenykaren@msn.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of zamoraisabelle82 at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 12:46 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Isabelle

Zamora

4912 Star Kachina NW

Albuquerque

New Mexico

87120

zamoraisabelle82@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of emilford2 at gmail.com <form_engine@fs6.formsite.com>
Sent: Thursday, November 29, 2018 1:11 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Elizabeth

Milford

628 Amherst Dr SE

Albuquerque

NM

87106

emilford2@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of mombeeluz at comcast.net <form_engine@fs6.formsite.com>
Sent: Wednesday, November 28, 2018 6:11 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Marianne

Barlow

27 Tennis Ct. NW

Albuquerque

New Mexico

87129

mombeeluz@comcast.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
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(6) Other Related Issues
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-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of rkb at keleher-law.com <form_engine@fs6.formsite.com>
Sent: Wednesday, November 28, 2018 6:18 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Richard

Barlow

27 Tennis Ct. NW

Albuquerque

New Mexico

87120

rkb@keleher-law.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

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-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(5) Landscaping
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(6) Other Related Issues
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-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of carlos_vasquezhn at hotmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 1:46 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Carlos L.

Vasquez

1333 Columbia Dr

Albuquerque

Nm

87106

carlos_vasquezhn@hotmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

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-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of sadstone at comcast.net <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 2:50 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Marvin

Gladstone

4600 Mijas Dr. NW

Albuquerque,

NM

87120

sadstone@comcast.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(2) Sensitive Lands

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-Steep slopes (5-2(C)(1)(b))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
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(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of chuckinnabq at msn.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 4:48 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Charles

Silver

4608 Almeria Dr

Albuquerque

New Mexico

87120

chuckinnabq@msn.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Rock outcroppings (5-2(C)(1)(h))
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(4) Definitions
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-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of melissambentley at gmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 7:10 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Melissa

Bentley

6 LINK ST NW

ALBUQUERQUE

New Mexico

87120

melissambentley@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
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-bosque (Policy 10.3.4; 11.3.3);
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-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of durkin3 at gmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 9:41 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Charla

Durkin

4916 Camino Valle Trl NW

Albuquerque

New mexico

87120

durkin3@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of Cbregman at ratesllc.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 11:53 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

CAROLYN

BREGMAN

4700 Valle Bonita Lane NW

Albuquerque

NM

87120

Cbregman@ratesllc.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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(4) Definitions
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-recreational trails;
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of ernestofresquez at sbcglobal.net <form_engine@fs6.formsite.com>
Sent: Wednesday, November 28, 2018 6:22 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Ernesto

Fresquez

4900 Camino Vallejos Trail, NW

Albuquerque

New Mexico

87120

ernestofresquez@sbcglobal.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of kadamscairo at yahoo.com <form_engine@fs6.formsite.com>
Sent: Wednesday, November 28, 2018 10:45 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Kathleen

Adams

5 Arco Court NW

Albuquerque

NM

87120

kadamscairo@yahoo.com

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of elmerbeverly at msn.com <form_engine@fs6.formsite.com>
Sent: Wednesday, November 28, 2018 10:56 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Beverly &

Jackson

7405 Mesa de Arena NW

Albuquerque

NM

87120-1513

elmerbeverly@msn.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
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construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
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-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

Fifty years ago friends of mine worked to protect the oxbow. They and I still care. This is not a place to develop, but an environmental gift to protect.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
Click here to report unwanted email.
==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of fkrusealex at gmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 10:52 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Felicia

Alexander

7712 El Conde Ave NE

Albuquerque

New Mexico

87110

fkrusealex@gmail.com

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: Romero, Elaine T.
Sent: Tuesday, November 27, 2018 9:50 AM
To: Somerfeldt, Cheryl
Subject: FW: Poole Estate at Oxbow Wetland

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Sunday, November 25, 2018 10:30 PM
To: Romero, Elaine T. <eromero@cabq.gov>
Subject: Poole Estate at Oxbow Wetland

Dear Councilor Sanchez,
I believe you should be aware of the following case and my position on it. Please see below.

