Environmental Planning Commission

Agenda Number: 5
Project #: 2018-001402
Case #: SI-2018-00171
Hearing Date: February 13, 2020

Supplemental Staff Report 3- Remand

(to be read in conjunction with all prior Staff reports)

Agent	Consensus Planning
Applicant	Gamma Development, LLC
Request	Site Plan-EPC
Legal Description	Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West
Location	Addressed as 5001 Namaste Road NW and between La Bienvenida Place NW and the Oxbow Open Space
Size	Approximately 23 acres
Zoning	R-A

Staff Recommendation

DEFERRAL of Project # 2018-001402/ SI-2018-00171, due to the pending appeal of a declaratory ruling regarding cluster development, and to site plan deficiencies directly related to the subjects of the remand instructions as explained herein, for two months to the April 9, 2020 hearing.

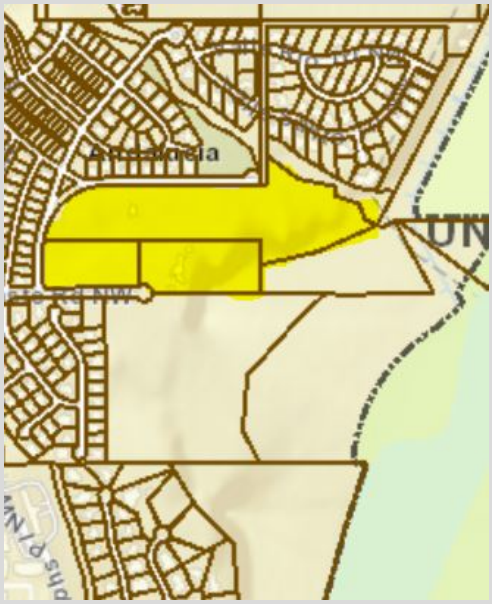
Staff Planner
Catalina Lehner, AICP- Senior Planner

Summary of Analysis

The request is for a Site Plan-EPC for the Poole Property, a mostly undeveloped site adjacent to the San Antonio Oxbow Major Public Open Space (MPOS). The applicant proposes 69 single-family homes.

The EPC approved a prior version of the site plan at its March 14, 2019 hearing. Aggrieved parties appealed. The City Council remanded the case to the EPC with four instructions. Meanwhile, aggrieved parties appealed the ZEO's declaratory ruling regarding cluster development.

Council Remand Instruction #3 requires an evaluation of whether or not the IDO allows more than one cluster development per site. Instruction #2 requires evaluation of associated open space requirements. Both instructions are directly tied to the declaratory ruling, the appeal of which is pending. The proposed site plan's lack of clarity regarding open space and setbacks, and instances of IDO non-compliance related to these topics, do not allow for an accurate and thorough response to these remand instructions at this time.



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I. OVERVIEW

Request

This request is for a Site Plan-EPC for an approximately 23-acre site located between the eastern end of Namaste Dr. NW and the Rio Grande, adjacent to the San Antonio Oxbow Major Public Open Space (MPOS) (the "subject site"). The subject site is bounded by single-family homes to the west, a City park to the north, undeveloped MPOS land to the south and east, and is zoned R-A.

The applicant proposes to develop a subdivision of 69 single-family homes. Single-family homes, cluster development, and cottage development are permissive uses in the R-A zone.

Update

The request is now before the EPC on remand from the City Council pursuant to four remand instructions specified by the City Council (see attachment). Instruction #3 requires that the EPC evaluate, explain and issue a specific finding as to whether the IDO allows more than one cluster development on a site plan. Instruction #2 requires evaluation of open space requirements for cluster development.

The Zoning Enforcement Officer (ZEO) issued a declaratory ruling about cluster development, after the EPC's initial March 14, 2019 approval, on April 22, 2019, which the applicant had requested on April 3, 2019. The declaratory ruling states that the regulations for cluster development apply to each project site, and that the IDO does not prohibit more than one project site per application.

On January 15, 2020, aggrieved parties appealed the declaratory ruling. There is no specific timeframe for appeals of declaratory rulings, unlike appeals of other types of decisions that must be filed within 15 days of the decision date. At this time it is unknown how the City Council, the City's ultimate planning and land use authority, will decide with respect to the appeal because it has not yet been heard. City Council's decision could have a significant impact upon Staff analysis and recommendation, and the EPC's decision regarding the proposed site plan.

Without a final determination of whether 1) the declaratory ruling stands and must be followed as ordered by Council, or 2) the declaratory ruling is overturned in whole or in part, as ordered by Council, it is not possible to accurately or thoroughly respond to Instruction #3 with the necessary analysis. Instruction #2 requires an evaluation of open space as it relates to cluster developments, which will also be affected by Council's decision regarding the pending appeal.

Furthermore, the proposed site plan's requires more clarity regarding open space and setbacks, and instances of IDO non-compliance related to these topics, make it impossible for Staff to accurately and thoroughly respond to the remand instructions as required at this time. A two-month deferral would allow adequate time for the appeal of the declaratory ruling to be heard and decided and for the applicant to clarify the proposed site plan and address IDO requirements related to the site layout and open space.

II. BACKGROUND

EPC Hearings

The request was first scheduled for the November 08, 2018 Environmental Planning Commission (EPC) hearing, but was deferred for a month to the December 13, 2018 hearing. At the December

hearing, the case was deferred for two months to the February 14, 2019 hearing, and at the February hearing, it was deferred for a month to the March 14, 2019 hearing. The purpose of the deferrals was mostly to continue working on the proposed site plan and address comments from Staff and agencies.

At the March hearing, the EPC voted to approve the request based upon 13 findings and subject to 10 conditions of approval as elaborated in the Official Notification of Decision (see attachment).

Appeals & LUHO Hearing
An appeal of the EPC's decision was filed by two parties: Mr. Gully (AC-19-6) and the Taylor Ranch Neighborhood Association (TRNA) (AC-19-7), represented by its attorney.

In AC-19-6, in brief, the appellant argued that the EPC erred because more than one cluster development per site is not allowed because the term "cluster development" is singular and not plural.

In AC-19-7, in brief, the TRNA presented multiple arguments via its attorney. They allege two types of issues: procedural errors with respect to Open Meetings Act requirements and due process, and site plan deficiencies and problems with how it was reviewed by Staff.

The Land Use Hearing Officer (LUHO) heard the appeals and issued a recommendation dated May 31, 2019 that the appeals be denied.

City Council Hearing
The City Council, however, opted to reject the LUHO recommendation and scheduled a full hearing of the appeals at its August 5, 2019 meeting. At its next meeting, on August 19, 2019, the Council voted to remand the matter to the EPC to consider issues related to clustering and open space. The Council's August 27, 2019 Notice of Decision adopted findings A through D in support of its decision; Finding C includes the EPC remand instructions (see attachment). The task of the EPC is to fully consider the issues as detailed in the remand instructions, as directed by the City Council.

EPC Role, History/Background, Context, Roadway System, Corridor Designation, Trails/ Bikeways, Transit, and Public Facilities/Community Services

» Please see p. 1-3 of the original, December 13, 2018 Staff report included in the record and available online at http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes .

Zoning, Definitions, Comprehensive Plan

» Please see pages 3-9 of the original December 13, 2018 Staff report (see attachment).

III. CITY COUNCIL DECISION & FINDINGS

The City Council voted to adopt the following findings in support of its decision to remand the case back to the EPC. The remand instructions, found in Finding C, embody the findings and are discussed here in Section IV- Analysis.

City Council Findings

A. Applicable IDO Requirements:

1. The IDO defines a "Cluster Development Design" as "[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." IDO § 14-16-7-1 "Cluster Development Design" (emphasis added).

2. Pursuant to the IDO, the total number of dwelling units within a cluster- i.e. the concentration of buildings in specific areas- "shall not exceed 50..." IDO § 16-16-4-3(B)(2)(c).

B. Site Plan and Deficiencies:

1. The current site plan of record for this matter labeled "updated site plan - EPC" depicts a total of 76 lots and ±7.3 acres of preserved land area dedicated to common open space. [R. 429]

2. Although the site plan of record depicts lands preserved as common open space, its design otherwise appears reflective of a traditional subdivision layout in that it does not "concentrate buildings in specific areas" as contemplated by the "Cluster Development Design" definition, and does not depict a clear demarcation of identifiable clusters, each containing fewer than fifty lots.

3. The EPC imposed a condition number five relating to setbacks between clusters that appears to, at least in part, speak to this issue of identifiable clusters of no more than fifty-units each, but the record is insufficient to determine whether the ultimate design layout will be fully consistent with all of the cluster development requirements of the IDO pursuant to the EPC's obligation under IDO §14-16-6-6(H)(3)(c).

Staff Comments

Note that the current site plan of record is the November 25, 2019 version that depicts a total of 69 lots and an estimated 8.11 acres of open space. Council Finding B.1 refers to an earlier version of the proposed site plan.

Council Finding B.3 states that the record is insufficient to determine if the design layout will be fully consistent with all of the IDO's cluster development requirements and that it's the EPC's obligation to evaluate this. IDO §14-16-6-6(H)(3)(c) states that a Site Plan-EPC shall be approved if it complies with all applicable provisions of this IDO, the DPM, and other City regulations.

This Staff report supplements the record and explains how the proposed site plan does not comply with all applicable provisions of the IDO, including specific requirements regarding cluster development and open space.

EPC Remand Instructions

C. 1. On remand, the EPC shall require the submission of a revised site plan for its consideration that clearly concentrates buildings in specific areas on the site, in identifiable clusters of no more than fifty lots each, and that otherwise satisfies the setback requirements of its condition number five. For purposes of setbacks between clusters, the relevant setback for each cluster

shall not overlap. The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster.

2. On remand, the EPC shall also evaluate and issue specific findings on the proposed cluster development's satisfaction of the IDO's applicable open space requirements for cluster developments, including but not limited to the ability to count drainage easements as part of its required open space designation and how the preserved common open space reasonably relates to each identifiable cluster.

3. On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan.

4. The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noticed quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.

D. Other Matters

1. As to all other matters raised in this appeal that are not specifically remanded pursuant to the above, the recommendation and findings of the Land Use Hearing Officer (the "LUHO") are accepted and adopted. More specifically, to the extent not otherwise inconsistent with these findings for remand, the recommendation and findings of the LUHO is accepted and adopted with the exception of the recommendations and findings contained in Page 11, Line 211 through Page 17, Line 359.

IV. ANALYSIS ON REMAND

Staff's analysis of the November 25, 2019 site plan pursuant to the City Council's remand instructions follows. Staff inserted numbers into the instructions for organizational purposes. Either "Met", "Not Met", or ? (unsure) is indicated for the portions of each instruction.

Remand Instruction 1- Clusters and Setbacks

"On remand, the EPC shall i) require the submission of a revised site plan for its consideration ii) that clearly concentrates buildings in specific areas on the site, iii) in identifiable clusters of no more than fifty lots each, and iv) that otherwise satisfies the setback requirements of its condition number five. v) For purposes of setbacks between clusters, the relevant setback for each cluster shall not overlap. vi) The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster."

C.1.i) The EPC shall require the submission of a revised site plan for its consideration. <u>MET</u>

The site plan considered here, dated November 25, 2019 (see attachment), was revised from the prior version of the site plan, dated March 1, 2019. The EPC approved the March 2019 site plan

subject to ten conditions of approval as elaborated in the Official Notification of Decision (see attachment). This decision was the subject of the appeals that lead to this remand.

The March 2019 site plan contained 76 residential lots with a reported* 7.38 acres of open space. The lots were numbered sequentially, from 1 to 76, as a single development. A circular road and linear open space were provided near the center of the proposed development, with the majority of open space located on the far, eastern bluff nearest the MPOS.

The currently proposed site plan shows 69 residential lots and a reported* 8.11 acres of open space. The lots are now numbered into two clusters, Group A (lots 1-33) and Group B (lots 1-36). More open space is provided near the center of the proposed development than before, with a corresponding reduction in the size of the open space on the far, eastern bluff. Two stands of mature trees are near the southern portion of the central open space area.

*Staff cannot verify the calculations from the information provided. See explanation later in this report.

C.1.ii) that clearly concentrates buildings in specific areas on the site NOT MET

The Group A buildings are concentrated on the subject site's western side, which is the most developable, less environmentally sensitive land, though the buildings would be more "clearly concentrated" if the relatively small open space area is removed and compliance with IDO 14-16-5-2(H)(2) is achieved (see discussion later in this report).

The Group B buildings, however, are not "clearly concentrated." The long, linear "serpentine" configuration of the Group B buildings (especially Lots B1-B18) prevents this group from forming a clear concentration of buildings in a specific area of the subject site. The cul-de-sac on the eastern side and the small open space area further separate the lots rather than concentrate them. This internal open space area is not required in this location, but should be adjacent to the MPOS as required by 14-16-5-2(H)(2)(a)(2).

This linear form of the Group B buildings is the hallmark of standard subdivision design and is purposefully intended to not create a clear concentration of buildings. Later in this report, Staff suggests ways to address this.

C.1.iii) in identifiable clusters of no more than fifty lots each, and ? MET IN PART

Unlike the site plan proposed in March, the November 2019 site plan classifies the lots into two Groups: A and B. Group A has 33 lots (numbered 1-33), located on the subject site's western side, and shows the footprint of 33 buildings (the homes). Group B has 36 lots (numbered 1-36), located on the mid and eastern portions of the subject site, and shows the footprint of 36 buildings.

The groups, labeled Cluster A and Cluster B, are identifiable and have no more than 50 lots each. The proposed site plan generally meets this portion of the instruction, but another factor comes into play: the subject of the declaratory ruling on appeal is whether or not more than one cluster is allowed, which has not been decided yet by the City Council. Whether or not the groups can be considered "clusters" for purposes of "cluster development" is considered later in this report, since it relates directly to the provision of open space.

C.1.iv) that otherwise satisfies the setback requirements of its condition number five. NOT MET

Condition #5 of the March 14, 2020 Official Notification of Decision reads as follows:

> "Setbacks at the perimeter of each cluster are required to be per the underlying R-A Zone District as follows:
>
> - Front, minimum 20-feet
> - Side, minimum 10-feet
> - Rear, minimum 25-feet – this affects all rear lots facing Namaste Road NW, Tres Gracias Road NW, La Bienvenida Place NW,
>
> If this results in a Major change to the Site Plan, it will be required to be reviewed and approved again by the EPC. The common open space must retain a minimum length and width of 35 feet if lots are adjusted for setbacks per 14-16-4-3(B)(2)(d)1."

Introduction
Setback information, found on Sheet 1 of the site plan, is generally difficult to read due to the 1:100 scale used. This can be remedied in two ways: moving the details (ex. sign detail) onto a new detail sheet in the site plan as is customary, to allow a more readable scale to be used. The setback exhibit is very significant to these instructions, and should be included as a separate sheet in the site plan, rather than as an exhibit. A site plan sheet, unlike a separate exhibit in the file, would become enforceable because it would be included with the site plan.

Relevant IDO definitions:

> Setback: The shortest distance between a structure and a lot line.
>
> Structure: Anything constructed or erected above ground level that requires location on the ground or attached to something having a location on the ground but not including a tent, vehicle, vegetation, or public utility pole or line.

Analysis
The condition refers to "setbacks from the perimeter of each cluster". However, the "perimeter of each cluster" is not clearly labeled, though it appears to be the property line (also not labeled) around the subject site. Note that there is no platted property line between the clusters because this is one project site.

The cluster setback exhibit (see attachment) should be a part of the site plan, on a separate detail and/or exhibit sheet. This exhibit shows a thick blue line for the 25' rear setback and a less thick red line for the 10' side setback. Neither measurement is verifiable by using the exhibit, which is not scaled and is too small to measure if it were scaled.

Setback is defined as the shortest distance between a structure and a lot line, and structure is anything constructed above ground level that requires a location on the ground. Given the definition of structure, a fence or wall is a structure. Though not labeled, the backyard of each lot is presumed to be walled in, as is the case with standard subdivisions. Nothing indicates a different-than-usual design approach.

Based on the Cluster Setback Exhibit, portions of Cluster A and Cluster B do not meet the required setbacks of the R-A zone as measured from the boundaries of the cluster, as follows:

Cluster	Lot #s	Setback	Required	Provided
A	A-11	side	10’	2’
A	A-24 to A-33	rear	25’	20’
Total non-compliant lots: **10**				

Cluster	Lot #s	Setback[1]	Required	Provided
B	B-1	side	10’	2’
B	B-25	side	10’	2’
B	B-19 to B-25	rear[2]	25’	10’
B	B-26	side	10’	2’
Total non-compliant lots: **10**				

[1]Note: Setback is defined as the shortest distance between a lot line and a structure. The interior line shown on the exhibit is not a platted lot line.

[2] Note: The red line at the rear of these lots should be blue, not red as shown on the exhibit. The relevant setback (rear setback) is 25 feet.

If setbacks were also to be evaluated by lot, note that Lots A-13 through A-23, the ten interior lots in Cluster A, show a 12 foot rear setback instead of the 25 foot rear setback required by the R-A zone. That’s a total of 10 lots in Cluster A. For Cluster B, Lots B-1 through B-18 show a rear setback of 20 feet instead of 25 feet, and Lots B-34 through B-36 (the floodplain lots) show a rear setback of 7 feet instead of 25 feet. That’s a total of 21 lots in Cluster B, for a grand total of 31 individual lots that do not meet R-A setback requirements. For the project site, if setbacks are also measured by lot in addition to by cluster, the total of lots non-compliant as to setback is 51.

When setbacks are not met, it may indicate that too many lots are being crowded into the space available, leaving insufficient space for setbacks.

Design changes such as a reduction in the number of lots and reconfiguration of proposed open space areas could provide more space to meet setbacks and other requirements. Because this could result in a major change to the site plan, the request may need to return to the EPC for additional review pursuant to Condition #5.

***C.1.v) For purposes of setbacks between clusters, the relevant setback for each cluster shall not overlap.* ?**

The project site is the entire, approximately 23 acre area. IDO 14-16-4-3(B)(2)(b) states, in part, that setback requirements, including the contextual standards in Subsection 14-16-5-1(C)(2), shall

apply to the project site as a whole. Staff is not totally sure what this instruction is intended to address.

Furthermore, this is difficult to answer because it is unclear where setbacks are to be measured from due to site plan ambiguities and an issue with the definition of Setback. First, the boundary line between Area A and Area B is not clearly labeled. The bold, dashed line near the middle of the subject site appears to be the dividing line. Note: this is NOT a platted lot line. Second, setback is defined as "the shortest distance between a structure and a lot line." There is no platted lot line between Area A and Area B, so how can there be a setback, by definition? Perhaps another term can be used, or a platted lot line proposed.

Assuming that there is a setback, it is unclear where the structures are along the dividing line between areas to measure from; no walls or fences are shown here on the site plan. Because setbacks are measured between a structure and a lot line, and it's unclear where the structures are, Staff cannot provide an accurate response.

Though not indicated on the site plan, assuming there is a side yard wall for Lots B-1, B-25 and B-26, as there would be in a standard subdivision, then setbacks would be measured from the wall (a structure), to the west and to the east. But there wouldn't be a wall across the street and probably not in the open space area to correspond to the dividing line.

Clarification is needed. Again, a new sheet (or portion of one) with explanatory notes, scalable with distances clearly shown and labeled, is needed to demonstrate whether this instruction is fulfilled.

C.1.vi) The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster." ?

Please see Staff's response to C.1.v, above. The dividing line between Area A and Area B is not a platted lot line, and setback is the shortest distance between a structure and a lot line. If setback is the term intended, then a platted lot line must be proposed.

The relevant "setback" (separation) for each area, A and B, is a side setback because the side of the proposed homes in Area A (western side) and the sides of the proposed homes in Area B (eastern side) face the central open space between the areas.

The minimum required side setback in the R-A zone is 10 feet. The required minimum separation between areas ("clusters") is 20 feet because there are two areas. However, Area A and Area B abut each other for the length of the (unplatted) line that divides them. If the central open space area is intended to be used to provide the minimum separation (though it's not "between clusters"), then this part of the instruction is met. If not, then it is unmet. Clarification is needed.

However, recall that setbacks from the perimeter of each cluster are not being met, as explained in C.1.iv above.

Remand Instruction 2- Clusters and Open Space

"On remand, the EPC shall also evaluate and issue specific findings on the proposed cluster development's satisfaction of i) the IDO's applicable open space requirements for cluster developments, including but not limited to the ii) ability to count drainage easements as part of its required open space designation and iii) how the preserved common open space reasonably relates to each identifiable cluster."

Note: IDO requirements that directly affect open space provision apply due to the subject site's location adjacent to MPOS (see IDO 14-16-5-2, Site Design and Sensitive Lands, including but not limited to the requirements in 5-2(H)(2)- Properties Adjacent to MPOS).

C.2.i) the IDO's applicable open space requirements for cluster developments NOT MET

The following are the IDO's applicable open space requirements for cluster developments, which apply provided that the proposed development is considered to be a cluster development. Relevant definitions include Dwelling, Cluster Development and Project Site.

4-3(B)(2)(a) Minimum project size for the use is 1 acre. MET

4-3(B)(2)(b) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings. NOT MET

Subsection 14-16-5-1(C)(2), Contextual Residential Development in Areas of Consistency, applies as stated above. The applicant has not provided a demonstration on the site plan to show that the proposed lot sizes fall between 75% and 125% of the lot size as required pursuant to 4-3(B)(2)(b), which references 5-1(C)(2)(b)- Lot Size. This calculation should be included on a detail sheet in the site plan and thereby would become enforceable.

4-3(B)(2)(c) The number of dwelling units is determined by dividing the site area by the minimum lot size allowed in the zone rounded down to the nearest whole number but shall not exceed 50, except in the Los Duranes-CPO 6, where the number of dwelling units shall not exceed 20. **?**

22.75 acres x 43,560 sf/acre= 990,990 sf. 990,990 / 10,890 sf= 91 lots, but 91 exceeds 50 so 50 is the maximum number of dwelling units allowed. The R-A zone allows one dwelling unit per lot, so 50 lots is the allowed maximum.

Project Site is defined as "A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan. **This term refers to the largest geography specified in the earliest request for decision on the first application related to a particular development.** For example, if a large parcel is subdivided and submitted for development in phases, any regulation referring to the project site would apply to the entirety of the land in the original parcel included in the Subdivision application.

However, the declaratory ruling states that a single site plan may show multiple project sites. If this interpretation is affirmed by the City Council, then the site plan complies. With this reading, the project site is considered to consist of two groups of lots, Group A on the western and Group B on the eastern portion of the subject site, then the requirement is met because 33 lots are proposed in Group A and 36 lots in Group B. Each is less than 50.

If it is not affirmed, the approximately 22.75 acre subject site would be interpreted as the largest geography specified in this application, the earliest request for decision on the site, in accordance with the above definition of project site. The proposed site plan shows 69 lots, which is more than 50, so this requirement would not be met.

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. NOT MET- see subsequent analysis
2. The common open space shall have a minimum length and width of 35 feet. MET

   At its narrowest point, the open space shown on the subject site's western side is 35 feet wide.

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. ?

   Though the applicant provided an exhibit showing that the open space areas would be partially visible from the public ROW, this is not possible to know without information regarding the types of walls and/or fences are planned in the proposed gated community. To evaluate compliance, a wall detail is needed to show the wall types around the subject site's perimeter. The wall detail on Sheet 1, along with the new wall detail, should be moved to a separate detail sheet.

4. No structure is allowed in the common open space except if necessary for its operation and maintenance. MET

   No structures (buildings, walls, fences) are shown in the common open space, but it appears that walls are proposed around it.

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 Open Space Division (OSD) has indicated that it would accept dedication of a portion of the proposed open space (see attachment).

4-3(B)(2)(e) The cluster development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot and the common open space on a separate subdivided lot or easement.

The proposed site plan shows the dwellings on individual lots, which would be created through the subdivision process. It's unclear if the common open space areas would be on separate lots or easements. **?**

4-3(B)(2)(f) Maintenance for common open space areas is the responsibility of the property owner, unless those areas are dedicated the City. MET

A note on Sheet 5 (unlabeled) indicates that the future HOA will own and maintain the sensitive land protection area at the subject site's far eastern boundary. A note is needed to address the rest of the common, internal open space, which would make more sense for the HOA to own and maintain if these areas are included in the final design. These notes should be on Sheet 1 of the proposed site plan. With details and exhibits moved to a separate sheet, there would be more room for important notes.

The sensitive land protection area, if desired by the City, could be dedicated as indicated above in the response to 4-3(B)(2)(d)(5).

Analysis of 4-3(B)(2)(d)(1)
Staff uses the term "reported open space" earlier in this report because the calculations supporting the figures are not shown, so it is unknown how they were arrived at. For each cluster, the applicant lists:

- cluster size
- OS required by the 30% rule
- OS required by the lot reduction rule, and
- OS provided.

In order to evaluate compliance, the calculations that produced the figures need to be shown, step by step, and should be a separate, enlarged sheet for ease of reading and demonstration of compliance, rather than merely final totals on the main sheet (Sheet 1).

Again, the definition of Project Site and whether two cluster developments can be on one site plan, the subject of the Declaratory Ruling under appeal, complicates the analysis of compliance at this time.

If the approximately 22.75 acre subject site is the project site, Subsection 4-3(B)(2)(d)(1) refers to "gross project site" and would require calculations for the entire site. Required open space must be either 30% of the gross project site or 100% of the area gained through lot reductions. It's straightforward to calculate 30% of the gross project site: 22.75 x 0.3=6.825 acres.

However, it's more involved to figure out the "100% of the area gained through lot reductions". A comparison of the minimum required lot size in the R-A zone (10,890 sf) and each proposed lot size is needed. A table showing the size differential for each lot, and then a summary total, is needed. Therefore, Staff cannot determine if the figure for the 30% of gross project site or the figure for the area gained through lot reductions is the larger of the two.

The application of the definition of Project Site is included in the Declaratory Ruling, which is the subject of the pending appeal. Project site is defined as "A lot or collection of lots shown on a Subdivision – Minor or Major or on a Site Plan. This term refers to the largest geography specified in the earliest request for decision on the first application related to a particular development. For example, if a large parcel is subdivided and submitted for development in phases, any regulation referring to the project site would apply to the entirety of the land in the original parcel included in the Subdivision application."

Depending upon how the City Council decides the appeal, the open space calculations may have to be redone. Provision of open space directly affect site design and compliance with other, applicable IDO requirements and has a ripple effect on the proposed site plan; a deferral is warranted because it is unknown how the Council will decide the appeal.

Conclusion
Though all are important, the most significant open space requirement for cluster development is found in Subsection 4-3(B)(2)(d)(1), which requires that at least 30% of the gross project site or 100% of the area gained through lot reductions, whichever is greater, be provided as common open space. Where and how this open space requirement can be met is a site design issue, and site design relates directly to associated requirements applicable to this proposed development, specifically 5-2(H)(2)(a)(2)- which requires that open space is located adjacent to MPOS, and 5-2(H)(2)(a)(1)- which requires a single-loaded street between the homes and the MPOS, or a landscape buffer as approved by the Open Space Superintendent.

C.2.ii) the ability to count drainage easements as part of its required open space designation <u>MET</u>

The IDO defines easement as "A legal right to use another's land for a specific, limited purpose, typically within private ways." One of the purposes listed is maintaining stormwater drainage.

Common Open Space is defined as "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."

Stormwater run-off would be directed eastward, toward the existing stormwater drainage easement along the subject site's eastern side. Generally, this is an area of the site where ponding can occur; it's an on-site ponding area. On-site ponding areas are included in the definition of Common Open Space as one of the types of undeveloped land that can be set aside for purposes of providing Common Open Space.

The site plan does not show separate lots for the Common Open Space, and no easement for Common Open Space is shown for two of the three open space areas.

***C.2.iii) how the preserved common open space reasonably relates to each identifiable cluster* ?**

Common open space areas are proposed on the subject site's western side, center, and eastern side adjacent to the MPOS. The western open space relates to Area A, the eastern open space relates to Area B, and the Central open space relates to both physically, though conceptually all relate to each other.

Because the definition of project site and how it applies to cluster development is still subject to appeal, compliance with this provision is also uncertain. The intent of cluster development is that common open space areas are available to the development as a whole and should relate to each other conceptually and as a matter of site design. The proposed trails that link areas of the development to each other support this idea, as does the gate that keeps "others" out of this cohesive site that functions as a single development.

It is reasonable for the open space areas to relate to each other comprehensively across the subject site, for both preservation of open space and future residents' enjoyment. It is also reasonable that the request, and future development requests, comply with all applicable IDO requirements having to do with open space provision.

If the appeal of the Declaratory Ruling is granted, the common open space could relate to the proposed development and reinforce its identity as a special ecological location by concentrating the great majority of the required common open space along the subject site's easternmost boundary. This area would help define the character of the proposed development, while a reduced size central open space area would function more as a small interior park, while maintaining meaningful connectivity throughout.

In addition to meeting Subsection 4-3(B)(2)(d) for cluster development, this idea would create compliance with the following, applicable requirements directly related to site design and open space, with which the proposed site plan does not currently comply:

5-2(H)(2)(a)(2)- the site plan shall locate on-site open space to be contiguous with the MPOS

The western and central proposed open space areas do not meet this requirement; only the eastern open space area, which abuts the MPOS, complies.

5-2(H)(2)(a)(1)- development shall be platted and/or designed to incorporate a single-loaded street (or landscape buffer if approved by OSD) between the MPOS and the development.

This requirement is not met.

3-4(C)(5)(A)- cluster development design on land above the floodplain level shall be used to the maximum extent practicable, and the floodplain shall be used as open space.

Concentrating open space on the subject site's eastern side would meet this requirement. The four lots in the floodplain are required to be used as open space. Lots B-33 through B-36 can be relocated or removed to create compliance.

Remand Instruction 3- Cluster Development

"On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan."

C.3 As explained, an appeal of the ZEO's declaratory ruling regarding cluster development is pending before the City Council. The EPC is bound by direction from the City Council, but direction on this question has not yet been provided because the matter is pending.

Staff recommends that the EPC not issue the finding called for by remand Instruction #3 at this time, because it is unknown what the Council decide and how it will affect the proposed site plan. Therefore, the EPC cannot expressly fulfill Remand Instruction #3 as ordered until a later date. Though relevant related issues, such as open space and site design, can be discussed in the context of the instructions, Instruction #3 cannot be properly addressed at this time.

Remand Instruction 4- Duly Noticed Hearing & Open Meetings Act

"The EPC shall conduct the remand hearing within the scope of these remand instructions i) as a duly noticed quasi-judicial hearing ii) in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses."

C.4.i) as a duly noticed quasi-judicial hearing.

Staff contacted the Legal Department for guidance regarding the "duly noticed" requirement of Remand Instruction #4. Duly noticed refers to all aspects of required notice for the application, both initially and now on remand from the City Council.

The application consists of a Site Plan-EPC (Note: the Variance-DRB associated with the site plan was heard by the DRB, not the EPC). As stated in IDO Table 6-6-1, required notification for a Site Plan-EPC is a published legal ad, mailed notification, sign posting, e-mail, and a web posting.

Legal Ad and Web Posting
The published legal ad and the web posting are responsibilities of the City. The legal ad for the remand hearing was published in the Albuquerque Journal on January 15, 2020 (see attachment). The web posting, meaning posting of the Staff report and attachments, was done for the original application and the subsequent supplemental Staff reports. This supplemental Staff report for the remand will be published to the City's web page shortly after the report is made available to the commissioners, on Thursday or Friday, February 6 or 7, 2020.

Notification to Neighborhoods
Notification to neighborhood representatives, which consists of emailed notification and mailed notification (first class mail), is the applicant's responsibility. As required, the applicant emailed both representatives from the La Luz Landowners' Association, the Westside Coalition, and the Taylor Ranch Neighborhood Association (NA) on December 23, 2019 as part of the remanded

case (see attachment). The email notice meets requirements for content of the notice in IDO Section 14-16-6-4(K)(6).

Mailed notification (first class) to neighborhood representatives is also required. The applicant mailed a letter, dated December 26, 2019, on December 27, 2019 to each of the designated representatives. This was 13 days prior to the January 9, 2020 hearing, and would not have met the minimum 15 day notice requirement for a January hearing. However, the timing was sufficient to allow at least 15 days prior to the February 13, 2020 hearing. The same timelines apply to property owner notification letters and was also done with sufficient time for the February hearing.

A copy of the letter and picture of the envelopes sent via First Class mail are contained in the record (see attachments). The applicant provided a memo dated January 16, 2020 to serve as documentation of good faith effort, which is required pursuant to IDO 14-16-6-4(K)(7) (see attachment).

As a matter of practice, when several months have transpired and a case remains in the EPC process, applicants are often requested to provide an updated contact letter from the Office of Neighborhood Coordination (ONC) in case any contact information has changed over time. The ONC response letter the applicant provided with the remand notification materials is dated November 27, 2019. To meet all notice requirements ("duly noticed"), the letter should have been updated. Other than this, the emailed and mailed notifications meet IDO requirements.

Notification to Property Owners
Mailed notification (First Class) to property owners within 100 feet of the subject site is also required. The applicant mailed a letter, dated December 26, 2019, on December 27, 2019 to each parcel indicated in the associated buffer map. The mailing was done 13 days prior to the January 9, 2020 hearing, and would not have met the minimum 15 day notice requirement for a January hearing. However, the timing was sufficient to allow at least 15 days prior to the February 13, 2020 hearing.

Though typically City Staff produces the buffer map, in this case the applicant produced the buffer map and the list of property owners resulting from it. The map is required to show buffering of 100 feet around the subject site's perimeter (see attachment). The right-of-way (ROW) of any streets does not count. For example, if a street is 50 feet wide, the buffer would be 150 feet at that point. If there is no ROW, the buffer is 100 feet. Properties that fall into the buffer area, or even touch buffer boundaries, are required to receive notification. When in doubt, it's better practice to notify than to not notify.

To ensure complete notification, Staff checked the list of property owners against the photocopies of envelopes mailed. All 36 affected property owners on the list were notified. Staff also checked the names of property owners in the City's GIS system to make sure they are on the list. Then Staff checked the buffer map. The distances appear to be accurate, and are labeled. The label on the subject site's northern side (100.79 feet) covers a portion of the buffer. Upon close examination, however, it appears that the boundaries of the buffer touch four properties; touching means that the following property owners should have been notified but were not: Dunkin, Kouri, Erselias, and Sanchez. These are the four lots starting at the southeastern corner of the intersection

of Valle Bosque Way NW and Valle Santo Trail NW. The three lots further east (Fresquez, Gulley, and Bregez LLC, were notified as required.

Sign Posting
The sign posting at the subject site is also the applicant's responsibility. IDO Section 14-16-6-4(K)(3) requires that the applicant post at least one notice on each public right-of-way abutting the subject site, at a clearly visible point, at least 15 consecutive days before the public hearing. Signs are provided by the City and posting done by the applicant.

The applicant posted signs at La Bienvenida Place NW, Tres Gracias Rd. NW, and Namaste Rd. NW. The photos were provided to Staff on Thursday, January 9, 2020 (see attachments). Based on evidence in the record, Staff believes that this requirement has been met.

C.4.ii) in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments.

The EPC, with the advisement of City Legal staff, will conduct the remand hearing in conformance with the Open Meetings Act and will allow all interested persons and the public to submit comments. Several members of the public have submitted comments via email, in letter form, and others have provided emails and a hand-written letter. Staff has included these in the record as attachments to this Staff report.

To be included as an attachment, comments must be received no later than the morning of Thursday, February 6. The final deadline for comments is the morning of Tuesday, February 11, at least 48 hours prior to the EPC hearing. Comments that parties want to submit after that can be read into the record at the hearing.

V. AGENCY & NEIGHBORHOOD CONCERNS

The proposed site plan has been revised since the March 14, 2019 hearing, resulting in the November 25, 2019 version of the site plan considered here. The revised site plan was submitted to the Planning Department with the remanded case, and was distributed for agency comment (see attachment).

Reviewing Agencies

The following agencies submitted comments: the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA), Department of Municipal Development (DMD), PNM, and the Open Space Division of the Parks and Recreation Department (see attachments). DMD had no comments on this case, PNM commented about an existing underground line, equipment screening, and new service delivery. The ABCWUA commented regarding utility availability.

The Open Space Division (OSD) has major concerns with the proposed site layout. Though they appreciate the protection of the two stands of mature trees, OSD remains concerned about the proximity of lots on the site's southern side to the steep, sandy bluff and potential erosion over time. OSD would like to see a significant open space area contiguous to the existing MPOS pursuant to IDO 5-2(H)(2)(a)(2) and, despite remaining concerns about the use of a drainage

detention area and steep sloped areas as open space, would be open to discussing the dedication of acreage to the City as MPOS (see attachment).

Neighborhood/Public

As of this writing, Staff received 103 form letters of opposition regarding the remanded case (see attachments). Commenters are concerned that applicable IDO requirements regarding cluster development, open space, and sensitive lands are not being followed. They oppose the November 25, 2019 site plan and what they believe are limitations that the City Council placed on input via the remand instructions. However, the EPC has no jurisdiction over the City Council's remand instructions.

Opponents believe that the site plan does not show how the proposed development avoids sensitive lands such as steep slopes, unstable soils, wetlands, arroyos, acequias, escarpments, rock outcroppings, stands of mature trees, and archaeological sites. Additional concerns are development in a designated flood zone, proximity to existing steep slopes, lack of open space contiguous to the MPOS, traditional subdivision design and lack of clustering. They believe that the project site is defined as the whole, approximately 23 acres. Some letters contain statements from the individual sender, in addition to the language in all letters that addresses the aforementioned topics.

Staff also received some emails and a hand-written letter expressing these concerns (see attachments).

» Please also refer to p. 21-23 of the March 14, 2019 Supplemental Staff report and to p. 16-17 of the original, December 13, 2018 Staff report.

VI. CONCLUSION

This request is for a Site Plan-EPC for an approximately 23 acre site, zoned, R-A, adjacent to the San Antonio Oxbow Major Public Open Space (MPOS) (the "subject site"). The applicant proposes a subdivision of single-family homes.

The EPC approved the request at its March 19, 2019 hearing, but the decision was appealed (AC-19-6 and AC-19-7). The City Council rejected the LUHO's recommendation to deny the appeals and scheduled a full hearing at its August 5, 2019 meeting. The City Council remanded the case to the EPC and issued four instructions regarding precisely what is to be considered by the EPC.

On April 22, 2019, the Zoning Enforcement Officer (ZEO) issued a declaratory ruling regarding cluster development on the subject site. On January 15, 2020, concerned parties appealed the declaratory ruling. The appeal is pending as of this writing, and has not yet been transmitted to the City Council or scheduled.

On remand, four agencies submitted comments based on the revised, November 25, 2019 proposed site plan. Interested parties continued to submit letters of opposition, which mostly mention concerns about cluster development, open space, and sensitive lands.

Staff's analysis responds to the remand instructions to the greatest extent possible. However, without a determination by Council regarding the declaratory ruling that is pending on appeal, Staff cannot fully respond to Instruction #3, and a critical portion of Instruction #2, with analysis that incorporates direction from Council because a decision has not yet been made. Furthermore, the proposed site plan is unclear regarding open space and setbacks, and contains instances of non-compliance related to the remand topics.

Staff recommends a two-month deferral to allow adequate time for the appeal of the declaratory ruling to be decided, and for the applicant to clarify and ensure that the proposed site plan addresses IDO requirements related to site design and open space, as explained in the analysis on remand.

RECOMMENDED FINDINGS – PR-2018-001402, February 13, 2020- Site Plan-EPC on Remand

1. This is a request for a Site Plan-EPC for Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West, located at 5001 Namaste Road NW, between La Bienvenida Place NW and the San Antonio Oxbow Major Public Open Space, containing approximately 23 acres (the "subject site").

2. The subject site is comprised of three legally platted County assessor parcels, subdivided into six City parcels, zoned R-A, and surrounded by existing single-family development, a City park to the north, the Rio Grande Bosque to the east, and designated Major Public Open Space (MPOS) to the south.

3. The applicant proposes a subdivision of single-family homes, consisting of 69 lots and three open-space areas, one on the subject site's western side, one in the middle, and another spanning the southeastern corner to the eastern side of the subject site. The proposed layout is divided into two areas, or clusters—A (33 lots) and B (36 lots).

4. The EPC is reviewing the request because the subject site is over 5 acres in size and is adjacent to MPOS [Ref: IDO 14-16-6-6(H)(1)(b)(3)].

5. The standards in IDO Section 14-16-5-2, Site Design and Sensitive Lands, apply to all site development and new subdivisions. The subject site is adjacent to MPOS so the regulations in Section 14-16-5-2 apply, particularly those found in Section 14-16-5-2(C)- Avoidance of Sensitive Lands, and in Section 14-16-5-2 (H)- Major Public Open Space Edges.

6. The design standards IDO Section 14-16-5-2, Site Design and Sensitive Lands are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in the IDO.

7. Single-family homes, cluster development, and cottage development are the three permitted uses in the R-A zone in the Household Living category. In addition to the requirements of the existing R-A Zone District, the Site Plan is subject to IDO site design regulations for Cluster Development in Section 14-16(B)(2).

8. The subject site is within the boundaries of CPO-2, Coors Boulevard [Ref: 14-16-3-4 (C)] and VPO-2, Coors Boulevard [Ref: 14-16-3-6 (E)]. The regulations contained therein apply to development on the subject site.

9. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan. The Comprehensive Plan has several Goals and policies intended to protect and enhance the

character of existing single-family neighborhoods, areas outside of designated Centers and Corridors, parks, and MPOS.

10. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.

11. The EPC approved a previous version of the proposed site plan for the subject site at its March 19, 2019 hearing. The decision was appealed (AC-19-6 and AC-19-7). The City Council heard the case on August 5, 2019 and remanded it to the EPC based on findings and four remand instructions.

12. In its August 27, 2019 decision, the City Council issued two findings. In brief, Finding A. Applicable IDO Requirements, refers to cluster development design and total number of dwelling units allowed within a cluster. In brief, Finding B. Site Plan and Deficiencies, refers to provision of open space, proposed subdivision layout, setbacks, and number of dwelling units.

13. The City Council's remand instructions to the EPC are as follows:

    A. Instruction #1: On remand, the EPC shall require the submission of a revised site plan for its consideration that clearly concentrates buildings in specific areas on the site, in identifiable clusters of no more than fifty lots each, and that otherwise satisfies the setback requirements of its condition number five. For purposes of setbacks between clusters, the relevant setback for each cluster shall not overlap. The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster.

    B. Instruction #2: On remand, the EPC shall also evaluate and issue specific findings on the proposed cluster development's satisfaction of the IDO's applicable open space requirements for cluster developments, including but not limited to the ability to count drainage easements as part of its required open space designation and how the preserved common open space reasonably relates to each identifiable cluster.

    C. Instruction #3: On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan.

    D. Instruction #4: The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noticed quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.

14. The applicant submitted a revised site plan, dated November 25, 2019, for consideration by the EPC (the "request"). The request was deferred at the January 9, 2020 EPC hearing for one month, to the February 13, 2020 hearing, to ensure that all requirements regarding proper notice are met (Instruction #4).

15. The Zoning Enforcement Officer (ZEO) issued a Declaratory Ruling about cluster development on April 22, 2019. The declaratory ruling states that the regulations for cluster development apply to each project site, and that the IDO does not prohibit more than one project site per application.

16. On January 15, 2020, aggrieved parties appealed the Declaratory Ruling. There is no specific timeframe or deadline for appeals of declaratory rulings.

17. It is unknown how the City Council, the City's ultimate planning and land use authority, will decide with respect to the appeal because it has not yet been heard. City Council's decision could have a significant impact upon Staff analysis and recommendation, and the EPC's review and decision regarding the proposed site plan. A deferral of request is warranted to allow time for the pending appeal to be heard and decided.

18. Without a final determination of whether 1) the declaratory ruling stands and must be followed as ordered by Council, or 2) the declaratory ruling is overturned in whole or in part, as ordered by Council, it is not possible to accurately or thoroughly follow and respond to Instruction #3 with the necessary analysis. Instruction #2 requires an evaluation of open space as it relates to cluster developments, which will also be affected by Council's decision regarding the pending appeal of the Declaratory Ruling.

19. Furthermore, the proposed site plan requires more clarity regarding open space and setbacks; and instances of IDO non-compliance related to these topics, make it impossible for Staff to accurately and thoroughly respond to the remand instructions as required.

20. A two-month deferral would allow adequate time for the appeal of the Declaratory Ruling to be heard and decided by the City Council, and for the applicant to clarify the proposed site plan and address IDO requirements related to site layout and open space.

21. On remand, four agencies submitted comments based on the November 25, 2019 proposed site plan: the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA), the Department of Municipal Development (DMD), PNM, and the Open Space Division of the Parks and Recreation Department.

22. The Open Space Division (OSD) has major concerns regarding the proposed site layout. OSD remains concerned about the proximity of lots on the site's southern side to the steep, sandy bluff and potential erosion over time. OSD would like to see a significant open space area contiguous to the existing MPOS pursuant to IDO 5-2(H)(2)(a)(2) and, despite remaining concerns about the use of a drainage detention area and steep sloped areas as open space, would be open to discussing the dedication of acreage to the City as MPOS.

23. The City Hydrology Division states "The City has no plans to stabilize the slope and does not want to be burdened with the cost of such improvements. Bank Protection may be constructed to prevent lateral migration of the river, and erosion of the slope." Subsequent to EPC review, the

project should be reviewed for technical issues such as this by the Development Review Board (DRB).

24. The applicant notified the La Luz Landowners Association, the Taylor Ranch Neighborhood Association, and the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet as required. Several meetings were conducted regarding the proposal, notably an initial neighborhood meeting, staff meetings with the neighbors, a facilitated meeting, and the Open Space Advisory Board meeting.

25. Staff received multiple letters, comments, reviews, and reports in opposition to the proposed development. These are included in the case record. During the remand period, Staff received over 100 letters from concerned parties, some emails of opposition, and a hand-written letter. Staff did not receive any comments in support previously or during the remand period.