Loretta

Johnson

4905 Camino Valle Trail NW

Albuquerque

NM

87120

loretta.johnson2.lj@gmail.com

I OPPOSE the DRB Variance and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The Integrated Development Ordinance (IDO) specifies that this site plan be reviewed by the Environmental Planning Commission (EPC) because it is adjacent to major public open space, which in this case is the Oxbow Wetland on the Rio Grande River. Technical questions on street design could be asked of the DRB, but a DRB Variance for this case should not precede the EPC review (IDO Section 6-6(H)(2)(d)). Section 6-6(H)(2)(g) of the IDO implies that the DRB variance occurs only after a site plan is approved by the EPC. The DRB decision should not set a direction for how the EPC would determine street technicalities. This is particularly relevant to this case because it includes sensitive lands, major public open space, US Waters, steep slopes, large strands of mature trees, and wetlands.

To date, the planning department has received more than 75 public comment submissions that oppose the proposed site plan. Each public comment should have the chance to be reviewed by the EPC to the fullest extent in order to make a fair decision regarding the site plan.

This case includes at least 17 outstanding or pending items not satisfied by the applicant including, but not limited to the site plan design; analysis of site constraints related to sensitive lands; and evidence demonstrating no negative impacts to adjacent wetland.

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I vote in All Elections

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Somerfeldt, Cheryl

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of lindsaymoye at gmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 9:56 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Lindsay

Moye

400 SW 1st Ave Apt 2401

Fort Lauderdale

FL

33301

lindsaymoye@gmail.com

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(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of mlpatrick at unm.edu <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 9:59 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Marnina

Patrick

208 Edith Blvd. NE

Albuquerque

NM

87102

mlpatrick@unm.edu

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
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(6) Other Related Issues
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-arroyos (Policy 11.3.2);
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-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of fakeysignup at yahooc.om <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 10:03 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

gal

mag

400 sw 5th avenue

ft lauderdale

fl

33301

fakeysignup@yahooc.om

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(2) Sensitive Lands

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-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
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(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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(6) Other Related Issues
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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of brucelovett1315 at yahoo.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 10:07 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Bruce

Lovett

3916 Oxbow Village Ln NW

Albuquerque

NM

87120

brucelovett1315@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
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It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
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(4) Definitions
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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of silverlopez at aol.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 10:07 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

M

Lopez

1315 Gold Ave SW

Albuquerque

NM

87102

silverlopez@aol.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Rock outcroppings (5-2(C)(1)(h))
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(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of kdullea at yahoo.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 6:02 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Kevin and

Dullea

4704 Almeria Dr NW

Albuquerque

NM

87120

kdullea@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of beedee3 at lawyer.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 6:41 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Becky C

Davis

500 Leeward Dr. NW

Albuquerque

New Mexico

87121

beedee3@lawyer.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

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-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
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-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
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(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
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-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of debistumpff at sbcglobal.net <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 8:31 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Deborah

Stumpff

5316 Sacate Ave NW

Albuquerque

New Mexico

87120

debistumpff@sbcglobal.net

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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-surrounding natural & cultural landscapes (Policy 11.3.1);
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-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of Derbylj at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 8:38 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Linda

Derby

4700 Almeria Dr NW

Albuquerque

NM

87120-1838

Derbylj@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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-drainage functions.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of derbyalb at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 10:18 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Leo

Derby

4700 Almeria Dr Nw

Albuquerque

NM

87120

derbyalb@gmail.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of lynleymoye at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 10:21 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Lynley

Moye

4620 Almeria Dr NW

Albuquerque

NM

87120

lynleymoye@gmail.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of mexrebe at yahoo.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 12:10 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Rebecca

Peterson

560 Black Bear Pl NE

Albuquerque

NM

87122

mexrebe@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
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(4) Definitions
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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of gmwyndorf at yahoo.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 3:42 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Glinda

Wyndorf

1005 Girard Blvd SE

Albuquerque

NM

87106

gmwyndorf@yahoo.com

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-public park;
-wildlife habitat;
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-watershed management; and
-drainage functions.

A NATURAL WETLAND IN THIS REGION IS NOTHING SHORT OF A MIRACLE. Please do not permit its destruction.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of szoncki at msn.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 5:49 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Steven

Zoncki

301 Alamosa RD NW

Albuquerque

NM

87107

szoncki@msn.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of mitzidhobson at gmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 7:31 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Mitzi

Hobson

Post office box 2332

Corrales

NM

87048

mitzidhobson@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of averdeclaro at hotmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 7:44 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Anacelie

Verde-Claro

136 Chama St. NE

Albuquerque

NM

87108

averdeclaro@hotmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of rick at milagrowine.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 7:48 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

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Rick

Hobson

PO Box 2332

Corrales

NM

87048

rick@milagrowine.com

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The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

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It is unclear from the application or site plan that the development will protect native species during

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(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of jasonoconnor at earthlink.net <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 7:52 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Jason

O'Connor

136 Chama St. NE

Albuquerque

NM

87108

jasonoconnor@earthlink.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(4) Definitions
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(6) Other Related Issues
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-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
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-wildlife habitat;
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-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of gregorylauer1965 at gmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 8:27 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Gregory

Lauer

3424 Abbey Ct NW

Albuquerque

NM

87120

gregorylauer1965@gmail.com

I've hiked and photographed the oxbow area several times weekly for over 20 years. There is no other place like it in Albuquerque. I've photographed bald eagle snatching trout from the Rio and over 70 species of other birds. I've photographed and/or witnessed beaver, bobcat, mule deer, black bear, cougar, and over 30 other mammal species. There are indigenous fish and reptile species which exist there and few other places north or south along the Rio. Few other stands of cottonwood provide such a physically broad and biologically diverse habitat. The project as proposed will wipe the habitat from the earth because it will remove the last protective buffer against the encroaching, mindless carpet of suburbia.

I OPPOSE the DRB Variance and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

Each new phase of development has encroached and eventually crushed one of the broadest and wildest sections of the Albuquerque Bosque that remains. The forest has begun to wither, the wildlife has departed, and trash and human traffic fill what remains with empty space. The commercial and residential developments already approved and constructed continue to destroy this rare and wild wetland area right in the heart of the City. If the project goes forward, it will mean nothing really is sacred anymore and Albuquerque can continue to drive itself to a sterile, soulless, and final mediocrity.

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for

project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(3) Major Public Open Space (MPOS)
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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of swmoye at gmail.com <form_engine@fs6.formsite.com>
Sent: Tuesday, November 27, 2018 8:47 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

scot

moye

4620 Almeria Dr NW

Albuquerque

NM

87120

swmoye@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of deborah.letteau at yahoo.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 1:47 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Deborah

Letteau

6324 Dante Lane NW

Albuquerque

NM

87114

deborah.letteau@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of firenze at abq45.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 1:52 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Florence

Pedersen

4612 Almeria Dr. NW

Albuquerque

NM

87120

firenze@abq45.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
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-public park;
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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of Carla_bachechi at yahoo.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 2:47 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Carla

Bachechi

4632 Almeria Dr. Nw

Albuquerque

NM

87120

Carla_bachechi@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

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(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
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(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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(5) Landscaping
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construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

The Suzanne Hanson Poole estate is an exceptional ecologically and culturally significant property and should be preserved for future generations. The preservation of ecological and historic sites is a one-way street. There is no chance to save the site, the history, the legacy, the special ecology once it’s gone.

Our culture and heritage reflect and shape values, beliefs, aspiration and defines our identity and integrity as a people. To be responsible custodians of our city's legacy, we must continue to ensure our cultural history and environment are preserved and treasured.

The Suzanne Hanson Poole Estate is an exceptional ecologically and culturally significant property. It offers unparalleled opportunities to provide world-class amenities to the community, to fulfill the City’s goal to create signature spaces that benefit and enrich the lives of residents and visitors in the great state of New Mexico. However, this property is at risk of a conventional 74 single-family housing development on the boundary of the wetland. This landscape is irreplaceable, incapable of being replicated elsewhere. It touches the Oxbow wetland, Rio Grande River, the Rio Grande Valley State Park, the Bosque, a public park, public open space, and private open space.