Catalina Lehner

Catalina Lehner, AICP
Senior Planner

Notice of Decision cc list

cc: Gamma Development, LLC, 9798 Coors Blvd NW #400 ABQ, NM 87114
Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102
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La Luz Landowners Assoc., Kathy Adams, 5Arco NW, ABQ, NM 87120
Taylor Ranch NA, Jolene Wolfley, 7216 Carson Trail NW, ABQ, NM 87120
Taylor Ranch NA, Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120
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Marianne Barlow, 27 Tennis Ct. NW, ABQ, NM 87120
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Steve Epstein, 5515 Kettle NW, ABQ, NM 87120
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Peggy Neff, 319 Princeton Dr. SE, ABQ, NM 87106
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Jaron Oliver, 8008 Compass, ABQ, NM 87114
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Christopher Oechsler, 8008 Compass, ABQ, NM 87114
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Alfonso Mirabal, 17 Pool St. NW, ABQ, NM 87120
Kenneth Funk, 4908 Camino Valle Trl. NW, ABQ, NM 87120
Robert Erselius, 4908 Camino Valle Trl. NW, ABQ, NM 87120
Antoine Predock, 3200 Grande Vista Pl. NW, ABQ, NM 87120
Dick Kirschner, 5004 Grande Vista Ct. NW, ABQ, NM 87120
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Lynn Perls, 18 Berm St. NW, ABQ, NM 87120
Brenda Broussard, 18 Berm St. NW, ABQ, NM 87120
Marian Pendleton, 5608 Equestrian Dr. NW, ABQ, NM 87120
Fabian Lopez, 589 Apache Loop SW, Rio Rancho NM 87124
Sharon Miles, 2700 Vista Grande NW, #10, ABQ, NM 87120

Dr. Joe L. Valles, 5020 Grande Vista Ct. NW, ABQ, NM 87120
Jeff McCroa, 9100 San Mateo Blvd NE, ABQ, NM 87113
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Jennifer Pohl, 4512 Atherton, ABQ, NM 87120
Alan Varela, avarela@cabq.gov

HISTORY

(please also refer the full case record)

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

January 9, 2020

Gamma Development, LLC
9798 Coors Blvd NW #400
Albuquerque, NM 87114

Project #2018-001402
SI-2018-00171 – Site Plan

LEGAL DESCRIPTION:
The above action for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Rd. NW, between LaBienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres. (F-11 and F-12)
Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

On January 9, 2020 the Environmental Planning Commission (EPC) voted to DEFER Project 2018-001402/SI-2018-00171, Site Plan-EPC, remanded to the EPC by the City Council, for one month to the February 13, 2020 EPC hearing.

Sincerely,

for Brennon William
Planning Director

BW/CL

cc: Gamma Development, LLC, 9798 Coors Blvd NW #400 ABQ, NM 87114
Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102
La Luz Landowners Assoc., Jonathan Abdalia, 6 Tumbleweed NW, ABQ, NM 87120
La Luz Landowners Assoc., Kathy Adams, 5Arco NW, ABQ, NM 87120

Taylor Ranch NA, Jolene Wolfley, 7216 Carson Trail NW, ABQ, NM 87120
Taylor Ranch NA, Rene Horvath, 5515 Palomino Dr., NW, ABQ, M 87120
Westside Coalition of NAs, Harry Hendriksen, 10592 Rio del Sol NW., ABQ, NM 87114
Westside Coalition of NAs, Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120
Alan Reed, 3105 Donquixote Ct. NW, ABQ, NM 87104
Brian Hanson, 9016 Freedom Way NE, ABQ, NM 87109
Ken Churchill, 4612 Almeria Dr., ABQ, NM 87120
Linda Starr, 509 Aliso Dr. NE, ABQ, NM 87108
Becky C. Davis, 500 Leeward Dr. NW, ABQ, NM 87121
Tom Gulley, 4701 Valle Bonita Ln NW, ABQ, NM 87120
Susan Hunter, 2529 George Dr. NE, ABQ, NM 87112
Wendy Cox, P.O. Box 6572, ABQ, NM 87197
Daniel Jensen, 7 Arco NW, ABQ, NM 87120
Kevin Dullea, 4704 Almeria Dr. NW, ABQ, NM 87120
Ann Prinz, 4611 Mijas Dr. NW, ABQ, NM 87120
Shelley Bauer, 4616 Almeria Dr. NW, ABQ, NM 87120
Kathy Adams, 5 Arco Ct. NW, ABQ, NM 87120
Perrianne Houghton, 3010 20th Ave., Rio Rancho, NM 87124
Susan Chaudoir, 40404 St. Josephs Pl, ABQ, NM 87120
Elizabeth Haley, 6005 Chaparral Circle, ABQ, NM 87114
Ana Medina P.H.D., 3512 Yipee Calle Ct NW, ABQ, NM 87120
Reid McLean, 6716 Napa Rd. NE, ABQ, NM 87109
Brillante Cloud, 7700 Compass Dr. NW, ABQ, NM 87120
Sheena Ramos, 6420 Petirrojo Rd NW, ABQ, NM 87120
Willa Pilar, 744 Montclaire NE, ABQ, NM 87110
E. Ward, P.O. Box 7434, ABQ, NM 87194
Pat Gallagher, 24 Lind NW, ABQ, NM 87120
Alexis Kaminsky, 15 Pool NW, ABQ, NM 87120
Alexander Wine, 7000 Armeria Dr. NW, ABQ, NM 87120
John Lopez, 12920 Calle de Sandias NE, ABQ, NM 87111
Jon Price, 4704 Mi Cordelia, ABQ, NM 87120
Heather Foote Jasso, 1105 Maciel Dr. NW, ABQ, NM 87104
Sue Flynt, 8615 Brook St. NE, ABQ, NM 87113
Chris Madrid, 6627 Rim Rock Circle NW, ABQ, NM 87120
Santiago Acevez, 1524 Richmond Dr. NE, ABQ, NM 87106
Walter Putnam, 4 Tennis Ct. NW, ABQ, NM 87120
Marianne Barlow, 27 Tennis Ct. NW, ABQ, NM 87120
Victor Lopez, 725 Arizona SE, ABQ, NM 87108
Norm Gaume, 44 Canoncito Dr. NE, ABQ, NM 87122
Cynthia Hall, 511 Solar Rd. NW, ABQ, NM 87107
John A. Garcia, 4100 Wolcott NE, ABQ, NM 87109
Seth Beecher, 1001 Royene Ct. NE, ABQ, NM 87110
Peggy Norton, 3810 11th St. NW, ABQ, NM 87107
Pam McBride, 5409 9th St. NW, ABQ, NM 87107
Rene Horvath, 5515 Palomino Dr. ABQ, NM 87120
Wendy Caruso, 5123 Sevilla AV., NW, ABQ, NM 87120
Steve Epstein, 5515 Kettle NW, ABQ, NM 87120
Jolene Wolfley, 7216 Carson Trl. NW, ABQ, NM 87120
Peggy Neff, 319 Princeton Dr. SE, ABQ, NM 87106

Jed M. Judson, 9798 Coors NW, ABQ, NM 87144
Chris Torres, 11023 Park North St. NW, ABQ, NM 87114
Jeffrey Borrego, 9798 Coors Blvd. ABQ, NM 87114
Jaron Oliver, 8008 Compass, ABQ, NM 87114
Barbara Ortiz, 8501 Ravenridge NE, ABQ, NM 87113
Christopher Oechsler, 8008 Compass, ABQ, NM 87114
Beth Cohen, 707 Arno St. SE, ABQ, NM 87102
Jonathan Price, 4704 Mi Cordelia Dr. NW, ABQ, NM 87120
Alfonso Mirabal, 17 Pool St. NW, ABQ, NM 87120
Kenneth Funk, 4908 Camino Valle Trl. NW, ABQ, NM 87120
Robert Erselius, 4908 Camino Valle Trl. NW, ABQ, NM 87120
Antoine Predock, 3200 Grande Vista Pl. NW, ABQ, NM 87120
Dick Kirschner, 5004 Grande Vista Ct. NW, ABQ, NM 87120
Barbara Tegtmeier, 4623 Almeria Dr. NW, ABQ, NM 87120
Dan Regan, 4109 Chama St. NE, ABQ, NM 87109
Lynn Perls, 18 Berm St. NW, ABQ, NM 87120
Brenda Broussard, 18 Berm St. NW, ABQ, NM 87120
Marian Pendleton, 5608 Equestrian Dr. NW, ABQ, NM 87120
Fabian Lopez, 589 Apache Loop SW, Rio Rancho NM 87124
Sharon Miles, 2700 Vista Grande NW, #10, ABQ, NM 87120
Dr. Joe L. Valles, 5020 Grande Vista Ct. NW, ABQ, NM 87120
Jeff McCroa, 9100 San Mateo Blvd NE, ABQ, NM 87113
Joan Morrison, 390 Rincon Rd, Corrales, NM 87048
Jennifer Pohl, 4512 Atherton, ABQ, NM 87120
Alan Varela, avarela@cabq.gov

STAFF INFORMATION

Notice of Decision
City Council
City of Albuquerque
August 27, 2019

AC-19-7 Project #2018-001402/SI-2018-00171/VA-2019-00103: Thomas P. Gulley and Hessel Yntema III, Yntema Law Firm P.A., Agent for Taylor Ranch Neighborhood Association and surrounding property owners, appeal the decision of the Environmental Planning Commission (EPC) to approve a Site Plan-EPC for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Road NW, between La Bienvenida Place NW and the Oxbow Open Space, containing approximately 23 acres

Decision

On August 5, 2019, by a vote of 8 FOR, 0 AGAINST, the City Council voted to remand this matter to the Environmental Planning Commission to consider issues related to clustering and open space.

Excused: Davis

On August 19, 2019, by a vote of 6 FOR, 0 AGAINST, the City Council voted to adopt the following findings in support of its decision to remand:

A. Applicable IDO Requirements:

1. The IDO defines a "Cluster Development Design" as "[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." IDO § 14-16-7-1 "Cluster Development Design" (emphasis added).

2. Pursuant to the IDO, the total number of dwelling units within a cluster – i.e. the concentration of buildings in specific areas – "shall not exceed 50, . ." IDO § 16-16-4-3(B)(2)(c).

B. Site Plan and Deficiencies:

1. The current site plan of record for this matter labeled "updated site plan - EPC" depicts a total of 76 lots and ±7.3 acres of preserved land area dedicated to common open space. **[R. 429]**

2. Although the site plan of record depicts lands preserved as common open space, its design otherwise appears reflective of a traditional subdivision layout in that it does not "concentrate buildings in specific areas" as contemplated by the "Cluster

Development Design" definition, and does not depict a clear demarcation of identifiable clusters, each containing fewer than fifty lots.

3. The EPC imposed a condition number five relating to setbacks between clusters that appears to, at least in part, speak to this issue of identifiable clusters of no more than fifty-units each, but the record is insufficient to determine whether the ultimate design layout will be fully consistent with all of the cluster development requirements of the IDO pursuant to the EPC's obligation under IDO § 14-16-6-6(H)(3)(c).

C. EPC Remand Instructions

1. On remand, the EPC shall require the submission of a revised site plan for its consideration that clearly concentrates buildings in specific areas on the site, in identifiable clusters of no more than fifty lots each, and that otherwise satisfies the setback requirements of its condition number five. For purposes of setbacks between clusters, the relevant setback for each cluster shall not overlap. The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster.

2. On remand, the EPC shall also evaluate and issue specific findings on the proposed cluster development's satisfaction of the IDO's applicable open space requirements for cluster developments, including but not limited to the ability to count drainage easements as part of its required open space designation and how the preserved common open space reasonably relates to each identifiable cluster.

3. On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan.

4. The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noticed quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.

D. Other Matters

1. As to all other matters raised in this appeal that are not specifically remanded pursuant to the above, the recommendation and findings of the Land Use Hearing Officer (the "LUHO") are accepted and adopted. More specifically, to the extent not otherwise inconsistent with these findings for remand, the recommendation and findings of the LUHO is accepted and adopted with the exception of the recommendations and findings contained in Page 11, Line 211 through Page 17, Line 359.

Excused: Borrego, Harris, Winter

IT IS THEREFORE ORDERED THAT THIS MATTER IS REMANDED TO THE EPC

Attachments

1. Action Summary from the August 5, 2019 City Council Meeting
2. Action Summary from the August 19, 2019 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.

_____ Date: 9-3-19
Klarissa J. Peña, President
City Council

Received by: Camille Condova Date: 9/3/19
City Clerk's Office

X:\CITY COUNCIL\SHARE\CL-Staff_Legislative Staff\Reports\LUPZ\DAC-19-7.mmh.doc

APPLICANT INFORMATION

Lehner, Catalina L.

From: Jim Strozier <cp@consensusplanning.com>
Sent: Tuesday, January 28, 2020 2:24 PM
To: Brito, Russell D.
Cc: Aranda, James M.; Williams, Brennon; Lehner, Catalina L.; ck@abrazohomes.com; Brian McCarthy; mackenzie@abrazohomes.com; Jenica Jacobi; Bill Chappell
Subject: Poole Property EPC Site Plan Remand
Attachments: Poole Property Opposition Email.pdf

Importance: High

Russell,

I appreciate you reaching out to me concerning the Planning Department's concern that the appeal of the Declaratory Ruling may necessitate a deferral of our upcoming EPC Hearing. On behalf of the applicants, we strongly object to any deferral of this project based on this appeal. We have prepared an updated Site Plan – EPC and responded to the City Council's instructions regarding their remand and would like to be heard without delay.

We understand that Planning staff is concerned that the appeal of the Declaratory Ruling will impact staff's ability to respond to and the EPC's ability to comply with remand instruction #3, which states:

> *"On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan."*

The Declaratory Ruling addresses how the setbacks shall be applied to this project in response to our request for clarification as to how the setbacks will be applied to a project with two cluster developments on one site plan. The ruling quotes a condition (Condition #5) that was previously applied to the project by the EPC in their Official Notice of Decision. This condition specifically addressed setbacks. Also, the conclusion of the Declaratory Ruling ties the ruling to our specific application and provides facts that refer to this project. However, neither the statement of these facts or the comprehensive analysis leading up to the ruling's conclusion does not change the purpose of the Declaratory Ruling. Specifically, the ruling addresses "what constitutes a project site and a site plan for the proposed cluster project and how should setbacks pursuant to 14-16-4-3(B)(2)(b) be applied."

One reason for our opposition to a deferral is that the proposed site plan can meet the definition as required by the Declaratory Ruling or the appellants requested change as proposed in their appeal. It should be noted that the requested change in the appeal is exactly what the applicant's original request asked for. Either way, the proposed site plan can meet either interpretation of the setback requirements, so therefore the appeal will have no impact on the EPC's ability to review and act on the remand.

Another reason is that the opposition's stated strategy is to cause delays as exemplified by the attached email that was forwarded to the property owner late last year. The strategy is illustrated by the following statements from that email:

> ***"Thanks to you, there's been a 16-month delay … and delays are good news."***
>
> *"The good news is that the delays allow us to continue raising money while the developer loses money, and to continue our search for someone willing to purchase the property and honor the Poole's legacy of conservation."*

Please do not hesitate to contact me if you have any questions concerning our position opposed to a deferral of the EPC Hearing scheduled for February 13, 2020.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

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This message has been analyzed by Deep Discovery Email Inspector.

Jim Strozier

Subject: FW: Poole Property Remand: Awaits EPC Schedule

From: PeggyD <peggyd333@yahoo.com>
Date: September 30, 2019 at 12:23:40 PM MDT
To: Kevin Daniels <kevinrdaniels@aol.com>
Subject: Fwd: Poole Property Remand: Awaits EPC Schedule

Hi Kevin,
Here is a wonderful opportunity for you to reconsider residential development on the Oxbow Overlook lot and make it into an incredibly wonderful invitation for the community to know our river. I beg you to look at the possibilities for this becoming a Daniels Family monument to the Goodwill of all people, a Legacy you can be overwhelmingly proud to put your name on, not an uphill sewage pond considered open space! Please. Thanks in advance.

Visioning a truly great site where the home has been restored for special events and people picnic at the riverside. Happy to help in any way.

Peggy

Sent from my iPhone

Begin forwarded message:

From: "Dr. Susan Chaudoir" <edu.chaudoir@gmail.com>
Date: September 29, 2019 at 7:59:15 PM MDT
To: preservepoole.oxbowwetland@gmail.com
Subject: Poole Property Remand: Awaits EPC Schedule

Hello Incredible Supporters!

Thanks to you, there's been a 16-month delay ... and delays are good news.

More than 16 months ago, a developer haphazardly applied to the city planning department for a waiver to cram 76 homes on less than 23 acres of Suzy Poole's property, with lots ridiculously close to the edge of the San Antonio Oxbow Wetland. Since then, hundreds of individuals actively objected and donated more than $15,000, which allowed us to fully fund three appeals. One appeal was withdrawn by the applicant. Two of those appeals went to City Council (one of them was fully represented and funded by Tom Gulley) and a notice of decision was issued on August 27, 2019. The City Council voted to "remand" the site plan back to the EPC

(Environmental Planning Commission) and we await scheduling. That remand is a soft rejection of the current site plan.

Good News with Uncertainty

I regard it as good news that the applicant has not re-submitted a site plan to date. To our knowledge, the applicant still intends to build the high-density cluster development; however, we do not know specific plans. The good news is that the delays allow us to continue raising money while the developer loses money, and to continue our search for someone willing to purchase the property and honor the Poole's legacy of conservation.

If the applicant submits a new site plan by October 31st, the EPC hearing *could* be scheduled for December 12, 2019. I will keep you posted when I know more.

In October, there may be opportunity for a brief meeting with the developer to dialogue further. I will keep you posted with any outcomes should we have that opportunity.

WHAT HAS HELPED SO FAR

- **Diverse Media.** Thanks to all of you, support to protect the property was aired 11 times on television, with the last broadcast reaching more than 100,000 viewers.
- **Your Experience & Expertise.** Many of you met countless hours in home meetings, with neighborhood associations, planning department personnel, city officials, and at EPC, DRB, LUHO and Council hearings. Your expertise allowed us to make rational, legal, and effective arguments.
- **Donating Time & Money.** Support grew quickly thanks to those who posted, shared, and tweeted to your social networks. You wrote hundreds of letters, testified in person half a dozen times—some with a great fear of public speaking—others interrupted vacations, interviewed with reporters, organized fundraisers, and donated repeatedly to fight three appeals.
- **Our Lawyer.** We could not navigate this messy quasi-judicial quandary without attorney Hess Yntema. Thank you for giving directly to him. Your donations fully funded the costs incurred for this mess and we all believe it's been worth it.
- **Paying Attention.** The devil is in the details and we're paying attention to the city's habitual pattern of issuing development waivers en masse. Thanks to those who have been down this path before, spent decades advocating for the cultural heritage of this city, and defended neighborhoods overrun by senseless (often illegal) development. By coalescing our experience, we are stronger.
- **Grassroots Activism.** You talked to anyone who would listen. Our small group rippled into bigger waves statewide. Many thanks to

the diverse group of supporters from all over the state who took action. You walk your talk. Be proud of what you have accomplished so far and don't stop now.

HISTORY WORTH PRESERVING

Oxbow Wetland: Open Space's First Project
I recently attended Open Space's 35th Anniversary Celebration. The city's first Superintendent, Rex Funk, and Emeritus Superintendent Matt Schmader shared several photos of the first open space project: *the San Antonio Oxbow Wetland.* This picture of Suzy Poole's property adjacent to the wetland in the 1970s is striking. Her cooperative efforts helped shape the wetland we see today. Keeping her property 'as is', will preserve the future of that wetland and it's significance to migratory, common, rare, and endangered species who rely on the health of the wetland and adjacent properties.

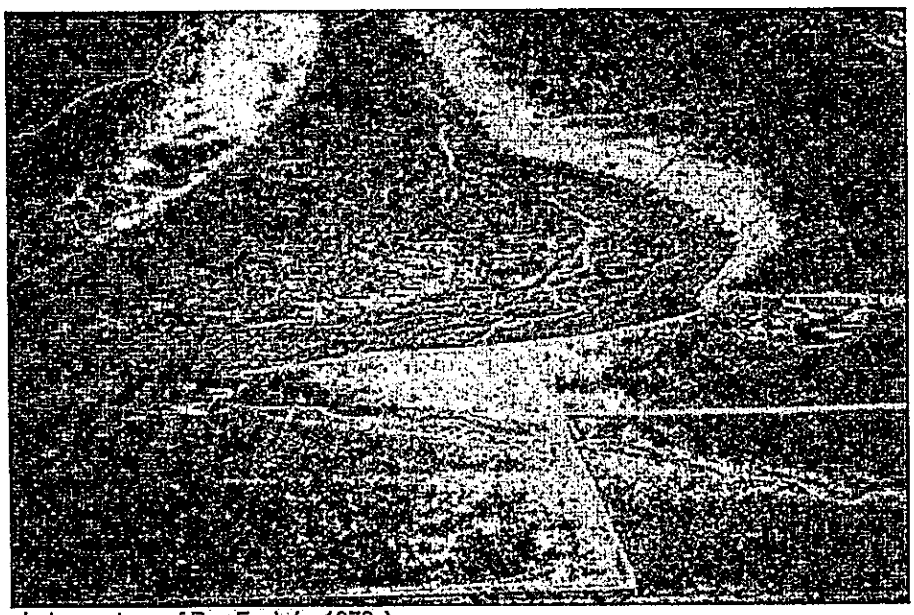
photo courtesy of Rex Funk (c. 1970s)

Rufus Poole: The Man With a Land Ethic
This 1987 article, *Return of Blue Lake to Taos Pueblo* highlights Rufus Poole's exceptional role to return 48,000 acres and the sacred Blue Lake to Taos Pueblo. One photograph shows Rufus & Suzy Poole (with Suzy's beloved dogs) in the great room of their historic home (c. 1967); the other shows Suzy Poole with legendary Taos Pueblo elders in front of the airplane that took them to Washington DC for the signing of the Treaty with President Nixon (1970). Long time friends remember when President Nixon and Senator Stewart Udall met at Rufus & Suzy's home, which is yet another reason we think the home has historic significance to the state of New Mexico and should be preserved and restored as a public amenity.

(c.1967, Rufus & Suzy Poole sit in front of the fireplace, which still stands today in their adobe revival style ranch home)

Taos Pueblo Indians and friends, on their way to Washington for the signing of the bill returning Blue I December 1970. Corinne Locker, second from left; the Governor of Taos Pueblo; Suzanne Poole; Cacique Juan de Jesus Romero; and Paul Bernal.

Changes in Planning Department Personnel

These changes may affect our case, and I remain hopeful that our case will receive the careful and thoughtful attention it deserves by the new personnel.

- **Cheryl Sommerfeldt to Open Space:** Cheryl was the planner on our case, and recently took a position with Open Space Division, so she is no longer at the planning department. To our knowledge, Planning Manager Russell Brito and/or Deputy Director James Aranda will be the primary contacts for this particular case. Never hesitate to contact them directly with your thoughts, queries, and comments regarding the remand.
- **Jolene Wolfley to Associate Director.** Dedicated supporter Jolene Wolfley accepted the offer to be Associate Director. This summer, David Campbell left the planning department and is now City Manager of Rio Rancho. The new director is Brennon Williams. Jolene started earlier this month and told me that she intends to recuse herself from the case; however, I feel her expertise of IDO interpretations and requirements remain critical on this case.

Send me any questions or ideas you may have as we await a new hearing.
Stay committed to the end!

Give when you can. Legal counsel is still needed as we move forward.
Yntema Law P.A., Suite 201, 215 Gold Street SW, Albuquerque 87102-3364

With gratitude,

Susan et al.

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Friday, January 03, 2020 12:36 PM
To: 'Jim Strozier'
Cc: ck@abrazohomes.com; Michael Vos; Brito, Russell D.; Williams, Brennon; Aranda, James M.
Subject: RE: January EPC Agenda

Hi Jim,

No problem. Yes, the case will not be heard on January 9 but will be heard on February 13, 2020 instead.
As you may be aware, advertised items remain on the agenda even if they are not being heard (ex. deferrals), so the January agenda is correct.
Interested parties who have asked about the hearing date have been advised that it is February 13, 2020.
Thank you for your concern and have a nice weekend.

ONE ALBUQUERQUE planning
CATALINA LEHNER
senior planner
o 505.924.3935
e clehner@cabq.gov
cabq.gov/planning

From: Jim Strozier [mailto:cp@consensusplanning.com]
Sent: Thursday, January 02, 2020 5:53 PM
To: Lehner, Catalina L.
Cc: ck@abrazohomes.com; Michael Vos; Brito, Russell D.; Williams, Brennon; Aranda, James M.
Subject: January EPC Agenda
Importance: High

Catalina,

I just checked the agenda for next week's EPC hearing and the City Council Remand for the Poole Property is item 4 on the January 9th agenda.

In your email of December 20, 2019 you indicated:

> *"Therefore, to allow additional time to ensure that the hearing is duly noticed as required by the City Council, we will have ta schedule the remand for the February 13, 2020 EPC hearing in arder to fully comply with the remand instructions."*

Based on that email, we renotified the neighborhood association contacts, adjacent property owners, and parties to the appeal that the case would be heard on the February 13th EPC agenda. I am concerned that this discrepancy between the agenda and our notice will cause confusion to the parties interested in this application. It is our understanding that the case will not be heard on January 9th and will be heard on February 13th. Will the City contact the interested parties to clarify this or provide clarification on the January 9th agenda to indicate that it will be heard on February 13th or remove it from the January agenda entirely?

Thank you for your assistance on this matter.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Lehner, Catalina L.
Sent: Friday, January 03, 2020 12:27 PM
To: 'Jim Strozier'
Cc: Aranda, James M.; Brito, Russell D.; Williams, Brennon; ck@abrazohomes.com; Chris Green; Michael Vos; Michael Balaskovits
Subject: RE: Poole Property Site Plan Remand
Attachments: EPC Long Range Comments-1-9-2020.pdf; OSD Comments on EPC#2018-001402 12-16-19.pdf

Hi Jim,
Thank you. I hope you did, too.

This case is scheduled for the February 13, 2020 hearing, and therefore is subject to the timelines associated with that hearing date.
Here are responses to the items below:

1. Yes
2. Yes. Please see attached. If more come in, I will forward them.
3. I have not reviewed them thoroughly as of this writing.
4. As of this writing, no.

ONE ALBUQUERQUE planning
CATALINA LEHNER
senior planner
o 505.924.3935
e clehner@cabq.gov
cabq.gov/planning

From: Jim Strozier [mailto:cp@consensusplanning.com]
Sent: Tuesday, December 31, 2019 4:26 PM
To: Lehner, Catalina L.
Cc: Aranda, James M.; Brito, Russell D.; Williams, Brennon; ck@abrazohomes.com; Chris Green; Michael Vos; Michael Balaskovits
Subject: Poole Property Site Plan Remand

Catalina,

I hope you had a wonderful holiday.

I wanted to follow up with you on a couple of items related to our application:

1. Regarding the requirement for a "duly noticed public hearing" will the City be advertising the project in the Albuquerque Journal?
2. Are agency comments available? Is it possible to get whatever comments have been received to date? We recognize that other comments may come in after this.

3. On December 16th I provided a detailed response to James Aranda's email regarding the completeness of our application. Have you had a chance to review those responses? Can we expect a response to our responses.
4. The notifications to the neighborhood associations, parties to the appeal, and the adjacent property owners included the notification that they can request a facilitated meeting through the City. Has anyone requested a facilitated meeting? We have not been contacted by anyone regarding any of the notices we have sent out.

Thank you and have a safe and happy new year!

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Jim Strozier <cp@consensusplanning.com>
Sent: Friday, December 27, 2019 12:48 PM
To: Lehner, Catalina L.
Cc: Aranda, James M.; Brito, Russell D.; Chris Green; Michael Vos
Subject: RE: Checking In

Thank you. I will come by and pick up the signs and sign the new agreement this afternoon.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Lehner, Catalina L. <CLehner@cabq.gov>
Sent: Friday, December 27, 2019 10:40 AM
To: Jim Strozier <cp@consensusplanning.com>
Cc: Aranda, James M. <jmaranda@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>; Chris Green <cgreen@consensusplanning.com>; Michael Vos <Vos@consensusplanning.com>
Subject: RE: Checking In

Good Morning, Jim.

Thank you for the reply regarding the steps that you are taking to meet the "duly noticed" portion of the remand instructions.
Duly noticed refers to all forms of notice and therefore includes the sign posting. Front Counter staff is aware that you will be coming in to request new signs (three total, no charge). A new sign posting agreement form is also needed.

I will add any new materials to the public file for the record as they are submitted. Thank you.

ONE ALBUQUERQUE planning
CATALINA LEHNER
senior planner
o **505.924.3935**
e clehner@cabq.gov
cabq.gov/planning

From: Jim Strozier [mailto:cp@consensusplanning.com]
Sent: Monday, December 23, 2019 3:39 PM
To: Lehner, Catalina L.
Cc: Aranda, James M.; Brito, Russell D.; Chris Green; Michael Vos; C.K. Scott; Abrazo Homes; Mackenzie Bishop; Michael Balaskovits
Subject: RE: Checking In

Catalina,

Thank you for your email.

We did provide notice to the appeal parties and the neighborhood associations at the time of our re-submittal. I copied Russell Brito and Brennon Williams on these emails. The emails were sent November 27th.

We are sending an update email to the appeal parties (Mr. Gulley and Mr. Yntema) and the required neighborhood contacts. In addition and as requested, this email includes the standard language notifying them that they can request to have a facilitated meeting. I am copying you and Russell on that email, which is going out today.

In order to ensure that we our responsive to all requirements for a hearing to be "duly noticed" we also intend to send the property owner notices. I will provide a copy of that letter, buffer map, and ownership list for inclusion in the project file.

If we need to post new signs on the property, can you have someone prepare those and let us know so that we can pick them up? We will post the signs as required.

Is there anything else we need to do to ensure compliance with the remand instructions? If so, please let us know right away.

I will also provide copies of the November 27,2019 ONC Neighborhood Contact response and copies of the notification emails to the appeal parties and the neighborhood associations for the record.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Lehner, Catalina L. <CLehner@cabq.gov>
Sent: Friday, December 20, 2019 2:25 PM
To: Jim Strozier <cp@consensusplanning.com>
Cc: Aranda, James M. <jmaranda@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>
Subject: RE: Checking In

Good afternoon, Jim and team.

Thank you for following up regarding the hearing schedule for the Poole property remand. We are aware that you submitted an updated letter and site plans on the regular EPC application deadline of November 27, 2019.

One of the remand instructions (#4) states that the EPC shall conduct a duly noticed quasi-judicial hearing. On the abovementioned EPC application deadline, we did not receive evidence that all applicable notification requirements had been satisfied. The record lacks the email notice to Neighborhood Associations with an offer for a neighborhood meeting and, if the offer was accepted, a summary of the neighborhood meeting.

Therefore, to allow additional time to ensure that the hearing is duly noticed as required by the City Council, we will have to schedule the remand for the February 13, 2020 EPC hearing in order to fully comply with the remand instructions. Thank you.

ONE ALBUQUERQUE planning

CATALINA LEHNER
senior planner

o 505.924.3935
e clehner@cabq.gov
cabq.gov/planning

From: Jim Strozier [mailto:cp@consensusplanning.com]
Sent: Thursday, December 19, 2019 8:38 AM
To: Lehner, Catalina L.; Aranda, James M.; Brito, Russell D.
Cc: ck@abrazohomes.com
Subject: Checking In

James, Russell, and Catalina:

I just want to follow up on our hearing schedule for the Poole Property remand. Per the Planning Department's request we submitted the updated plans and transmittal letter prior to the regular EPC application deadline (even though this is not a new application), which was November 27th. My understanding from Russell is that the new plans have been distributed for agency comments along with the other January applications.

We notified the affected neighborhood associations (also consistent with a new application) that the case would be heard on January 8th. James Aranda's email on December 5th indicated that the project would not be scheduled for the January hearing. Is this correct? Can you send us a formal update regarding the determination of completeness and our hearing schedule.

Please let us know as soon as possible. Thank you.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Jim Strozier <cp@consensusplanning.com>
Sent: Monday, December 23, 2019 3:39 PM
To: Lehner, Catalina L.
Cc: Aranda, James M.; Brito, Russell D.; Chris Green; Michael Vos; C.K. Scott; Abrazo Homes; Mackenzie Bishop; Michael Balaskovits
Subject: RE: Checking In

Catalina,

Thank you for your email.

We did provide notice to the appeal parties and the neighborhood associations at the time of our re-submittal. I copied Russell Brito and Brennon Williams on these emails. The emails were sent November 27th.

We are sending an update email to the appeal parties (Mr. Gulley and Mr. Yntema) and the required neighborhood contacts. In addition and as requested, this email includes the standard language notifying them that they can request to have a facilitated meeting. I am copying you and Russell on that email, which is going out today.

In order to ensure that we our responsive to all requirements for a hearing to be "duly noticed" we also intend to send the property owner notices. I will provide a copy of that letter, buffer map, and ownership list for inclusion in the project file.

If we need to post new signs on the property, can you have someone prepare those and let us know so that we can pick them up? We will post the signs as required.

Is there anything else we need to do to ensure compliance with the remand instructions? If so, please let us know right away.

I will also provide copies of the November 27,2019 ONC Neighborhood Contact response and copies of the notification emails to the appeal parties and the neighborhood associations for the record.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Lehner, Catalina L. <CLehner@cabq.gov>
Sent: Friday, December 20, 2019 2:25 PM
To: Jim Strozier <cp@consensusplanning.com>
Cc: Aranda, James M. <jmaranda@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>
Subject: RE: Checking In

Good afternoon, Jim and team.

Thank you for following up regarding the hearing schedule for the Poole property remand. We are aware that you submitted an updated letter and site plans on the regular EPC application deadline of November 27, 2019.

One of the remand instructions (#4) states that the EPC shall conduct a duly noticed quasi-judicial hearing. On the abovementioned EPC application deadline, we did not receive evidence that all applicable notification requirements had been satisfied. The record lacks the email notice to Neighborhood Associations with an offer for a neighborhood meeting and, if the offer was accepted, a summary of the neighborhood meeting.

Therefore, to allow additional time to ensure that the hearing is duly noticed as required by the City Council, we will have to schedule the remand for the February 13, 2020 EPC hearing in order to fully comply with the remand instructions. Thank you.

ONE ALBUQUERQUE planning

CATALINA LEHNER
senior planner
o 505.924.3935
e clehner@cabq.gov
cabq.gov/planning

From: Jim Strozier [mailto:cp@consensusplanning.com]
Sent: Thursday, December 19, 2019 8:38 AM
To: Lehner, Catalina L.; Aranda, James M.; Brito, Russell D.
Cc: ck@abrazohomes.com
Subject: Checking In

James, Russell, and Catalina:

I just want to follow up on our hearing schedule for the Poole Property remand. Per the Planning Department's request we submitted the updated plans and transmittal letter prior to the regular EPC application deadline (even though this is not a new application), which was November 27th. My understanding from Russell is that the new plans have been distributed for agency comments along with the other January applications.

We notified the affected neighborhood associations (also consistent with a new application) that the case would be heard on January 8th. James Aranda's email on December 5th indicated that the project would not be scheduled for the January hearing. Is this correct? Can you send us a formal update regarding the determination of completeness and our hearing schedule.

Please let us know as soon as possible. Thank you.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

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This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	Jim Strozier <cp@consensusplanning.com>
Sent:	Monday, December 23, 2019 3:39 PM
To:	sliceness@gmail.com; kegypt06@gmail.com; hlhen@comcast.net; secretary@trna.org; aboard111@gmail.com; gulleyt@aol.com; 'Hessel E. Yntema III'
Cc:	Michael Vos; Lehner, Catalina L.; Brito, Russell D.; C.K. Scott; Abrazo Homes; Mackenzie Bishop; Michael Balaskovits; Chris Green
Subject:	Update - IDO Remand Submittal Notification and Hearing Date change

Neighborhood representatives and parties to the appeal,

The purpose of this email is to follow up on the email sent on November 27th in order to update you on the EPC Hearing to review the updated Site Plan - EPC. **The EPC hearing date will be February 13, 2020.**

The City Council's remand instructions included the following:

> 4. *The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noticed quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.*

The purpose of this email is to meet the City Council's instruction above and provide notice that Consensus Planning, Inc. on behalf of the property owner and Gamma Development, has submitted a new Site Development Plan – EPC that reconfigures the clusters pursuant to the City Council Notice of Decision dated August 27, 2019.

PUBLIC NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the City of Albuquerque Environmental Planning Commission (EPC) will hold a **Public Hearing on Thursday, February 13, 2020 at 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM to consider the following Zoning Map Amendment - EPC.

ENVIRONMENTAL PLANNING COMMISSION

Information regarding the EPC is posted on the Planning Department's website at http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission and printed copies are available in the Planning Department office on the third floor of the Plaza del Sol Building, 600 Second Street NW. For more information, please contact devhelp@cabq.gov. The agenda, staff reports, and supplemental materials will be posted on the City website, https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports, on Thursday, February 6, 2020.

Please do not hesitate to contact me if you have any questions or desire any additional information.

Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit: https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/ to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3955 or devhelp@cabq.gov.

Thank you.

Jim Strozier, FAICP
Consensus Planning, Inc.

302 8th Street NW
(505) 764-9801

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 16, 2019 11:46 AM
To: Lehner, Catalina L.
Cc: Henry, Dora L.; Salas, Alfredo E.
Subject: FW: Poole Property Remand Submission Incomplete
Attachments: Exhibits_OS-Setback.pdf

Importance: High

For the file, please.

Thank you,

- R

From: Jim Strozier [mailto:cp@consensusplanning.com]
Sent: Monday, December 16, 2019 9:35 AM
To: Aranda, James M.
Cc: Williams, Brennon; Brito, Russell D.; Michael Vos; Chris Green; McCarthy Brian; C.K. Scott; Mackenzie Bishop; Michael Balaskovits
Subject: RE: Poole Property Remand Submission Incomplete
Importance: High

James,

Thank you for your email, however we must offer the following in response:

1. This is not a new application, but rather a remand for reconsideration based on specific instructions from the City Council. As the ultimate land use authority for the City, The City Council has provided specific instructions for us to address, staff and agencies to review that response, and for the EPC to address in a public hearing.
2. At our request, we held a review meeting with Planning and City Council staff to review our draft site plan that was prepared in response to the City Council's remand instructions. That meeting was attended by yourself, Russell Brito, Jacobo Martinez, Shanna Schultz, and representatives from the Development Team. At that meeting, it was the consensus of City staff present that the revised site plan met the intent of the remand instructions. In fact, in conclusion, you provided a comment to the group that we had met the spirit of the City Council's direction. It was also noted at this meeting that while the City Council's remand instructions were not consistent with staff direction at the time of the original EPC hearing, it was consistent with the City Council's instructions, and that was what we have to address with this remand submittal.
3. Subsequent to that meeting, I received verbal confirmation from Russell Brito on November 21st, that City legal had reviewed the remand decision and confirmed that the scope of the new site plan review, by staff and the EPC was to be limited to the four specific remand instructions.
4. All of the other items addressed in the appeal and included in the LUHO recommendation were upheld by the City Council as a part of that decision including a determination by the LUHO that the application was deemed complete. Section D of the City Council Decision addresses Other Matters as follows:
   "As to all other matters raised in this appeal that are not specifically remanded pursuant to the above, the recommendation and findings of the Land Use Hearing Officer (the LUHO) are accepted and adopted. More

specifically, to the extent not otherwise inconsistent with these findings for remand, the recommendation and findings of the LUHO is accepted and adopted with the exception of the recommendations and findings contained in Page 11, Line 211 through Page 17, Line 359."

In the spirit of the remand and City Council instructions, it is not appropriate for you to make a determination at this time that our submittal is incomplete, when the City Council has affirmed that there is a complete application before you and our transmittal letter addressed all of the remand instructions. Some of the items below are relevant to the review and should be considered as requests for additional information to ensure that our response and the site plan are clear and provide the necessary information to evaluate compliance and we are responding to those. Other items are not relevant to the remand and address issues that have already been put to rest as part of the appeal.

I am attaching two additional exhibits we prepared in response to the questions, they are also incorporated into the responses below. Our comments and responses to your request for additional information are provided in red below:

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Aranda, James M. <jmaranda@cabq.gov>
Sent: Thursday, December 5, 2019 4:46 PM
To: Jim Strozier <cp@consensusplanning.com>
Cc: Williams, Brennon <bnwilliams@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>
Subject: Poole Property Remand Submission Incomplete
Importance: High

Jim,
Greetings! I hope this message finds you in good spirits! Thank you for your submission of the updated site development plan in response to City Council remand of AC-19-6, Project #2018-001402/SI-2018-00171/VA-2019-00103. I have completed an initial review of the submitted application materials and have determined that your submission is incomplete at present. Please note that the following items are necessary for your submission to be deemed complete and scheduled for a public hearing in front of the EPC.

Justification Letter

1. In your justification letter, please explain how the project meets the IDO definition of a 'Cluster Development Design."
    a. Specifically, how are buildings concentrated in certain areas? How are the clusters not reflective of a traditional subdivision layout? How are the clusters identifiable?

    The lots are concentrated into two separate and distinct clusters. These lots are significantly smaller than a traditional RA subdivision layout, which would not include any common open space and only avoid the sensitive lands without any other amenities associated with a cluster design.

    Each of the clusters is identifiable and separated from one another by open space. The cluster on the western portion of the property is separated from the eastern cluster by a large common open space. The eastern open space has lots clustered in order to provide for the preservation of the identified sensitive lands. The western cluster expands on the required 20 foot buffer to preserve the sensitive lands and provide for a buffer to the Major Public Open Space.

2. Please explain how all provisions of cluster development requirements being met per IDO §4-16-6-6(H)(3)(c). This section states:

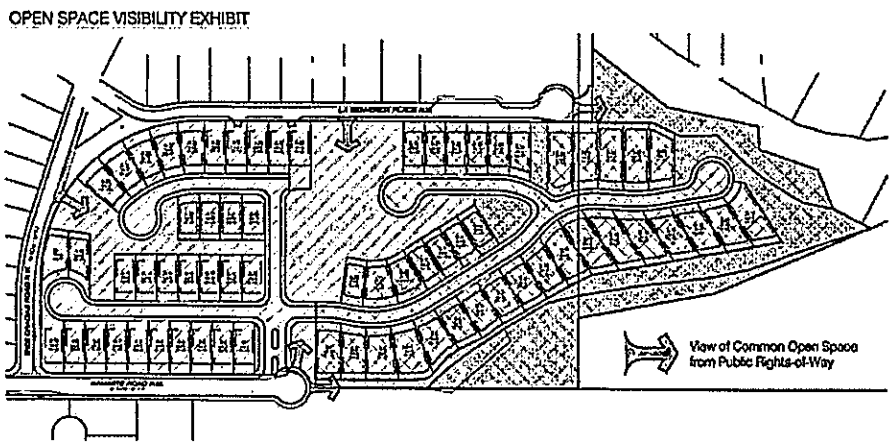
6-6(H)(3)(c)
"The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property."

There are no prior permits or approvals that impact this application, and this is not relevant to the City Council remand instructions.

3. Please justify per the IDO why more than one cluster is allowed on a project site.
   The City Council instructions require that the EPC include a finding specifically addressing this. We have addressed this in our transmittal letter and have suggested language that the EPC could consider in that finding.

4. Explain how the preserved common open space reasonably relates to each identifiable cluster.
   The clusters have distinct and separate open space areas. The central open space (associated with the western cluster) provides for a clear and distinct separation between the two clusters. The eastern open space provides for the separation between development and the MPOS.

5. Please identify *how* all on-site, common open space areas will be partially visible from a public right-of-way per IDO Section 14-16-4-3(B)(2)(d)3.
   While this question is not a part of the remand instructions, the open space is clearly visible from all of the adjacent streets, see the diagram below:



6. Please explain how areas inaccessible to the public meet open space definitions.
   While this question is not a part of the remand instructions, the IDO definition for Common Open Space is as follows:

   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. See also Dwelling, Cluster Development.

There are no requirements in the IDO for the common open space to be accessible to the public. The common open space meets the IDO requirements as follows:

- The open space is created in conjunction with the site development plan;
- The open space is set aside for the use and enjoyment of the owners and occupants of the dwellings;
- The open space includes landscaping, on-site ponding, and primarily passive recreation uses;

- The open space also provides for the preservation of the sensitive lands as identified in the IDO (which benefits the future residents as well as the community as a whole);
- The City's Open Space Division has indicated that access from this property into the adjacent MPOS is not allowed; and
- The common open space will be platted as separate lots identified on future subdivision plats.

7. Please explain how Open Space in Cluster A is 'contiguous' to the Major Public Open Space per IDO 5-2(H)(2)(a)(2).
   While this question is not a part of the remand instructions, Cluster A's open space provides a connection between the MPOS to the south up through the project to the public neighborhood park to the north. In doing this, the open space provides the separation between the two cluster projects as required by the City Council's remand instructions.

8. Please explain how all tracts of Open Space in Cluster B are 'contiguous' to the Major Public Open Space.
   While this question is not a part of the remand instructions, Cluster B's opens space wraps around the eastern portion of the property providing a buffer between the MPOS and the concentrated development lots.

9. Explain how any designated Private Open Space will be rezoned to NR-PO-C.
   While this question is not a part of the remand instructions, rezoning of the common open space to NR-PO-C is not proposed or required by the IDO. The IDO requires that the common open space will be platted into separate tracts that will be owned and maintained by the Homeowner's Association. We offered the open space (or a portion of the open space) to the City Open Space Division and they determined that they did not want to accept dedication of any of the common open space areas. The property is proposed to remain zoned RA.

10. Please explain what a 'Sensitive Land Protection Area' is.
    While this question is not a part of the remand instructions and was affirmed by the City Council's decision, the Sensitive Lands section of the IDO requires that as part of the design process, that the sensitive lands be analyzed and protected as part of the project design. The Overlook at the Oxbow utilizes the cluster development option to avoid and preserve the sensitive land areas in need of avoidance and protection. The property includes an existing pipe and wire mesh fence that provides for a well located barrier between areas that are appropriate for access and trails available to the community residents vs. the sensitive lands that need to be protected. The protected areas (outside of the fence) include the steep slope, wetland, and the water quality stormwater pond and the adjacent San Antonio arroyo. While the concept of a Sensitive Land Protection Area is not required or defined by the IDO, based on the existing conditions of the property it seems to be the most effective way to support the intent of the IDO and meet the goals and policies in the Comprehensive Plan.

    a. How does this pertain to the AMAFCA floodway?
    The water quality pond is identified as one of the sensitive lands that the IDO recommends to be protected. The existing AMAFCA easement and adjacent arroyo are located outside of the existing pipe and wire mesh fence. AMAFCA will continue to have access to these facilities for maintenance and operational needs. The water quality pond will not have any development so it will maintain unobstructed views across this area to the adjacent Bosque and views across the City to the Sandia Mountains. It also provides additional buffer between Cluster B and the existing homes north of the San Antonio Arroyo.

11. Please explain how the AMAFCA floodway (drainage easement) meets IDO definition regarding cluster development open space.
    a. Specify who will be the 'owner' of the AMAFCA tract.
    There is no AMAFCA Tract. AMAFCA has an easement over a portion of the property. A copy of the easement has been provided to the City Planning Department and is part of the record for this application.

The current owner of the property is Mr. Daniels, the same owner as the rest of the property. Gamma Development has indicated that they are willing to dedicate the property to AMAFCA if they request it. It should be noted that the northern portion of the water quality facility (pond) and the arroyo are owned by the Andalucia HOA, not AMAFCA. Regardless of who owns the underlying property, AMAFCA will retain all of the rights provided for in the easement.

12. Please justify compliance with the IDO Block Length (See 5-4(E)(3)(a).
    a. Will you be seeking a Variance?
       Based on our review, no variance is required as we meet the block length requirements.