There are countless other sites for a conventional 74 single-family housing development - but there is only one Poole estate - and its unique history and location make it an essential part of Albuquerque’s cultural heritage. We must ensure it is valued and preserved.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of lisaprice12 at yahoo.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 3:39 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Lisa

Price

4704 Mi Cordelia Dr. NW

Albuquerque

NM

87120

lisaprice12@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(2) Sensitive Lands

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of suechavez at tjc-nm.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 3:53 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Suzanne

Chavez

1310 Tobacco Rd SW

Albuquerque

NM

87105

suechavez@tjc-nm.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of pablotashjian at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 4:14 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Paul

Tashjian

3757 Manchester DR NW

Albuquerque

NM

87107

pablotashjian@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of nwrider55 at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 4:20 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Valrey

Van Gundy

1243 NE 9th St.

McMinnville

OR

97128

nwrider55@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(4) Definitions
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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of KhrysteenC at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 1:36 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Kristine

Connolly

7517 Staunton Pl NW

Albuquerque

NM

87120

KhrysteenC@gmail.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of sjcbaskets at yahoo.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 1:28 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Susan J

Cessac

3841 Tracy St NE

Albuquerque

NM

87111

sjcbaskets@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of edu.chaudoir at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 1:03 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Susan

Chaudoir

4040 St. Josephs PL NW #116

Albuquerque

NM

87120

edu.chaudoir@gmail.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of lindamusical9 at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 1:06 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Linda

Shank

1808 Twilight SE

Rio Rancho

NM

87124

lindamusical9@gmail.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of btegtmeier52 at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 1:08 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Barbara

Tegtmeier

4623 Almeria Dr NW

Albuquerque

NM

87120

btegtmeier52@gmail.com

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-Unstable soils (5-2(C)(1)(c))
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-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of sjbnjeb at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 1:10 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Shelley

Bauer

4616 Almeria dr nw

Albuquerque

Nm

87120

sjbnjeb@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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-recreational trails;
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of fiabulous at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 1:15 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Fia

Bauer

935 Teagan

Albuquerque

New mexico

87112

fiabulous@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of romacastellanos at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 1:18 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Roma

Castellanos

1241 vassar Dr NE

Albuquerque

NM

87106

romacastellanos@gmail.com

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of teresa.m.skiba at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 1:21 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Teresa

Skiba

2027 Robertson Rd. SW

Albuquerque

NM

87105

teresa.m.skiba@gmail.com

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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of luckybauer28 at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 2:33 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Joseph

Bauer

4616 Almeria Dr. NW

Albuquerque

NM

87120

luckybauer28@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
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-arroyos (Policy 11.3.2);
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-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of WPILART at MSN.COM <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 3:01 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

willa

pilar

744 montclaire dr ne

abq

nm

87110

WPILART@MSN.COM

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of victor.fs.lopez at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 3:01 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

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Victor

Lopez

725 Arizona SE

ALBUQUERQUE

NM

87108

victor.fs.lopez@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of WPILART at MSN.COM <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 3:13 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

willa

pilar

744 montclaire dr ne

abq

nm

87110

WPILART@MSN.COM

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of erin.ashley.nolan at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 3:51 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Erin

Nolan

1503 Anderson pl se

Albuquerque

Nm

87108

erin.ashley.nolan@gmail.com

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The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of gulleymnrn at aol.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 4:26 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Jane

Gulley

4701 Valle Bonita Ln

Albuquerque

New Mexico

87120

gulleymnrn@aol.com

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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of toyfoxthomas at hotmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 4:28 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Kenneth

Funk

4908 Camino Valle Trail NW

Albuquerque

NM

87120

toyfoxthomas@hotmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

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(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

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(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
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-bosque (Policy 10.3.4; 11.3.3);
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-public park;
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-recreational trails;
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of gulleyt at aol.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 4:30 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Thomas

Gulley

4701 Valle Bonita Lane

Albuquerque

New Mexico

87120

gulleyt@aol.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Arroyos (5-2(C)(1)(e))
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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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(5) Landscaping
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construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of birdlajoya at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 5:04 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Sara Jayne

Cole

6813 Armand Rd NW

Albuquerque

NM

87120

birdlajoya@gmail.com

The Suzanne Hanson Poole Estate is an exceptional ecologically and culturally significant property with citizen-based support to preserve. The proposed 74 single-family housing development on the boundary of the wetland would have a negative impact on this wildlife habit. This landscape is irreplaceable, incapable of being replicated elsewhere. The Central New Mexico Audubon Society has concerns that this development might be approved without the required Environmental Impact statement. The migratory birds that us this wetland for nesting, need to have its integrity maintained.
Central New Mexico Audubon Society OPPOSES the DRB Variance and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.
The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