13. The new site plan includes cul-de-sacs not on the previous site plan. Please justify the use of cul-de-sacs per IDO Section 5-3(E)(1)(d).
    Yes, the use of cul-de-sacs provides for a more distinct separation between the two clusters, is in keeping with the City Council's proposed amendments to the cluster regulations and the associated exhibits, and provides for the required differentiation from traditional subdivision design.

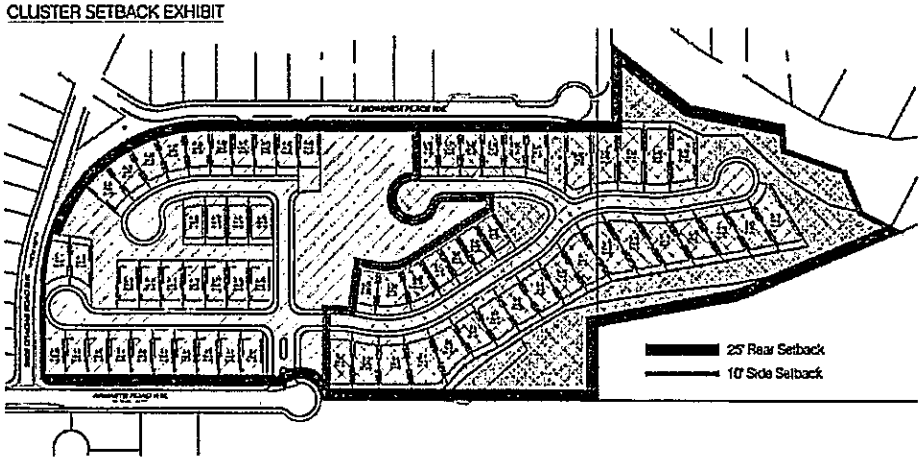
14. The new site plan extends development farther eastward on the site toward the Bosque MPOS. Please provide evidence of how that development will not create any material negative impacts on the visual, recreation, or habitat values of the MPOS per IDO 5-2(H)(2)(b).
    Yes, that is correct. This is a direct result of the City Council remand instructions to ensure that each cluster is distinct and separated from one another. The original cluster site plan, the subject of the appeal, consolidated most of the open space at the eastern end of the property. This approach was mandated by Planning and Open Space staff at that time. The City Council, as the ultimate land use authority for the City of Albuquerque, in effect reversed that position with their remand instructions.

    The City Council remand, and the portion of the LUHO recommendation upheld by the Council, confirmed that the Sensitive Land Analysis was incorporated into the design as required by the IDO. While not a part of the remand instructions, it should be noted that the Sensitive Land Analysis shows that the identified sensitive lands are still being protected.

<u>Site Plan</u>

1. Please detail the front, side, and rear setbacks at the perimeter of Cluster A and also of Cluster B. Show that the relevant setbacks are not overlapping, and instead include the combination of the relevant setbacks.
   The setbacks as confirmed by the City Council's remand instructions and as recommended by the LUHO (EPC original Condition #5) are accommodated as shown on the following exhibit:

CLUSTER SETBACK EXHIBIT



2. Please identify all open space areas per IDO definitions and identify the area of each of these open space tracts.
   This is not a requirement of the City Council Remand instructions. Other than the Council's requirement that the EPC provide a finding related to the AMAFCA Water Quality Pond (addressed elsewhere in this response), the common open space was confirmed by the Council's decision to uphold those portions of the LUHO recommendation.

3. On the southeastern lots, dimension the rear lot line distance from the steep slope.
   We will add this dimension.

4. Detail efforts to minimize use of a public force main on the eastern edge of the site.
   a. Provide Water Utility Authority acceptance of Forced Main and Public Lift Station serving eastern lots.
      This is not an application requirement – see Site Plan Checklist.

5. Sheet 1 states "delineation between R-A Project area and Cluster Project Areas." Please clearly identify what is the R-A Project area and the lot sizes associated with the R-A project.
   The title for the cluster exhibit on Sheet 1 will be revised. This was a carryover from an earlier version that did have a combination of RA lots and cluster lots. The exhibit was updated, but the title wasn't. The entire property is Zoned R-A and the entire property is incorporated into two separate and unique cluster projects that are presented on a single site development plan.

6. On Sheet 4, please provide justification for the Grading and Drainage Note 4: "The existing pipe and wire mesh fence is considered to be the prudent setback from the existing slope."
   Once again, this is not a requirement of the City Council remand instructions. The City Council remand, and the portion of the LUHO recommendation upheld by the Council, confirmed that the Sensitive Land Analysis was incorporated into the design as required by the IDO. The use of the existing pipe and wire mesh fence as the Sensitive Land Protection area is a part of the LUHO's recommendation.

7. On Sheet 4, please explain how Note 5 is compatible with the Sensitive Lands Analysis.
   Once again, this is not a requirement of the City Council remand instructions. Sheet 4, Note 5 states: The site lies within Water Pressure Zone 1W. This note is not related to the Sensitive Lands Analysis. It could be that the comment is related to Sheet 3, Note 5, which states: "Bank stabilization may be constructed to prevent lateral migration of the river and erosion of the slope if needed." This note was added previously at the request of City Hydrology.

8. Please clarify if stormwater inlets and sewers will be extended to the Namaste cul-de-sac, i.e., the entrance to the Overlook at Oxbow subdivision?
   Once again, this is not a requirement of the City Council remand instructions. Please see the Grading and Drainage Plan, all on site drainage is directed to the northeast to avoid the steep slope (that has had some slight erosion based on the undeveloped nature of the site) and no storm drains or inlets are proposed on Namaste.

9. Please add dimensions for cul-de-sacs detailed in the site plan. Dimensions should allow complete/continuous turnaround for a refuse truck.
   At the request of the Solid Waste Department, the dimensions have been added to the site plan (Sheet 1) and Solid Waste has approved the site plan with the dimensions provided.

10. Please update guidance from the USACE regarding the presence of flood waters.
    This question is not relevant to the remand.

11. Identify how lands that will be left in a native state will be protected during construction.
    While this question is not a part of the remand instructions,

12. Clearly identify the location of the 20-foot buffer in place in lieu of a single-loaded street on the edge of the MPOS (See IDO Section 5-2(H)(2)(a)(1).)

    The site plan has been revised to show these dimensions.

From: Aranda, James M. <jmaranda@cabq.gov>
Sent: Thursday, December 5, 2019 4:46 PM
To: Jim Strozier <cp@consensusplanning.com>
Cc: Williams, Brennon <bnwilliams@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>
Subject: Poole Property Remand Submission Incomplete
Importance: High

Jim,
Greetings! I hope this message finds you in good spirits! Thank you for your submission of the updated site development plan in response to City Council remand of AC-19-6, Project #2018-001402/5I-2018-00171/VA-2019-00103. I have completed an initial review of the submitted application materials and have determined that your submission is incomplete at present. Please note that the following items are necessary for your submission to be deemed complete and scheduled for a public hearing in front of the EPC.

Justification Letter

1. In your justification letter, please explain how the project meets the IDO definition of a 'Cluster Development Design."
    a. Specifically, how are buildings concentrated in certain areas? How are the clusters not reflective of a traditional subdivision layout? How are the clusters identifiable?
2. Please explain how all provisions of cluster development requirements being met per IDO §4-16-6-6(H)(3)(c).
3. Please justify per the IDO why more than one cluster is allowed on a project site.
4. Explain how the preserved common open space reasonably relates to each identifiable cluster.
5. Please identify *how* all on-site, common open space areas will be partially visible from a public right-of-way per IDO Section 14-16-4-3(B)(2)(d)3.
6. Please explain how areas inaccessible to the public meet open space definitions.
7. Please explain how Open Space in Cluster A is 'contiguous' to the Major Public Open Space per IDO 5-2(H)(2)(a)(2).
8. Please explain how all tracts of Open Space in Cluster B are 'contiguous' to the Major Public Open Space.
9. Explain how any designated Private Open Space will be rezoned to NR-PO-C.
10. Please explain what a 'Sensitive Land Protection Area' is.
    a. How does this pertain to the AMAFA floodway?
11. Please explain how the AMAFCA floodway (drainage easement) meets IDO definition regarding cluster development open space.
    a. Specify who will be the 'owner' of the AMAFCA tract.
12. Please justify compliance with the IDO Block Length (See 5-4(E)(3)(a).
    a. Will you be seeking a Variance?
13. The new site plan includes cul-de-sacs not on the previous site plan. Please justify the use of cul-de-sacs per IDO Section 5-3(E)(1)(d).
14. The new site plan extends development farther eastward on the site toward the Bosque MPOS. Please provide evidence of how that development will not create any material negative impacts on the visual, recreation, or habitat values of the MPOS per IDO 5-2(H)(2)(b).

Site Plan

13. Please detail the front, side, and rear setbacks at the perimeter of Cluster A and also of Cluster B. Show that the relevant setbacks are not overlapping, and instead include the combination of the relevant setbacks.
14. Please identify all open space areas per IDO definitions and identify the area of each of these open space tracts.
15. On the southeastern lots, dimension the rear lot line distance from the steep slope.
16. Detail efforts to minimize use of a public force main on the eastern edge of the site.
    a. Provide Water Utility Authority acceptance of Forced Main and Public Lift Station serving eastern lots.
17. Sheet 1 states "delineation between R-A Project area and Cluster Project Areas." Please clearly identify what is the R-A Project area and the lot sizes associated with the R-A project.
18. On Sheet 4, please provide justification for the Grading and Drainage Note 4: "The existing pipe and wire mesh fence is considered to be the prudent setback from the existing slope."
19. On Sheet 4, please explain how Note 5 is compatible with the Sensitive Lands Analysis.
20. Please clarify if stormwater inlets and sewers will be extended to the Namaste cul-de-sac, i.e., the entrance to the Overlook at Oxbow subdivision?
21. Please add dimensions for cul-de-sacs detailed in the site plan. Dimensions should allow complete/continuous turnaround for a refuse truck.
22. Please update guidance from the USACE regarding the presence of flood waters.
23. Identify how lands that will be left in a native state will be protected during construction.
24. Clearly identify the location of the 20-foot buffer in place in lieu of a single-loaded street on the edge of the MPOS (See IDO Section 5-2(H)(2)(a)(1).)

Thank you in advance for your prompt attention to this matter. Please feel free to contact the Planning Department if you have questions or require any additional information regarding this matter.

Respectfully,

JMA

ONE ALBUQUERQUE planning

JAMES M. ARANDA, MCRP
deputy director | planning department
o 505.924.3361
m 505.803.6378
e jmaranda@cabq.gov
cabq.gov/planning

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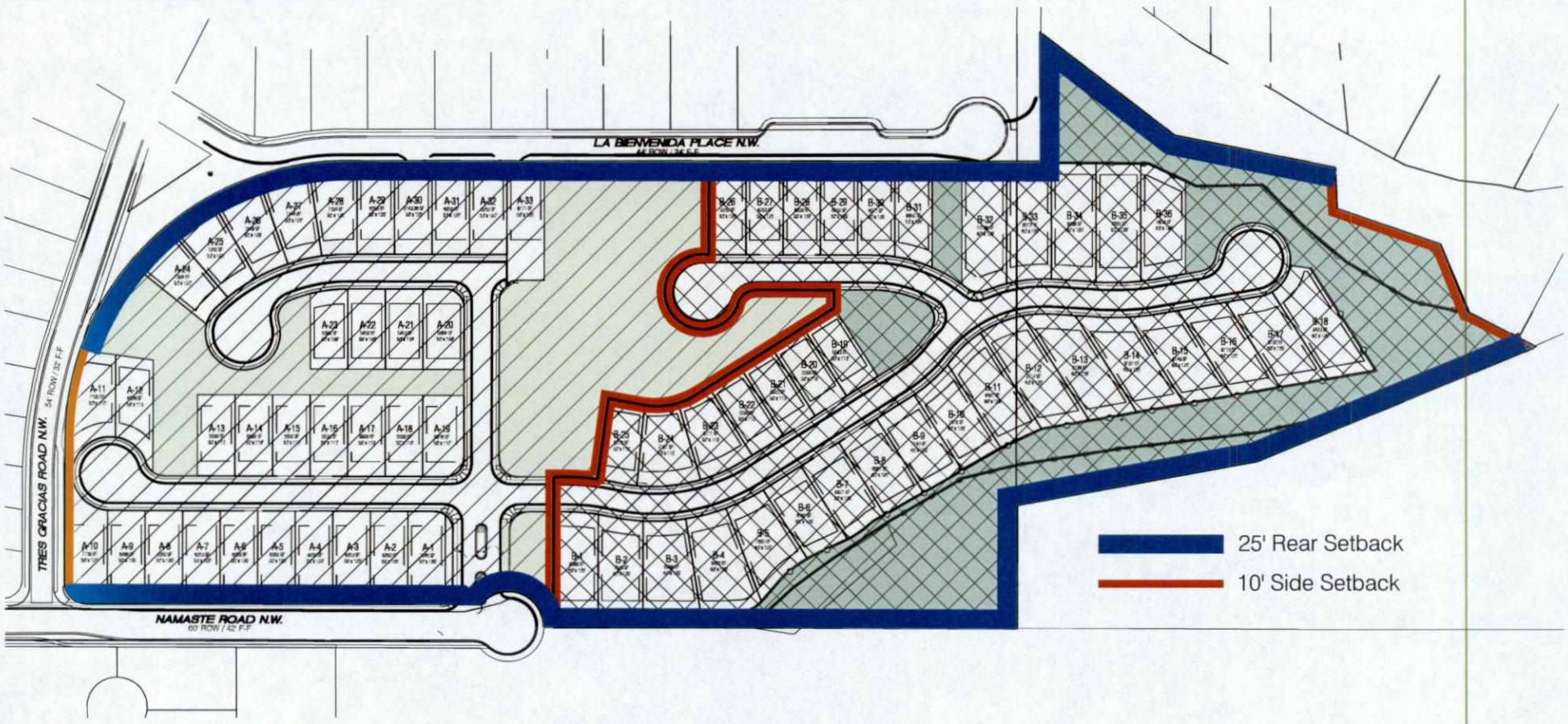
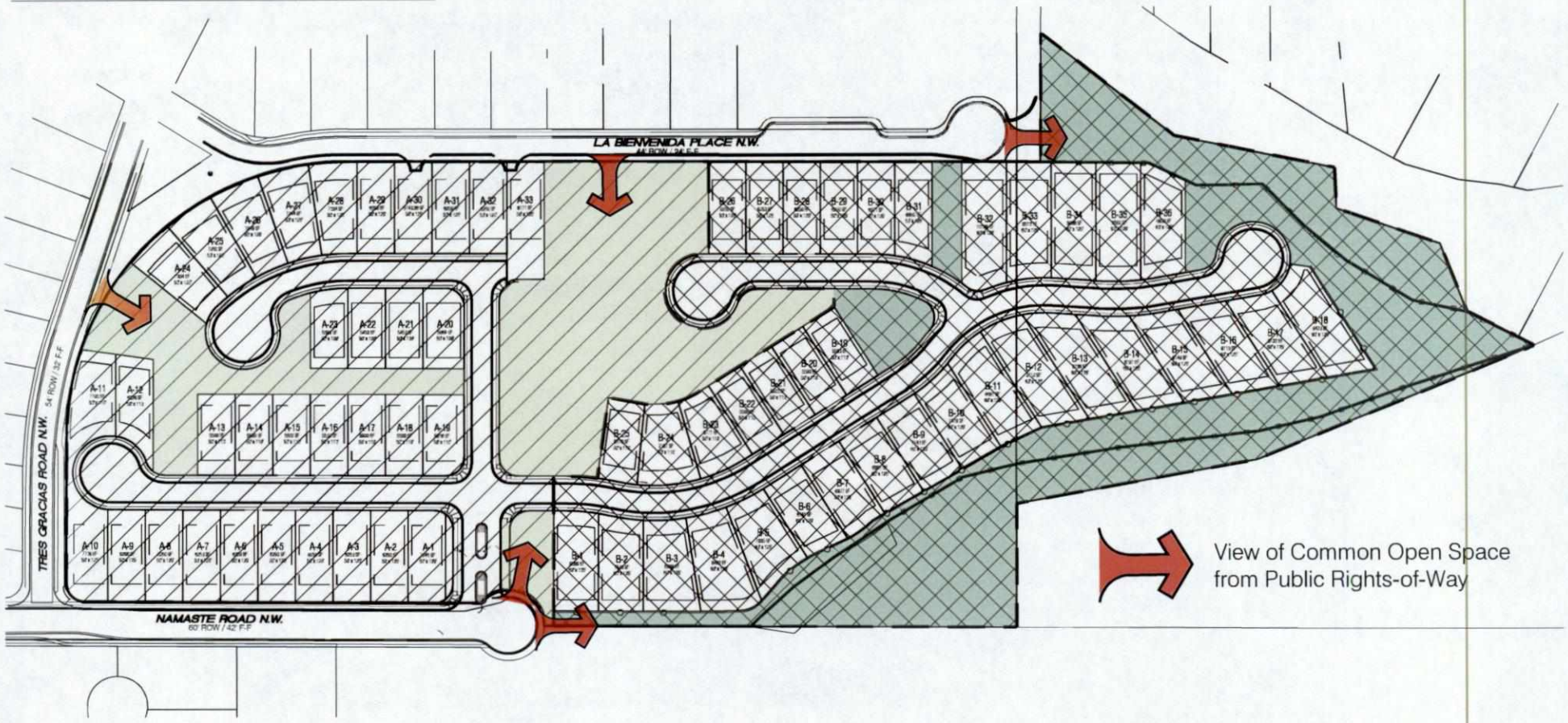
This message has been analyzed by Deep Discovery Email Inspector.

CLUSTER SETBACK EXHIBIT



OPEN SPACE VISIBILITY EXHIBIT



CONSENSUS PLANNING

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November 26, 2019

Mr. Russell Brito, Division Manager
Urban Design and Development
One Albuquerque – Planning
600 North Second Street NW
Albuquerque, New Mexico 87102

Re: Transmittal of Updated Site Development Plan – EPC in response to City Council remand of AC-19-6, Project #2018-001402/SI-2018-00171/VA-2019-00103

Dear Mr. Brito:

The purpose of this letter is to transmit the updated Site Development Plan – EPC for review and a new hearing before the Environmental Planning Commission (EPC) and to provide our response to each of the four remand instructions provided as a part of the City Council's Notice of Decision dated August 27, 2019.

Per your direction, we are transmitting the updated Site Development Plan at the normal EPC application submittal deadline (November 27, 2019) to provide for staff and agency review and be scheduled for the January 9, 2020 EPC Hearing.

It is important to note that the City Council's Notice of Decision did address the other matters, outside of the specific remand instructions, as follows:

> "As to all other matters raised in this appeal that are not specifically remanded pursuant to the above, the recommendation and findings of the Land Use Hearing Officer (the LUHO) are accepted and adopted. More specifically, to the extent not otherwise inconsistent with these findings for remand, the recommendation and findings of the LUHO is accepted and adopted with the exception of the recommendations and findings contained in Page 11, Line 211 through Page 17, Line 359."

The City Council Notice of Decision and the LUHO Recommendation and Findings are attached to this letter.

The following provides a response to each of the remand instructions (our responses are in italics):

1. On remand, the EPC shall require the submission of a revised site plan for its consideration that clearly concentrates buildings in specific areas on the site, in identifiable clusters of no more than fifty lots each, and that otherwise satisfies the setback requirements of its condition number five. For purposes of setbacks between clusters, the relevant setback for each cluster shall not overlap. The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster.

PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA, ASLA, LEED AP
Jacqueline Fishman, AICP

CONSENSUS PLANNING

The Site Development Plan - EPC has been modified to respond to this Council instruction as follows:

- *The revised Site Development Plan reconfigures the clusters to ensure that the two cluster developments have concentrated the building lots within two identifiable clusters;*
- *There is a significant common open space area provided to separate Cluster A from Cluster B;*
- *The Site Plan maintains an east/west linear open space corridor to allow for a trail system that runs between Cluster A and Cluster B;*
- *The common open space is visually accessible to all three perimeter roadways – Namaste Road, Tres Gracias Road, and La Bienvenida Place;*
- *Cluster A contains 33 lots, and Cluster B contains 36 lots with each cluster; less than fifty lots each;*
- *The redesign accommodates the required cluster setbacks for each cluster and the relevant setbacks do not overlap; and*
- *Specific notes have been added to the Site Plan (Sheet 1) that clearly spells out the cluster setback requirements as separate from the interior setback requirements.*

The redesign also complies with the Sensitive Lands regulations as contained in the Integrated Development Ordinance (IDO) Section 14-16-5-2 Site Design and Sensitive Lands. The Sensitive Land analysis is included as a separate sheet (Sheet X) in the Site Development Plan – EPC. Some of the key responses to the analysis includes the following:

- *The large stand of Pinon and Arizona Cypress trees within the central common open space are preserved;*
- *The existing pipe and wire mesh fence along the eastern portion of the property will be retained and provides the boundary for the Sensitive Land Protection Zone:*
- *No construction or access is permitted into the Sensitive Land Protection Zone; and*
- *The Sensitive Land Protection Zone protects the existing wetland (private portion of the Oxbow), steep slope area, and the Water Quality Pond adjacent to the San Antonio Arroyo.*

2. On remand, the EPC shall also evaluate and issue specific findings on the proposed cluster development's satisfaction of the IDO's applicable open space requirements for cluster developments, including but not limited to the ability to count drainage easements as part of its required open space designation and how the preserved common open space reasonably relates to each identifiable cluster.

   We respectfully request that staff recommend the EPC adopt a finding as follows:

   The EPC, upon review of the standards and definitions in the IDO, allows the ability to count the AMAFCA drainage pond as a part of the required open space and is

approved as part of this Site Development Plan. This finding is based upon the following IDO citatians:

Use Specific Standards of the IDO Section 14-16-4-3(B)(2) Dwelling, Cluster Development, Page 136, subsection (d) that states:

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

IDO Sectian 14-16-7-1 Definitions and Acronyms, Page 458 far Dwelling, Cluster Development, which states:

*"A development type that concentrates single-family or two-family dwellings on smaller lots than wauld 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**.", and*

IDO Section 14-16-7-1 Definitions and Acranyms, Page 479 far Common Open Space, which states:

*"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**, ar outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat af the cluster development."*

3. On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan.

   We respectfully request that staff recommend the EPC adopt a finding as fallows:

   The EPC, finds that the inclusion of the two clusters an a single site development is permitted and preferred, based upon the fact that the IDO daes not prohibit twa clusters being shawn on a single Site Development Plan, responds to the City Planning Directar's approval to allow more than just the portion of the site required to be reviewed by the EPC, and that it provides a more comprehensive presentation of the surrounding context for bath clusters.

4. The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noted quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.

   The applicant, agent, and all parties associated with this application support the EPC in its implementation of this requirement.

CONSENSUS PLANNING

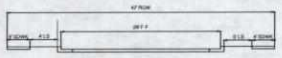
Based upon this letter; all previous items, final justification letter, and prior approvals included in the record; and the attached, updated Site Development Plan; we respectfully request review and approval of the site development plan.

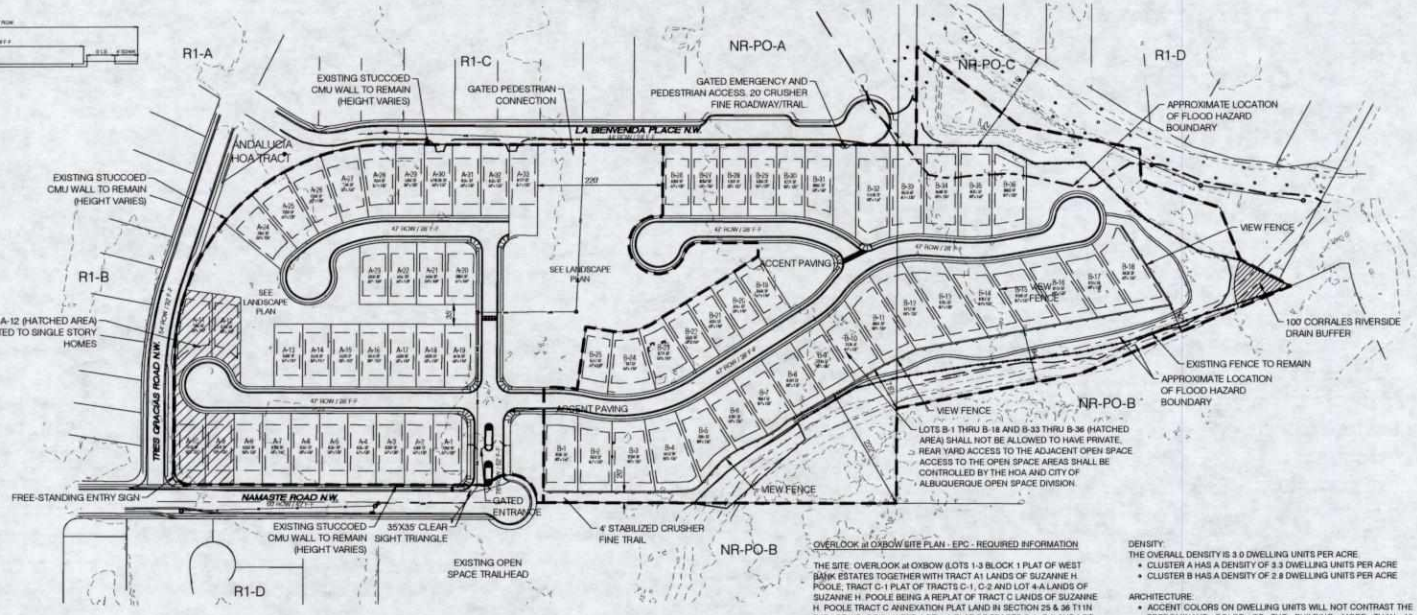
Sincerely,

James K. Strozier, FAICP
Principal

SITE PLAN REDUCTIONS

TYPICAL STREET SECTION
SCALE: 1" = 10'

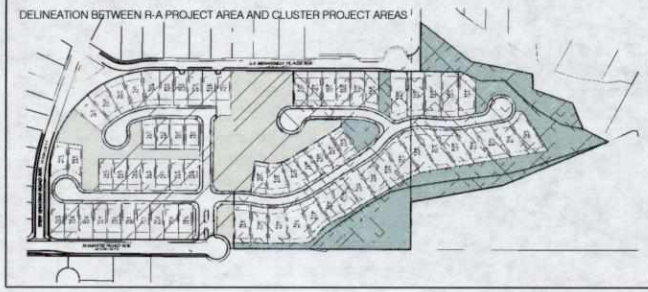




VIEW FENCE
3' TUBULAR STEEL FENCE ABOVE 3' STUCCOED CMU WALL TO MATCH EXISTING WALL (6' TOTAL HEIGHT).

FREESTANDING ENTRY SIGN

DELINEATION BETWEEN R-A PROJECT AREA AND CLUSTER PROJECT AREAS



Per IDO section 4-3(B)(2)(d)(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.

Open space calculations by cluster are as follows:

Cluster A

Size: 10.04 ac. (33 Lots)
30% Rule: OS Req. = 3.01 ac.
Lot Red. Rule: OS Req. = 3.45 ac.
OS Prov. = 3.45 ac.

Cluster B

Size: 12.71 ac. (36 Lots)
30% Rule: OS Req. = 3.90 ac.
Lot Red. Rule: OS Req. = 2.70 ac.
OS Prov. = 4.66 ac.

Total Project Area:	22.75 ac.
Open Space Required:	7.35 ac.
Open Space Provided:	8.11 ac.
Total Lots:	69

OVERLOOK at OXBOW SITE PLAN - EPC - REQUIRED INFORMATION

THE SITE: OVERLOOK at OXBOW (LOTS 1-3 BLOCK 1 PLAT OF WEST BANK ESTATES TOGETHER WITH TRACT A1 LANDS OF SUZANNE H. POOLE, TRACT C-1 PLAT OF TRACTS C-1, C-2 AND LOT 4-A LANDS OF SUZANNE H. POOLE BEING A REPLAT OF TRACT C LANDS OF SUZANNE H. POOLE TRACT C ANNEXATION PLAT LAND IN SECTION 25 & 36 T11N R2E LOT 4 BLOCK 1 WEST, LOT 4-A PLAT OF TRACTS C-1, C-2 AND LOT 4-A LANDS OF SUZANNE H. POOLE BEING A REPLAT OF TRACT C LANDS OF SUZANNE H. POOLE TRACT C ANNEXATION PLAT LAND IN SECTION 25 & 36 T11N R2E LOT 4 BLOCK 1 WEST). THE SITE IS COMPRISED OF 22.75 ACRES, WHICH WILL INCLUDE 69 RESIDENTIAL LOTS.

ZONING: R-A.

LAND USE: SINGLE FAMILY RESIDENTIAL SUBDIVISION WITH PRIVATE OPEN SPACE AREAS AND TRAILS. NO COMMERCIAL USE IS ALLOWED.

PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS

- PRIMARY VEHICULAR ACCESS IS FROM NAMASTE ROAD, AN EXISTING URBAN LOCAL STREET. THE SUBDIVISION SHALL BE GATED.
- PEDESTRIAN ACCESS WILL BE PRIVATE, GATED ACCESS OFF BOTH NAMASTE ROAD AND LA BIENVENIDA PLACE. INTERNAL PEDESTRIAN CIRCULATION IS PROVIDED BY SIDEWALKS PLANNED ALONG THE LOCAL ROADWAYS AND TRAILS WITHIN THE OPEN SPACE TRACTS.
- TRAILS SHALL BE SOFT SURFACED, CRUSHER FINES, AND DESIGNED TO ACCOMMODATE PEDESTRIANS.
- 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.
- NAMASTE ROAD AND LA BIENVENIDA PLACE ARE PROPOSED BICYCLE ROUTES PER THE 2040 LONG RANGE BIKEWAY SYSTEM MAP.

BUILDING HEIGHTS:
26 FEET PER THE RA ZONE. LOTS A9- 12 RESTRICTED TO SINGLE STORY HOMES, WITH A MAXIMUM HEIGHT OF 19 FEET.

SETBACKS:
SETBACKS AT THE PERIMETER OF EACH CLUSTER ARE REQUIRED TO BE PER THE UNDERLYING R-A ZONE DISTRICT AS FOLLOWS:

- FRONT, MINIMUM 20 FEET
- SIDE, MINIMUM 10 FEET
- REAR, MINIMUM 25 FEET

NOTE: RELEVANT SETBACKS FOR EACH CLUSTER SHALL NOT OVERLAP. THE MINIMUM SEPARATION BETWEEN CLUSTERS MUST INCLUDE THE COMBINATION OF THE RELEVANT SETBACKS AS APPLICABLE TO EACH INDIVIDUAL CLUSTER.

INTERIOR LOT SETBACKS (CLUSTER A AND B)

- MINIMUM FRONT YARD SETBACKS: 15 FEET, EXCEPT 20 FEET FOR GARAGES FACING STREET.
- MINIMUM REAR YARD SETBACKS: 15 FEET.
- MINIMUM SIDE YARD SETBACKS: 5 FEET, EXCEPT 10 FEET FOR LOTS ADJACENT TO ROADWAY. ZERO LOT LINE IS PERMITTED PROVIDED 10 FEET OF SEPARATION BETWEEN BUILDINGS IS MAINTAINED.

DENSITY:
THE OVERALL DENSITY IS 3.0 DWELLING UNITS PER ACRE.

- CLUSTER A HAS A DENSITY OF 3.3 DWELLING UNITS PER ACRE
- CLUSTER B HAS A DENSITY OF 2.8 DWELLING UNITS PER ACRE

ARCHITECTURE:

- ACCENT COLORS ON DWELLING UNITS WILL NOT CONTRAST THE PREDOMINANT COLOR OF THE BUILDING MORE THAN 10 PERCENT OF EACH FAÇADE.
- MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW FROM STREETS.

LANDSCAPE PLAN:
THE LANDSCAPE PLAN IS PROVIDED ON SHEET 2.

SITE LIGHTING:
ALL SITE LIGHTING IS LIMITED TO 20 FEET TALL AND SHALL BE NIGHT SKY COMPLIANT.

LOCATION MAP
SCALE: 1" = 1500' ZONE ATLAS: F11 / F12

PROJECT NUMBER: PR-2018-001402

Application Number: SI-2018-00171

This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC) dated _____, 2020 and the Findings and Conditions in the Official Notification of Decision are satisfied.

Is an Infrastructure List required? (X) Yes ( ) No. If yes, then a set of approved DRC plans with a work order is required for any construction within Public Right-of-Way or for construction of public improvements.

DRB SITE DEVELOPMENT PLAN APPROVAL:

Traffic Engineering, Transportation Division	Date
ABCWUA	Date
City Engineer/Hydrology	Date
Code Enforcement	Date
Solid Waste Management	Date
Parks and Recreation	Date
DRB Chairperson, Planning Department	Date

GENERAL NOTES:

1. THE OWNER WILL COORDINATE WITH CITY OPEN SPACE STAFF REGARDING IMPROVEMENTS TO THE TERMINUS OF NAMASTE ROAD TO FACILITATE TRAILHEAD PARKING AND ACCESS.
2. A VARIANCE TO ACCESS AND CONNECTIVITY SECTION OF THE IDO. 14-16-5-3(E)(2)(a) WAS APPROVED BY THE DRB ON DECEMBER 5, 2018 (APPLICATION #: VA-2018-00173).
3. DEVELOPER IS RESPONSIBLE FOR PERMANENT IMPROVEMENTS TO THE TRANSPORTATION FACILITIES ADJACENT TO THE PROPOSED DEVELOPMENT SITE PLAN, INFRASTRUCTURE, AND R.O.W. DEDICATION(), AS REQUIRED BY THE DRB.
4. CLEAR SIGHT TRIANGLE - LANDSCAPING AND SIGNAGE WILL NOT INTERFERE WITH CLEAR SIGHT REQUIREMENTS. THEREFORE, SIGNS, WALLS, TREES, AND SHRUBBERY BETWEEN 3 AND 8 FEET TALL (AS MEASURED FROM THE GUTTER PAN) WILL NOT BE ACCEPTABLE IN THE CLEAR SIGHT TRIANGLE.
5. SEE CONCEPTUAL UTILITY PLAN (SHEET 4) FOR EXISTING EASEMENT INFORMATION.

OVERLOOK at OXBOW

SITE PLAN

Prepared For:

Gamma Development, LLC

Prepared By:

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Bohannan Huston, Inc.

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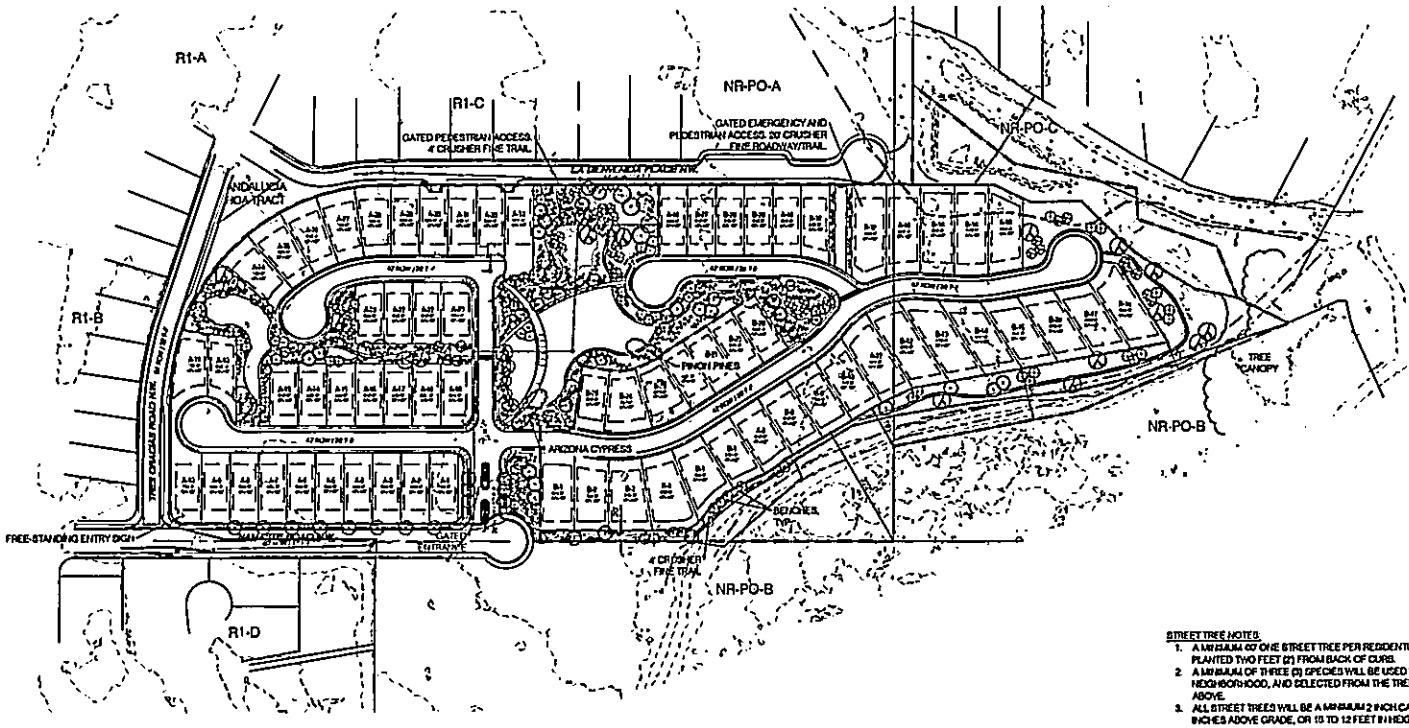
NORTH

Scale: 1" = 100'

50 0 100 200

November 25, 2019

Sheet 1 of 4



LANDSCAPE CONCEPT

GENERAL

THE DESIGN AND PROVISION OF LANDSCAPING FOR OVERLOOK at OXBOW WILL BE IN CONFORMANCE WITH THE CITY OF ALBUQUERQUE ZONING CODE, POLLEN ORDINANCE, AND THE WATER CONSERVATION LANDSCAPING AND WATER WASTE ORDINANCE. IN GENERAL, WATER CONSERVATIVE, ENVIRONMENTALLY-SOUND LANDSCAPE PRINCIPLES WILL BE FOLLOWED IN DESIGN AND INSTALLATION.

STREET TREE ORDINANCE REQUIREMENTS

HAMASTE ROAD IS AN URBAN LOCAL STREET, AND AS SUCH, FALLS UNDER THE REQUIREMENTS OF THE CITY OF ALBUQUERQUE STREET TREE ORDINANCE. STREETS WITHIN OVERLOOK at OXBOW ARE CLASSIFIED AS LOCAL STREETS AND DO NOT FALL UNDER THE REQUIREMENTS OF THE STREET TREE ORDINANCE.

PLANT PALETTE

TREES (WATER USE)

- ACER NEGUNDO 'SENSATION' / SENSATION BOX ELDER (M)
- CHILOPSIS LINEARIS 'BUBBA' / DESERT WILLOW (L)
- FORESTIERA NEOMEXICANA / NEW MEXICO OLIVE
- GLEDITSIA TRIACANTHOS / HONEYLOCUST (M+)
- KOELREUTERIA PANICULATA / GOLDEN RAINTREE (M)
- PINUS NIGRA / AUSTRIAN PINE (M)
- PISTACHIA CHINENSIS / CHINESE PISTACHE (M+)
- PYRUS CALLERYANA / FLOWERING PEAR (M+)
- VITEX AGNUS CASTUS / CHASTE TREE (M+)

SHRUBS AND GROUNDCOVERS

SILVER SPREADER (L), SHADSCALE (L), DWARF BUTTERFLY BUSH (M), BLUE MIST (M), CURTISCIE (L), WINTERFAT (L), APACHE PLUME (L), BAND PENSTEMON (M), SHRUBBY CINQUEFOIL (M+), BROOM DALEA (L), THREE-LEAF SUMAC (L+), CHERRY SAGE (M), MOONSHINE YARROW (M), TURPENTINE BUSH (L), DWARF MUGO PINE (M), SPREADING JUNIPER (M), FERN BUSH (L), LICORICE MINT (L)

ORNAMENTAL GRASSES / DESERT ACCENTS

PURPLE THREEAWN (M), BEAR GRASS (L), KARL FOERSTER FEATHER REED GRASS (L), MUHLY GRASS (M), HARVARD'S CENTURY PLANT (L), DESERT SPOON (L), RED YUCCA (L)

MOSS ROCK BOULDERS 3' X 3' MIN.

BUFFALO GRASS / BLUE GRAMA GRASS MIX

NATURAL AREA TO BE REMAIN UNDISTURBED DURING CONSTRUCTION TO THE EXTENT POSSIBLE. DISTURBED AREAS SHALL BE REVEGETATED CONSISTENT WITH THE EXISTING CONDITIONS.

SENSITIVE LAND PROTECTION AREA - NO CONSTRUCTION OR DISTURBANCE SHALL BE PERMITTED IN THIS AREA EXCEPT AS REQUIRED FOR BANK STABILIZATION.

STREET TREE NOTES:

1. A MINIMUM OF ONE STREET TREE PER RESIDENTIAL LOT SHALL BE PLANTED TWO FEET (2') FROM BACK OF CURB.
2. A MINIMUM OF THREE (3) SPECIES WILL BE USED WITHIN THE NEIGHBORHOOD, AND SELECTED FROM THE TREE PALETTE SHOWN ABOVE.
3. ALL STREET TREES WILL BE A MINIMUM 2 INCH CALIPER MEASURED 6 INCHES ABOVE GRADE, OR 10 TO 12 FEET IN HEIGHT AT TIME OF PLANTING.

LANDSCAPE PLANTING NOTES:

1. MINIMUM PLANT SIZES AT TIME OF INSTALLATION SHALL BE AS FOLLOWS:
   - 1.1. TREES: 2 INCH CALIPER MEASURED 6 INCHES ABOVE GRADE, OR 10 TO 12 FEET IN HEIGHT
   - 1.2. SHRUBS AND LOW EVERGREENS: 1 GALLON
   - 1.3. GROUNDCOVER AND TURF GRASS: SHALL PROVIDE GENERAL COVERAGE WITHIN 1 GROWING SEASON AFTER INSTALLATION.
2. ALL PLANT MATERIAL SHALL BE CHOSEN FROM THE ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY XERICSCAPING PLANT LIST.

PRIVATE YARD LANDSCAPE NOTES:

1. FRONT YARD LANDSCAPES SHALL INCLUDE (2) TWO-INCH CALIPER SHADE TREES, (1) 15-GALLON EVERGREEN TREE, (1) 5-GALLON SHRUB, (3) 5-GALLON ACCENT PLANTS, (9) 5-GALLON SHRUBS/GRASSES, AND (5) 1-GALLON GROUNDCOVERS.
2. THERE ARE NO PLANTING RESTRICTIONS FOR THE REAR YARDS OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.

MAINTENANCE

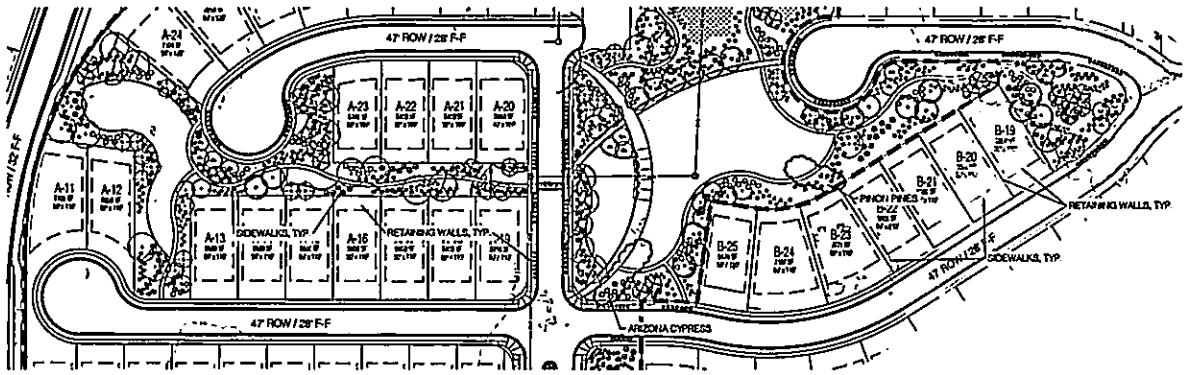
MAINTENANCE OF THE STREET TREES, PLANTINGS WITHIN THE PARKWAYS, AND FRONT YARDS SHALL BE THE RESPONSIBILITY OF THE LOT OWNER. THE LANDSCAPE WHICH IS LOCATED IN THE PUBLIC R.O.W. AND THE PRIVATE OPEN SPACE TRACTS, SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.

EXISTING MATURE TREES

THERE ARE 6-7 PINON AND A STAND OF ARIZONA CYPRESS TREES IDENTIFIED FOR PRESERVATION. THE APPLICANT WILL CONTINUE TO WORK WITH CITY HYDROLOGY TO FINALIZE THE GRADING AND DRAINAGE PLANS PRIOR TO APPROVAL OF THE FINAL PLAT(S). BASED ON THE FINAL GRADING, EXISTING HEALTHY TREES (AS SHOWN) WILL BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE.

TRACT D SITE/LANDSCAPE PLAN

SCALE: 1" = 60'



OVERLOOK at OXBOW

LANDSCAPE PLAN

Prepared For:

Gamma Development, LLC

Prepared By:

Consensus Planning, Inc.
Bohannan Huston, Inc.