Central New Mexico Audubon Society OPPOSES the DRB Variance and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

Sincerely,
Sara Jayne Cole president Central New Mexico Audubon Society

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of paulinehansen22 at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 5:07 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Pauline

Hansen

5020 Camino Valle Trail NW

Albuquerque

NM

87120

paulinehansen22@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(2) Sensitive Lands

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-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of chasrobles at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 5:13 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Charles

Robles

3930 Avalon Road NW

Albuquerque

NM

87105

chasrobles@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of jannini at outlook.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 5:30 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Jan

Nixon

909 Dartmouth Dr NE

Albuquerque

NM

87106

jannini@outlook.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of duana528 at aol.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 5:38 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Duana

Draszkiewicz

5 Camino de Los Mananitas

LosLunas

NM

87031

duana528@aol.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of petitdeceit at icloud.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 6:35 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Sean

Potter

3200 Colorado St NE

Albuquerque

NM

87110

petitdeceit@icloud.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of bhanson5 at comcast.net <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 7:13 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

brian

hanson

9016 Freedom Way N.E.

Albuquerque

New Mexico

87109

bhanson5@comcast.net

Brian Hanson
Bosque Action Team, Rio Grande Chapter, Sierra Club
bhanson5@comcast.net

November 25, 2018

To: Environmental Planning Commission

The Bosque Action Team of the Sierra Club objects to the development of residential housing on the Poole Property (PR-2018-001402) located on the west bank of the Rio Grande in Albuquerque, directly west of the Rio Grande Nature Center State Park. We OPPOSE the DRB Variance and respectfully ask the EPC to deny approval(s) for project PR-2018-001402, Poole property at 5001 Namaste Road NW.

The Bosque Action Team has over 40 members within the Central Group of the Sierra Club with over 4,000 members. The Sierra Club in New Mexico has over 10,000 members.

The current owners of the Poole property is Daniels Family Property. The proposed 74 houses would remove wildlife values of the 24 acre area forever and more importantly, could impact wildlife in the Rio Grande below the property. Immediately south of the property the oxbow wetland provides unique and valuable

habitat for aquatic and terrestrial wildlife. At least four species that are federally endangered or threatened may use the oxbow:
Endangered - Rio Grande silvery minnow, Southwestern willow flycatcher and New Mexico meadow jumping mouse
Threatened - Yellow-billed cuckoo

We urge the City of Albuquerque to seek measures to protect the area including slowing down the development process so that alternate conservation uses of the area can be explored. We encourage the City to or others to purchase and manage the area for conservation purposes.

The adjacent river area would be less attractive to migratory birds since they would view a housing area rather than open space. The area to the west of the houses is grassland with some shrubs that produces small mammals that serves as a food base for predators. Around the houses are large trees that can provide nesting and perch sites for raptors. This property is adjacent to the Rio Grande which increases it's value to the river ecosystem.

Sandhill cranes roost along the river and need both feeding areas and roosting sites. Disturbance of roost sites may push sandhill cranes to other less suitable roost sites; cause them to move larger distances to find river areas that are undisturbed or cause sandhill cranes to abandon the area. There are several feeding areas in Albuquerque that sandhill cranes use including private cropland, Los Pablanos Open Space, Open Space Visitor Center, cropland adjacent to the Rio Grande Nature Center State Park, and other cropland that Albuquerque Open Space manages. If roosting areas along the Rio Grande are limited or further restricted, then the sandhill cranes could abandon the area. One of the goals of a new, developing Resource Management Plan for Candelaria Nature Preserve, (near the Rio Grande Nature Center State Park on the east side of the Rio Grande) will be to attract sandhill cranes in the winter time. It is crucial that a nearby roosting area be available for cranes.