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NORTH

Scale: 1" = 100'

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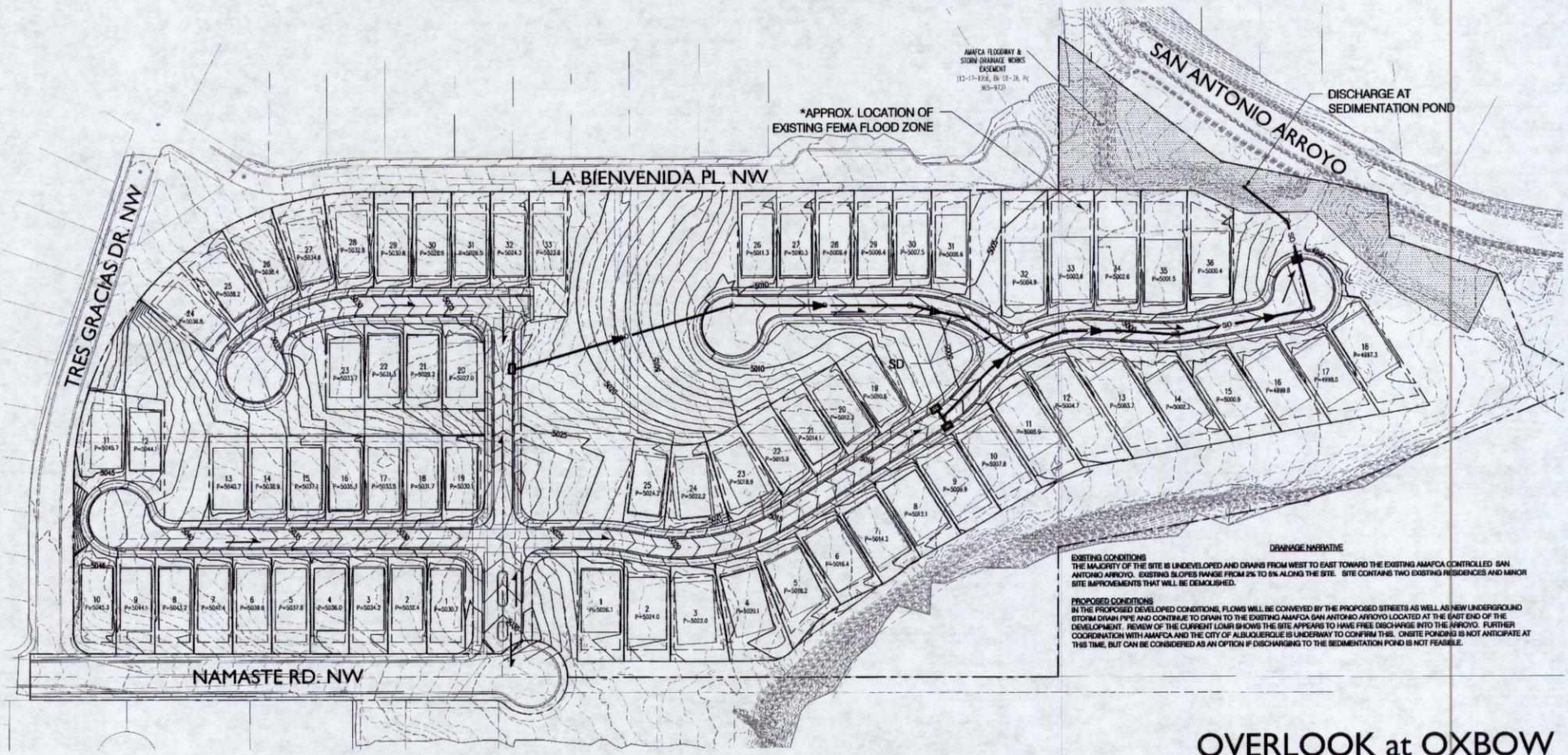
November 25, 2019

Sheet 2 of 4



DRAINAGE NARRATIVE

EXISTING CONDITIONS

THE MAJORITY OF THE SITE IS UNDEVELOPED AND DRAINS FROM WEST TO EAST TOWARD THE EXISTING AMAFCA CONTROLLED SAN ANTONIO ARROYO. EXISTING SLOPES RANGE FROM 2% TO 5% ALONG THE SITE. SITE CONTAINS TWO EXISTING RESIDENCES AND MINOR SITE IMPROVEMENTS THAT WILL BE DEMOLISHED.

PROPOSED CONDITIONS

IN THE PROPOSED DEVELOPED CONDITIONS, FLOWS WILL BE CONVEYED BY THE PROPOSED STREETS AS WELL AS NEW UNDERGROUND STORM DRAIN PIPE AND CONTINUE TO DRAIN TO THE EXISTING AMAFCA SAN ANTONIO ARROYO LOCATED AT THE EAST END OF THE DEVELOPMENT. REVIEW OF THE CURRENT LOMR SHOWS THE SITE APPEARS TO HAVE FREE DISCHARGE INTO THE ARROYO. FURTHER COORDINATION WITH AMAFCA AND THE CITY OF ALBUQUERQUE IS UNDERWAY TO CONFIRM THIS. ONSITE PONDING IS NOT ANTICIPATE AT THIS TIME, BUT CAN BE CONSIDERED AS AN OPTION IF DISCHARGING TO THE SEDIMENTATION POND IS NOT FEASIBLE.

LEGEND

PROPOSED STORM DRAIN	PROPOSED BASIN BOUNDARY
PROPOSED INLET	HIGH POINT / WATER BLOCK
EXISTING STORM DRAIN	LOW POINT / SUMP
FLOW ARROWS	PROPOSED RETAINING WALL (2'-8')
PROPOSED SPOT ELEVATION	PHASE BOUNDARY
LINED SWALE	
EXISTING FLOODPLAIN LIMITS	
PROPOSED FLOODPLAIN LIMITS	

GRADING AND DRAINAGE NOTES

1. A LOMR WILL BE REQUIRED TO REMOVE THE FLOOD PLAIN FROM LOTS 33, 34, 35 AND 36.
2. AMAFCA APPROVAL IS REQUIRED FOR CONNECTION TO THEIR STORM WATER HOLDING AND SEDIMENT TRAPPING POND, THE SAN ANTONIO ARROYO CHANNEL, AND FOR GRADING ADJACENT TO THEIR R.O.W.
3. NO FILL IS PROPOSED OR PERMITTED IN ANY DESIGNATED WATERS OF THE U.S.
4. THE EXISTING PIPE AND WIRE MESH FENCE IS CONSIDERED TO BE THE PRUDENT SETBACK FROM THE EXISTING SLOPE.
5. BANK STABILIZATION MAY BE CONSTRUCTED TO PREVENT LATERAL MIGRATION OF THE RIVER AND EROSION OF THE SLOPE IF NEEDED.

*FEMA FLOOD MAP ZONE IS APPROXIMATE AT THIS TIME. FURTHER COORDINATION WITH REVIEWING AGENCIES INCLUDING AMAFCA, CITY OF ALBUQUERQUE AND FEMA WILL BE NECESSARY TO CONFIRM EXACT LOCATION OF FLOOD ZONE AND HOW THE LOTS ADJACENT TO THIS FLOOD ZONE ARE ADDRESSED MOVING FORWARD.

OVERLOOK at OXBOW

CONCEPTUAL GRADING AND DRAINAGE PLAN

Prepared For:

Gamma Development, LLC

Prepared By:

Consensus Planning, Inc.
Bohannan Huston, Inc.

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NORTH

Scale: 1" =60'

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JANUARY 16, 2019

Sheet 3 of 4

Tue, 26-Mar-2019 - 12:17pm, Plotted by: AGRTZ
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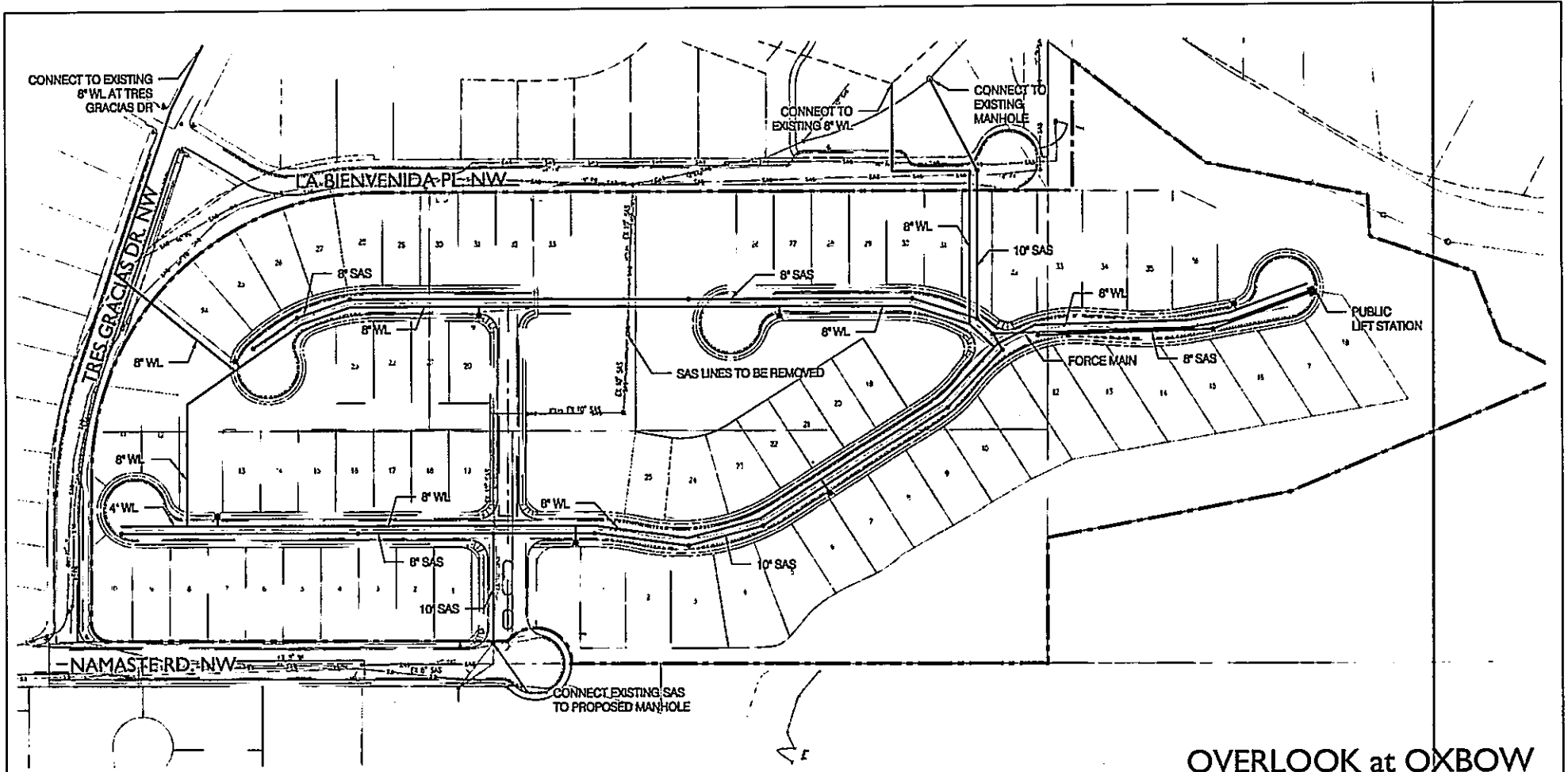

OVERLOOK at OXBOW

CONCEPTUAL UTILITY PLAN

Prepared For:

Gamma Development, LLC

Prepared By:

Consensus Planning, Inc.
Bohannan Huston, Inc.

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NORTH

Scale: 1" = 60'

30 0 60 120

September 27, 2016

Sheet 4 of 4

NOTES

1. ALL WATER AND SANITARY SEWER LINES SHALL BE LOCATED WITHIN AN UTILITY EASEMENT THAT WILL BE DEDICATED TO ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA) WITH FUTURE PLATS.
2. ALL EXISTING WATER AND SANITARY SEWER LINES ARE LOCATED WITHIN CITY OF ALBUQUERQUE (COA) PUBLIC RIGHT-OF-WAY OR WITHIN AN EXISTING ABCWUA UTILITY EASEMENT.
3. UTILITY LINES AND FIRE HYDRANTS SHALL BE LOCATED PER CRITERIA STATED IN THE COA'S DEVELOPMENT PROCESS MANUAL.
4. ALL FUTURE WATER AND SANITARY SEWER LINES SHALL BE DESIGNED IN ACCORDANCE WITH CRITERIA STATED IN THE ABCWUA WATER-SANITARY SEWER AVAILABILITY LETTER PROVIDED BY ABCWUA.
5. THE SITE LIES WITHIN PRESSURE ZONE 1E.

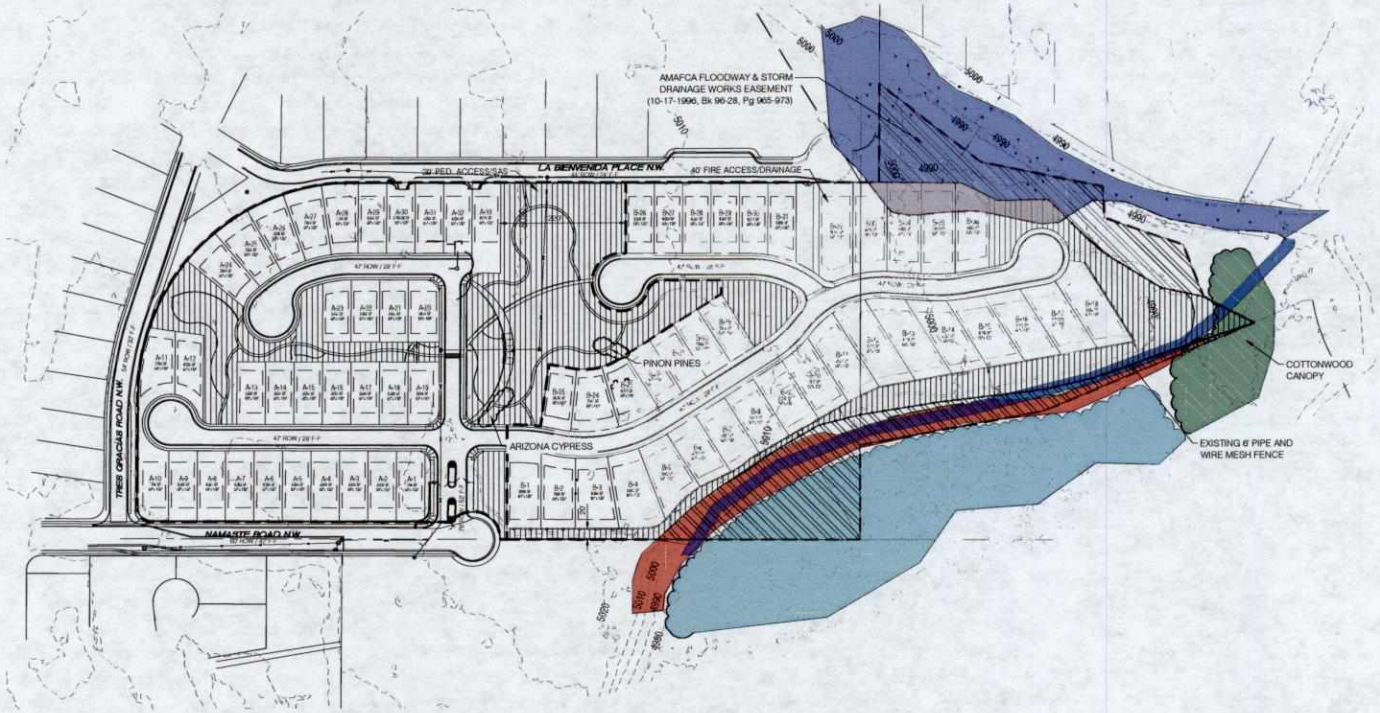
LEGEND

- PROPERTY LINE
- EXISTING CURB AND GUTTER
- PROPOSED CURB AND GUTTER
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- EXISTING STORM DRAIN
- EXISTING SANITARY SEWER
- EXISTING WATER LINE

DRY UTILITY NOTES

1. AN EXISTING UNDERGROUND DISTRIBUTION LINE IS LOCATED ON THE SITE TO THE EXISTING STREETLIGHT TO BE REMOVED. THE DEVELOPER IS OBLIGATED TO ABIDE BY ANY CONDITIONS OR TERMS OF THOSE EASEMENTS.
2. THE DEVELOPER SHALL CONTACT PNM NEW SERVICE DESIGNER DEPARTMENT TO COORDINATE ELECTRIC SERVICE TO THE SITE.
3. GROUND-MOUNTED EQUIPMENT SCREENING WILL BE DESIGNED TO ALLOW FOR ACCESS TO THE UTILITY FACILITIES. ALL SCREENING AND VEGETATION SURROUNDING THE GROUND-MOUNTED TRANSFORMERS AND UTILITY PADS ARE TO ALLOW 10 FEET OF CLEARANCE IN FRONT OF THE EQUIPMENT DOOR, AND 3-4 FEET OF CLEARANCE ON THE REMAINING SIDES FOR SAFE OPERATIONS, MAINTENANCE, AND REPAIR PURPOSES.

Tue, 26-Nov-2013 - 12:15 pm, Plotted by: ACRTO
A:\2013025\CDP\Plans\General\PC\2013025_Concepts4_UUR_CPC.dwg



- Wetlands Area
- Mature Trees (Large Stands- Some are more than 30 years, and a minimum of 16" caliper)
- Flood Zones
- Steep Slopes
- Private Open Space
- Private Open Space (Sensitive Lands Protection Area)
- Flood Zone Area for LOMR*

* REQUIRES APPROVAL OF A LETTER OF MAP REVISION (LOMR) PRIOR TO ISSUANCE OF A BUILDING PERMIT (SEE SENSITIVE LAND ANALYSIS)

SENSITIVE LANDS ANALYSIS

PURSUANT TO SECTION THE IDO SECTION 5-2 SITE DESIGN AND SENSITIVE LANDS, THE FOLLOWING ANALYSIS PROVIDED GUIDANCE TO THE SITE PLAN FOR THE OVERLOOK AT OXBOW. THE ANALYSIS WAS CONDUCTED USING UPDATED TOPOGRAPHIC SURVEY DATA, SITE ANALYSIS, REVIEW OF EXISTING EASEMENT DOCUMENTS, AERIAL PHOTOGRAPHY, AND THE CITY'S AGIS SYSTEM.

WETLANDS:

- THE EXISTING OXBOW WETLAND AREA IMPACTS THE SOUTHEAST CORNER OF THE PROPERTY. THE WETLANDS ARE INCLUDED IN THE SENSITIVE LAND PROTECTION AREA.

MATURE TREE CANOPY:

- THERE IS A LARGE STAND OF MATURE COTTONWOOD TREES EXISTING AT THE EASTERN EDGE, IMMEDIATELY OFF-SITE AND ADJACENT TO THE RIO GRANDE BOSQUE. THE TREE CANOPY AND A SIGNIFICANT BUFFER IS INCLUDED IN THE PRIVATE OPEN SPACE.
- THERE ARE 6-7 PINON NORTH OF THE MAIN BUILDING AND 3-4 ADJACENT TO THE SECONDARY BUILDING, AND A STAND OF ARIZONA CYPRESS TREES NEAR THE ENTRY THAT ARE RELATIVELY HEALTHY (AS REVIEWED WITH THE CITY FORESTER). BASED UPON THE PRELIMINARY GRADING PLANS, SEVERAL OF THE EXISTING HEALTHY PINONS NORTH OF THE MAIN BUILDING, AND SEVERAL OF THE ARIZONA CYPRESS A THE ENTRY MAY BE PRESERVED. THE PINONS ADJACENT TO THE SECONDARY BUILDING ARE WITHIN AN AREA OF SIGNIFICANT GRADE CHANGE AND NOT LIKELY TO BE SALVAGED. THE APPLICANT WILL CONTINUE TO WORK WITH CITY HYDROLOGY TO FINALIZE THE GRADING AND DRAINAGE PLANS PRIOR TO APPROVAL OF THE FINAL PLAT. BASED ON THE FINAL GRADING, EXISTING HEALTHY TREES WILL BE PRESERVED TO THE EXTENT PRACTICAL. IT SHOULD BE NOTED THAT THE ARIZONA CYPRESS ARE ON THE CITY'S PROHIBITED PLANTING LIST FOR POLLEN.

FLOOD ZONE/ARROYO:

- THERE IS A FEMA DESIGNATED FLOOD PLAIN THAT IMPACTS THE NORTHEASTERN EDGE OF THE PROPERTY. THE PORTION OF THAT FLOOD PLAIN THAT IS OUTSIDE OF THE EXISTING FENCE IS INCUDED IN THE SENSITIVE LAND PROTECTION AREA. BASED UPON PREVIOUS ENGINEERING ASSOCIATED WITH THE IMPROVEMENTS TO THE SAN ANTONIO ARROYO THE PORTION OUTSIDE OF THE FENCE IS ELIGIBLE FOR A LETTER OF MAP REVISION (LOMR). A LOMR SHALL BE REQUIRED PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR THE FOUR LOTS IMPACTED BY THE FLOOD PLAIN. THE EXISTING SEDIMENTATION POND IS INCLUDED IN THE SENSITIVE LAND PROTECTION AREA AND ALL DEVELOPED STORMWATER FLOWS WILL BE DIVERTED TO THIS POND, THEREBY LIMITING STORMWATER IMPACT TO THE OPEN SPACE AREAS.

STEEP SLOPES:

- THE EXISTING STEEP SLOPE AREA (ALONG THE SOUTHEASTERN EDGE OF THE PROPERTY) IS OUTSIDE OF THE EXISTING FENCE AND IS INCLUDED IN THE SENSITIVE LAND PROTECTION AREA.

SENSITIVE LAND PROTECTION AREA:

- THE SENSITIVE LAND PROTECTION AREA (OUTSIDE THE EXISTING FENCE) IS DESIGNATED ON THE LANDSCAPE PLAN.
- THE SENSITIVE LAND PROTECTION AREA SHALL BE OWNED AND MAINTAINED BY THE OVERLOOK AT OXBOW HOMEOWNER'S ASSOCIATION.
- NO ACCESS SHALL BE PERMITTED TO THE SENSITIVE LAND PROTECTION AREA.

OVERLOOK at OXBOW

SENSITIVE LAND

Prepared For:

Gamma Development, LLC

Prepared By:

Consensus Planning, Inc.
Bohannan Huston, Inc.

CONSENSUS PLANNING, INC.
Planning / Landscape Architecture
302 Eighth Street NW
Albuquerque, NM 87102
(505) 764-9801 Fax 842-5495
e-mail: cp@consensusplanning.com

Bohannan Huston
www.bhinc.com 800.877.5332

NORTH

Scale: 1" = 100'

50 0 100 200

November 25, 2019

AGENCY COMMENTS

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT

INTER-OFFICE MEMORANDUM

TO: ENVIRONMENTAL HEALTH – Paul Olson
LEGAL DEPARTMENT – Tyson Hummell, Kevin Morrow & John DuBois
PARKS & RECREATION:
- PARK DESIGN – Carol Dumont
- OPEN SPACE DIVISION – Tricia Keffer
- CITY FORRESTER – Joran Viers

PLANNING:
- LONG RANGE PLANNING – Russel Brito & Mikaela Renz-Whitmore
- METROPOLITAN REDEVELOPMENT – Karen Iverson
- HYDROLOGY – Shahab Biazar
- NEIGHBORHOOD COORDINATION –
- TRANSPORTATION DEV. SERVICES – Jeanne Wolfenbarger
- ZONING – Ben McIntosh

ABC WATER UTILITY AUTHORITY – Kris Cadena
POLICE DEPARTMENT – Laura Kuehn
FIRE DEPARTMENT – Antonio Chinchilla
SOLID WASTE MANAGEMENT DEPARTMENT – Herman Gallegos
TRANSPORTATION PLANNING – John MacKenzie
TRANSIT DEPARTMENT – Lawrence Kline
ALBUQUERQUE PUBLIC SCHOOLS – April Winters
AMAFCA – Nichole Friedt
COUNTY OF BERNALILLO – Catherine VerEecke
MID-REGION COUNCIL OF GOVERNMENTS – Forest Replogle
MIDDLE RIO GRANDE CONSERVANCY DISTRICT – Jason Casuga
NM DEPARTMENT OF TRANSPORTATION – Nancy Perea & Margaret Haynes
NM GAS COMPANY –
PETROGLYPH NATIONAL MONUMENT – Chanteil Walter
PUBLIC SERVICE COMPANY OF NEW MEXICO – Laurie Moye

FROM: Russell Brito, Urban Design and Development Division, Planning Department

SUBJECT: ENVIRONMENTAL PLANNING COMMISSION CASE DISTRIBUTION

Attached are the legal descriptions, applications, and related materials for the cases scheduled for public hearing before the Environmental Planning Commission on **January 9, 2020.**

Please remember that all agency comments are due December 16, 2019.