The Bosque Action Team urges the City to allow time to explore conservation alternative use of the Poole property.
We OPPOSE the DRB Variance and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

Sincerely,

Brian Hanson
Lead for Poole Property preservation, Bosque Action Team, Rio Grande Chapter, Sierra Club

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of andreasanchezfineart at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 7:48 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Andrea

Sanchez

223 Amherst Drive

Albuquerque

NM

87106

andreasanchezfineart@gmail.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of jen at mail2beach.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 8:07 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Jen

Rhea

1208 San Pedro NE #!!7

Albuquerque

NM

87011

jen@mail2beach.com

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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of cynthgg at me.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 8:15 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Cynthia

Gefvert

2205 Cebolla Creek Way NW

Albuquerque

NM

87130

cynthgg@me.com

As a hydrogeologist and water resources planner, I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project. I will be paying close attention to your decision.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of blackjellybeans at yahoo.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 9:16 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Sae Eun

Miceli

4812 Valle Santo Trl NW

Albuquerque

New mexico

87120

blackjellybeans@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(2) Sensitive Lands

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-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of mikejmiceli at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 9:26 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Michael

Miceli

4812 Valle Santo Trl NW

Albuquerque

NM

87120

mikejmiceli@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
-Unstable soils (5-2(C)(1)(c))
-Wetlands (5-2(C)(1)(d))
-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
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(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

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(6) Other Related Issues
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-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of erselius at glendale.edu <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 9:35 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Robert

Erselius

4908 Camino Valle Trl NW

Albuquerque

NM

87120

erselius@glendale.edu

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
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(2) Sensitive Lands

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-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
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(5) Landscaping
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-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of dlopez at ratesllc.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 10:12 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Donavan

Lopez

4700 Valle Bonita Lane NW

ALBUQUERQUE

NM

87120

dlopez@ratesllc.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Rock outcroppings (5-2(C)(1)(h))
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(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(4) Definitions
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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of loretta.johnson2.lj at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 10:30 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Loretta

Johnson

4905 Camino Valle Trail NW

Albuquerque

NM

87120

loretta.johnson2.lj@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
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(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of nmnatv at comcast.net <form_engine@fs6.formsite.com>
Sent: Sunday, November 25, 2018 11:13 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Sheila

Hunter

2524 Don Pedro NW

Albuquerque

NM

87104

nmnatv@comcast.net

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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of evolutionade at rocketmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 12:58 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Julianna

Lishius

La Vega Dr SW

Albuquerque

NM

87105

evolutionade@rocketmail.com

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==========
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of ken at abq45.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 4:49 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Ken

Churchill

4612 Almeria DR NW

Albuquerque

NM

87120

ken@abq45.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of erniews at msn.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 6:34 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

ERNEST

STURDEVANT

3212 Georgia St NE

Albuquerque

NM

87110

erniews@msn.com

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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of m_marsee at yahoo.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 7:00 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Megan

Maesee

1407 Sloan Place SW

Albuquerque

NM

87105

m_marsee@yahoo.com

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-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of lnjalopez at msn.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 7:27 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Loretta

Naranjo Lopez

1127 Walter NE

Albuquerque

NM

87102

lnjalopez@msn.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
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I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of jazzbergen at yahoo.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 8:38 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Audrey

Bergen

4808 Valle Santo trail Nw

Albuquerque

NM

87120

jazzbergen@yahoo.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Large strands of mature trees (5-2(C)(1)(i))
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(3) Major Public Open Space (MPOS)
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(4) Definitions
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of dbreault at lobo.net <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 8:49 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

David

Breault

7 Pool St. NW

Albuquerque

New Mexico

87120

dbreault@lobo.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of chuckhonse at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 9:03 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Chales

Honse

8421 La Palomita Road NE

Albuquerque

New Mexico

87111

chuckhonse@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of matt at macinstruct.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 9:15 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Matthew

Cone

1413 Dennison Rd SW

Albuquerque

NM

87105

matt@macinstruct.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Arroyos (5-2(C)(1)(e))
-Irrigation facilities; acequias (5-2(C)(1)(f))
-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
This property is adjacent to (directly abuts) MPOS, which in this case is the Oxbow Wetland, the Rio Grande River, Montano Pueblo Open Space, and San Antonio Oxbow Open Space. It is unclear from the application or site plan if the development’s assigned open space is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a).
It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
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(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of pilartruenorth at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 10:33 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Isabella

Pilar

744 Montclaire Dr. NE

Albuquerque

NM

87110

pilartruenorth@gmail.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

It is unclear from the application or site plan how the site plan avoids sensitive lands. The applicant has explicitly expressed, “It is our intention to develop the property without needing to obtain a permit from the Corps” [Army Corps of Engineers]. Per IDO Section 5-2(C)(1), the developer is responsible for providing the studies, assessments, and permits required. The City Planner has requested evidence showing how each criteria below is analyzed and assessed. To date, those requirements are likely outstanding, deficient, omitted, or pending:

-Steep slopes (5-2(C)(1)(b))
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-Escarpments (5-2(C)(1)(g))
-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(4) Definitions
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-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of judithaaragon at aol.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 10:34 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Judith

Aragon

606 Edith NE

Albuquerque

NM

87102

judithaaragon@aol.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

(1) Site design
The following remain unclear within the site design: floodways, flood fringe areas, water, drainage, waste, sewer, setbacks, entrance/exits, street design, buffers, landscaping, lot sizes, lot placement, and numbers of lots. Text from IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed site design avoid sensitive floodways and flood fringe areas. The City Planner suggests the site design should adjust lot size, move lots significantly westward, and reduce block length (Section 5-4, Table 5-4-1). To date, it appears the site design has been modified without showing how it avoids sensitive lands.

(2) Sensitive Lands

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-Rock outcroppings (5-2(C)(1)(h))
-Large strands of mature trees (5-2(C)(1)(i))
-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
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-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of btrujillosw at msn.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 10:59 AM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Benjamin

Trujillo

744 Montclaire Drive NE

Albuquerque

NM

87110

btrujillosw@msn.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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-Rock outcroppings (5-2(C)(1)(h))
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-Archaeological sites (5-2(C)(1)(j)

(3) Major Public Open Space (MPOS)
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(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

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-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of info at willsonstudio.com <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 12:52 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Patricia

Willson

505 Dartmouth Dr. SE

Albuquerque

NM

87106

info@willsonstudio.com

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

There are plenty of other places to build high-end homes--this tract of land as open space is IRREPLACEABLE !

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
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-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

This email was sent to csomerfeldt@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: form_engine@fs6.formsite.com on behalf of carmenb333 at earthlink.net <form_engine@fs6.formsite.com>
Sent: Monday, November 26, 2018 12:41 PM
To: Somerfeldt, Cheryl
Subject: Poole Estate at Oxbow Wetland

Dear Ms. Somerfeldt:

I am copying you on this letter to ask that you submit to the record (and/or analysis) that I OPPOSE the EPC variance request(s) made by the applicant to your planning department for project PR-2018-001402. Thank you.

Carmen

Badeau

937 Palomas Dr. SE

Albuquerque

NM

87108

carmenb333@earthlink.net

I OPPOSE the proposed Site Plan and EPC Variances and respectfully ask the EPC to deny approval(s) for project PR-2018-001402.

The issues relating to the Site Plan and EPC Variances include: (1) Site Design, (2) Sensitive Lands, (3) Major Public Open Space (MPOS); (4) Definitions; (5) Landscaping; and (6) Other Related Issues from Comprehensive Plan.

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(3) Major Public Open Space (MPOS)
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It is clear that significant erosion is currently an issue along the bluff. It is unclear how:

(a) the problem will be mitigated by development flows; and
(b) the proposed buffer of 20 feet adequately mitigates conditions to the maximum extent possible.

It also appears that:
(a) no evidence has been provided to explicitly demonstrate any negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)); and
(b) no evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety).

(4) Definitions
It is unclear from the application or site plan that the use of definitions to describe the development are accurate in the context of this site design for this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

(a) Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. (p. 453)
(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. (p. 458)
(c) Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(5) Landscaping
It is unclear from the application or site plan that the development will protect native species during

construction. The site plan does not explicitly describe how native and cultural features will be protected or monitored or what non-native species will be prohibited in order to protect adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

(6) Other Related Issues
It is unclear from the application or site plan that the development mitigates adverse impacts on the following areas to the maximum extent possible (Per IDO Section 6-6(H)(3)(e) and the ABC Comprehensive Plan):
-public and private open space (Goal 10.3);
-bosque (Policy 10.3.4; 11.3.3);
-Rio Grande River (Policy 10.3.4);
-surrounding natural & cultural landscapes (Policy 11.3.1);
-arroyos (Policy 11.3.2);
-public park;
-wildlife habitat;
-recreational trails;
-watershed management; and
-drainage functions.

I OPPOSE the proposed Site Plan and EPC Variance(s) and respectfully ask the EPC to deny approval(s) for this project.

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