COMMENTS TO: Leslie Naji (lnaji@cabq.gov)
Linda Rumpf (lrumpf@cabq.gov)
Whitney Phelan (wphelan@cabq.gov)
Catalina Lehner (clehner@cabq.gov)

Project #2019-003120 RZ-2019-00070 – Zone Map Amendment (Zone Change)	Consensus Planning, agent for Unser & Sage LLC, request the above action for all or a portion of Tracts A1 & A2 of Unser & Sage Marketplace, Zoned MX-L to MX-T, located on Sage SW, between Unser & Sage Rd. SW, containing approximately 5.80 acres. (M-10) Staff Planner: Whitney Phelan
Project #2018-001695 SI-2019-00381 – Major Amendment Site Improvement	Modulus Architect Inc., agent for Novus Properties LLC, request the above action for all or a portion of Tracts A-2-A, B, C, E, F, G, H of Fountain Hills Plaza Subdivision, zoned SU-1 PDA to include C-3 Uses (Permissive & Conditional) to NR-C, located on Nunzio Ave. NW, between Paradise Blvd. NW & Vista Fuente NW, containing approximately 31.0 acres. (C-12) Staff Planner: Linda Rumpf
Project #2019-002765 SI-2019-00380 –Site Improvement	Modulus Architect Inc., agent for Red Shamrock 4 LLC, request the above action for all or a portion of Lots 1,2,3,4,5,6,7,8,9 of University of Albuquerque Urban Center, located on Coors Blvd. NW, between St. Josephs Dr. NW, and Coors Blvd. NW , containing approximately 21 acres. (G-11) Staff Planner: Leslie Naji
Project #2018-001402 SI-2018-00171 – Site Plan VA-2019-00103- Variance	Consensus Planning, Inc, agent for Gamma Development, LLC, requests the above action for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Rd. NW, between La Bienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres. (F-11 and F-12) **(Remand)** Staff Planner: Catalina Lehner

Lehner, Catalina L.

From: Gustafson, Christopher <cgustafson@abcwua.org>
Sent: Monday, December 16, 2019 4:44 PM
To: Lehner, Catalina L.
Cc: Cadena, Kristopher; Vallejos, Gladis
Subject: Regarding EPC Hearing 01/09/2020, Project# 001402

Catalina,

The following are the comments with respect to Case# 00171 and 00103

Regarding Case# 00171

Identifier: Availability 190105

No adverse comments to the proposed site plan.

Availability 190105 was executed on 05/21/2019 and will remain in effect for a period of one year from that date. Should the information utilized for determination of that statement change or the statement expire then a new request shall be made at the link below:

i. https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=http%3a%2f%2fwww.abcwua.org%2fAvailability%5fStatements.aspx&umid=9c51b030-49b5-411d-a83d-e32c3b390925&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-bd2b3ae5ccbd96b839c8c36a75c2c9d3d8215e99

ii. Request shall include a City Fire Marshal approved Fire 1 Plan, a zone map showing the site location, and proposed utility plan, and a document encompassing any changes to the site.

Regarding Case# 00103

No adverse comments to the proposed variance.

Thank you,

Christopher Gustafson
Engineer Assistant
Albuquerque Bernalillo County Water Utility Authority
PO Box 568 | Albuquerque NM | 87103
505.289.3304 (o) | cgustafson.abcwua.org

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This message has been analyzed by Deep Discovery Email Inspector.

City of Albuquerque

P.O. Box 1293 Albuquerque, New Mexico, 87103

Department of Municipal Development

Timothy Keller, Mayor
Interoffice Memorandum **December 16, 2019**

To: Environmental Planning Commission (EPC)
Shahab Biazar PE, City Engineer, Planning Department

From: Veronica Herrera, DMD-Engineering Division

Subject: COMMENTS BY THE ENGINEERING DIVISION OF THE DEPARTMENT OF MUNICIPAL DEVELOPMENT FOR THE EPC HEARING ON JANUARY 9, 2020.

Project #2019-003120
RZ-2019-00070 – Zone Map Amendment (Zone Change)

Transportation Section:
No comments

Project #2018-001695
SI-2019-00381 – Major Amendment Site Improvement

Transportation Section:
No comments

Project #2019-002765
SI-2019-002765 – Site Improvement

Transportation Section:
No comments

Project #2018-001402
SI-2018-00171 – Site Plan
VA-2019-00103 – Variance

Transportation Section:
No comments

PNM Comments
Environmental Planning Commission
Public Hearing to be Held on January 9, 2020

Catalina Lehner:

Conditions for Approval for Project #2018-001402 (SI-2018-00171) Site Plan (VA-2019-00103) Variance (REMAND: Overlook at Oxbow/Suzanne H. Poole property located at 5001 Namaste Rd. NW, between La Bienvenida Pl. NW and the Oxbow Open Space)

PNM provided comments on this project for the November 8, 2018 EPC hearing. They are provided and updated below:

1. An existing underground distribution line is located on the subject property to the existing structure which is to be removed. It is the applicant's obligation to abide by any conditions or terms of these easements. Vacation of the electric easement and location of new utility easements will need to be coordinated with PNM.

2. As development moves forward, the applicant needs to contact the PNM New Service Delivery Department to coordinate electric service regarding this project. Please submit a service application at www.pnm.com/erequest for PNM to review.

3. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

City of Albuquerque

Parks & Recreation Department

Timothy M. Keller, Mayor

Interoffice Memorandum

December 16, 2019

To: Dan Serrano, Chair, Environmental Planning Commission; and members of the EPC

From: Colleen Langan-McRoberts, Superintendent, Open Space Division

Subject: Comments on EPC #2018-001402

The Open Space Division (OSD) respectfully provides the following comments to the EPC regarding the proposed development adjacent to the San Antonio Oxbow Major Public Open Space (MPOS). The property proposed for development is legally described as:

- Lots 1 through 3 Block 1 Plat of West Bank Estates together with Tract A1 Lands of Suzanne H Poole containing 14.1326 acres;
- Tract C-1 plat of Tracts C-1, C-2 & Lot 4-A lands of Suzanne H Poole being a replace of Tract C lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11N R2E Lot 4 Black 1 West; and
- Lot 4-A Plat of Tracts C-1, C-2 & Lot 4-A Lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11 R2E Lot 4 Block 1 West

OSD had considerably less time to review this new site plan proposal than previous iterations, but has identified major concerns with the new design.

OSD recognizes and approves of the new protection granted to the mature trees in the center of the property.

OSD prefers, however, to see a significant open space area contiguous to the existing MPOS, per the IDO 5-2(H)(2)(a)(2). The placement of several lots on what was previously proposed private open space on the eastern end of the property closest to MPOS is of concern. The proposed open space in cluster B is mostly contiguous with MPOS. The proposed open space in cluster A is not contiguous with MPOS. While additional open land within the development is a positive, and benefits the project and future residents, this parcel, surrounded and separated from the Bosque by houses, will have little to no major value for the existing MPOS and its natural values. Given that the new site plan pushes development further east on the site closer to the Bosque, this new site plan will have more negative impacts on the natural values of the MPOS. In terms of the quality of the new open space and the protection of the existing Oxbow MPOS, the reduction of this buffer area is a large step backwards.

OSD also remains concerned about the proximity of lots on the southeastern edge to the steep bluff above the riparian San Antonio Oxbow. The OSD recommends that the developer ensure adequate setback from the steep slope area to the proposed rear yard walls in order to prevent potential erosion

caused by proximity to the sandy bluff. The OSD also recommends that the City's Hydrology Division closely evaluate the grading and drainage plan and provide conditions which would lessen the potential for erosion issues near and on the San Antonio Oxbow.

OSD reiterates prior concerns that the area included as open space that is comprised of the AMAFCA sedimentation pond, as well as the steep slopes along the edges of the development, while remaining undeveloped are not well suited for public use and enjoyment and offer only marginal additional natural resource value. Nonetheless, OSD remains willing to consider dedication to the City of on-site open space associated with cluster development on the Poole property site that can further enhance and protect the adjacent MPOS. These considerations include: necessary stabilization of the land (steep slopes and uncompacted soils addressed), indemnification of the City for any property damages that may result from erosion and soil subsidence in dedicated land areas, and appropriate public and administrative access.

OSD also remains open to discussing the dedication of additional acreage, up to and including the entire Poole property, to the City as MPOS. This could be accomplished by some combination of donation, trade, and/or acquisition.

cc: David J. Simon, Director, Parks & Recreation Department

NOTIFICATION

CONSENSUS PLANNING

transmittal memo

Date:	January 16, 2020	**Via:**	Hand Delivery
To:	Catalina Lehner, Case Planner	**From:**	Jim Strozier
Re:	Overlook at Oxbow Site Plan - EPC	**Project #:**	2018-001402, SI-2018-00171 – Site Plan EPC

We are transmitting the following:

Per your request, I am providing one hard copy of the following items that were transmitted electronically previously.

1. ONC Notification Response;
2. Original email regarding the remand re-submittal;
3. Sign Posting email and sign photos;
4. Cluster Setback Exhibit (8 ½ x 11 color);
5. Open Space Visibility Exhibit (8 ½ x 11 color);
6. Site Plan with Solid Waste Signature; and
7. Rendered Site Plan (8 ½ x 11 color – 3 sheets);

For your:

Review, Comment, and Project File.

Comments:

Please let me know if you have any questions or need any additional information.

c: Project Team

302 Eighth Street NW • Albuquerque, NM • 87102

Ofc (505) 764-9801 • Fax (505) 842-5495 • E-Mail cp@consensusplanning.com

ONC Notification response

From: Quevedo, Vicente M.
To: Jim Strozier
Subject: Neighborhood Meeting Inquiry_Northeast Corner of Namaste and Tres Gracias NW_EPC
Date: Wednesday, November 27, 2019 9:16:09 AM
Attachments: image001.png
image002.png
image003.png
Zone Atlas Pages.pdf
Neighborhood Meeting Inquiry_Northeast Corner of Namaste and Tres Gracias NW_EPC.xlsx

Jim,

See list of associations below and attached regarding your EPC submittal. In addition, we have included web links below that will provide you with additional details about the new Integrated Development Ordinance (IDO) requirements. The web links also include notification templates that you may utilize when contacting each association. Thank you.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
La Luz Landowners Association	Jonathan	Abdalla	sliceness@gmail.com	6 Tumbleweed NW	Albuquerque	NM	87120	5053217795	5058973030
La Luz Landowners Association	Kathy	Adams	kegypt06@gmail.com	5 Arco NW	Albuquerque	NM	87120		5053639253
Westside Coalition of Neighborhood Associations	Harry	Hendriksen	hlhen@comcast.net	10592 Rio Del Sol NW	Albuquerque	NM	87114	5052214003	5058903481
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120		5058982114
Taylor Ranch NA	Diana	Shea	secretary@trna.org	5113 Spinning Wheel Road NW	Albuquerque	NM	87120	5059343308	5058986633
Taylor Ranch NA	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120		5058982114

IDO – Public Notice Requirements & Template: https://www.cabq.gov/planning/urban-design-development/public-notice

IDO – Neighborhood Meeting Requirements & Template: https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance

IDO - Administration & Enforcement section: http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf

Respectfully,

Vicente M. Quevedo, MCRP
Neighborhood Liaison
Office of Neighborhood Coordination
City of Albuquerque – City Council
(505) 768-3332

Website: www.cabq.gov/neighborhoods

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** ISD WebMaster
Sent: Wednesday, November 27, 2019 8:34 AM
To: Office of Neighborhood Coordination <cp@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For:
Environmental Planning Commission
If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:
Contact Name
Jim Strozier
Telephone Number
5057649801
Email Address
cp@consensusplanning.com
Company Name
Consensus Planning, Inc.
Company Address
302 8th Street NW
City
Albuquerque
State
NM
ZIP
87102
Legal description of the subject site for this project:
• Lots 1 through 3 Block 1 Plat of West Bank Estates Together with Tract A1 Lands of Suzanne H Poole Containing 14.1326 Acres;
• Tract C-1 Plat of Tracts C-1, C2 & Lot 4-A Lands of Suzanne H Poole Being a Replat of Tract C Lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11N R2E Lot 4 Block 1 West;
• Lot 4-A Plat of Tracts C-1, C-2 & Lot 4-A Lands of Suzanne H Poole Being a Replat of Tract C Lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11N R2E Lot 4 Block 1 West
Physical address of subject site:
302 8th Street NW
Subject site cross streets:
Northeast Corner of Namaste and Tres Gracias NW
Other subject site identifiers:
Poole Property
This site is located on the following zone atlas page:
F11 and F12

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

Original Email Notice
- Delivery receipts available upon request

From:	Jim Strozier
To:	sliceness@gmail.com; kegypt06@gmail.com; hlhen@comcast.net; aboard10@juno.com
Cc:	"Russell Brito"; brian@abrazohomes.com; ck@abrazohomes.com; Mackenzie Bishop; Bill Chappell; "Hessel E. Yntema III"; gulleyt@aol.com
Subject:	Notification of Poole Property Remand Submittal of a new Site Development Plan
Date:	Wednesday, November 27, 2019 10:46:00 AM
Attachments:	Overlook Remand Transmittal Letter.pdf Overlook_EPC_11_26_19-compressed.pdf

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Re: AC-19-6

La Luz Landowner's Association and Westside Coalition of Neighborhood Associations:

The purpose of this email is to provide notice that Consensus Planning, Inc. on behalf of the property owner and Gamma Development, has submitted a new Site Development Plan – EPC that reconfigures the clusters pursuant to the City Council Notice of Decision dated August 27, 2019.

PUBLIC NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the City of Albuquerque Environmental Planning Commission (EPC) will hold a **Public Hearing on Thursday, January 9, 2020** at **8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM to consider the following Zoning Map Amendment - EPC.

ENVIRONMENTAL PLANNING COMMISSION

Information regarding the EPC is posted on the Planning Department's website at http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission and printed copies are available in the Planning Department office on the third floor of the Plaza del Sol Building, 600 Second Street NW. For more information, please contact devhelp@cabq.gov.

The agenda, staff reports, and supplemental materials will be posted on the City website, https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports, on Thursday, January 2, 2020.

I am attaching a pdf of the new Site Development Plan and our transmittal letter for your information.

Please contact me if you have any questions or require any additional information. The site plan attachment is a large file, please confirm receipt of this email and the attachments.

Thank you.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

Update Email Notice
- Delivery receipts
available upon request

From: Jim Strozier
To: sliceness@gmail.com; kegypt06@gmail.com; hlhen@comcast.net; secretary@trna.org; aboard111@gmail.com; gulleyt@aol.com; "Hessel E. Yntema III"
Cc: Michael Vos; Lehner, Catalina L.; "Russell Brito"; C.K. Scott; Abrazo Homes; Mackenzie Bishop; Michael Balaskovits; Chris Green
Subject: Update - IDO Remand Submittal Notification and Hearing Date change
Date: Monday, December 23, 2019 3:39:00 PM

Neighborhood representatives and parties to the appeal,

The purpose of this email is to follow up on the email sent on November 27th in order to update you on the EPC Hearing to review the updated Site Plan - EPC. **The EPC hearing date will be February 13, 2020.**

The City Council's remand instructions included the following:

> 4. *The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noticed quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.*

The purpose of this email is to meet the City Council's instruction above and provide notice that Consensus Planning, Inc. on behalf of the property owner and Gamma Development, has submitted a new Site Development Plan – EPC that reconfigures the clusters pursuant to the City Council Notice of Decision dated August 27, 2019.

PUBLIC NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the City of Albuquerque Environmental Planning Commission (EPC) will hold a **Public Hearing on Thursday, February 13, 2020** at **8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM to consider the following Zoning Map Amendment - EPC.

ENVIRONMENTAL PLANNING COMMISSION

Information regarding the EPC is posted on the Planning Department's website at http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission and printed copies are available in the Planning Department office on the third floor of the Plaza del Sol Building, 600 Second Street NW. For more information, please contact devhelp@cabq.gov. The agenda, staff reports, and supplemental materials will be posted on the City website, https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports, on Thursday, February 6, 2020.

Please do not hesitate to contact me if you have any questions or desire any additional information.

Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)). Visit:

https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/ to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3955 or devhelp@cabq.gov.

Thank you.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

Sign posting email and photos (4 pages)

Jim Strozier

From: Jim Strozier
Sent: Thursday, January 9, 2020 4:05 PM
To: Catalina Lehner
Cc: RBrito@cabq.gov; Michael Vos; C.K. Scott; Michael Balaskovits; Brennon Williams; James M. Aranda
Subject: Fwd: Signs Coors and Namaste
Attachments: IMG_2639.jpg; ATT00001.htm; IMG_2642.jpg; ATT00002.htm; IMG_2640.jpg; ATT00003.htm; text_3.txt; ATT00004.htm

Catalina,

Please see the attached photographs of the signs posted for the Poole Property Site Plan - EPC. The signs are posted on La Bienvenida, Tres Gracias, and Namaste. Please include these photos in the record.

Jim Strozier, FAICP
Consensus Planning, Inc.

Begin forwarded message:

> **From:** Office Manager <Office@consensusplanning.com>
> **Date:** January 9, 2020 at 11:16:54 AM MST
> **To:** Jim Strozier <cp@consensusplanning.com>
> **Subject: Signs Coors and Namaste**

Jim,

Attached are the photos of the signs installed at Coors and Namaste.

Monica R. Villescas

> **From:** 5052354146@vzwpix.com <5052354146@vzwpix.com>
> **Sent:** Thursday, January 09, 2020 10:58 AM
> **To:** Office Manager <Office@consensusplanning.com>
> **Subject:**

REQUEST
SITE PLAN - EPC
CURRENT ZONE RA
PROPOSED ZONE N/A
The Environmental Planning Commission of the City of Albuquerque will hold a public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building, 600 2nd St. NW, on FEBRUARY 13, 2020
At 8:30 AM and such additional dates as may duly be established.
All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, you may call the City Planning Department at (505) 924-3860.
Required to be posted from JANUARY 9, 2020 to FEBRUARY 13, 2020
by CONSENSUS, FOR GAMMA DEVELOPMENT 764-9801
applicant/agent
phone
REFER TO FILE# PR-2018-001402/SI-2018-00171
It is illegal for an unauthorized person to remove or tamper with this sign, 7-14-4-3 Revised Ordinances of Albuquerque, N.M. 1994

REQUEST

SITE PLAN - EPC

CURRENT ZONE RA PROPOSED ZONE N/A

The Environmental Planning Commission of the City of Albuquerque will hold a public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building, 600 2nd St. NW, on FEBRUARY 13, 2020 At 8:30 AM and such additional dates as may duly be established. All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, you may call the City Planning Department at (505) 924-3860.

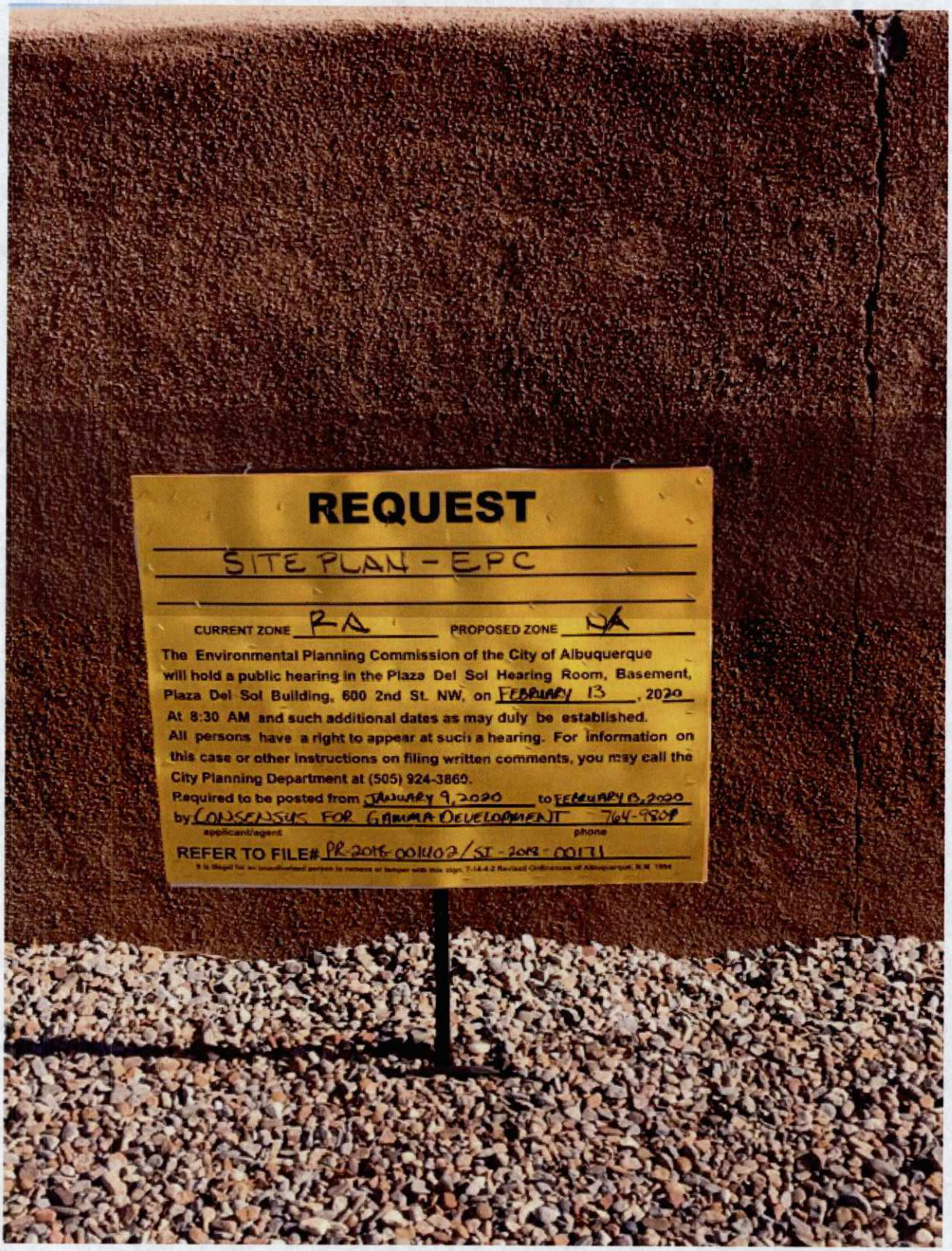
Required to be posted from JANUARY 9 to FEBRUARY 13, 2020

by Consensus Planning for Gamma Dev. 764-9801

applicant/agent phone

REFER TO FILE# PR-2018-001402/SI-2018-00171

It is illegal for an unauthorized person to remove or tamper with this sign, 7-14-4-2 Revised Ordinances of Albuquerque, N.M. 1994


REQUEST
SITE PLAN - EPC
CURRENT ZONE RA
PROPOSED ZONE NA
The Environmental Planning Commission of the City of Albuquerque will hold a public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building, 600 2nd St. NW, on FEBRUARY 13, 2020
At 8:30 AM and such additional dates as may duly be established.
All persons have a right to appear at such a hearing. For information on this case or other instructions on filing written comments, you may call the City Planning Department at (505) 924-3860.
Required to be posted from JANUARY 9, 2020 to FEBRUARY 13, 2020
by CONSENSUS FOR GAMMA DEVELOPMENT 764-9808
applicant/agent
phone
REFER TO FILE# PR-2018-001402/SI-2019-00171

CONSENSUS PLANNING

Memorandum

To: Catalina Lehner, AICP, Senior Planner, City of Albuquerque

From: James K. Strozier, AICP, Principal, Consensus Planning, Inc.

Date: January 16, 2020

Re: First Class Mailing Returned to Sender

In accordance with IDO Section 14-16-6-4(K)(7) Documentation of Good Faith Effort Required, we have submitted the required documentation of First Class Mailing to surrounding property owners and Neighborhood Association representatives. Since that mailing, we have received two letters returned to sender from the following owner addresses:

1. Oxbow North Ventures, 1650 University Blvd NE, Suite 5-100, Albuquerque, NM 87102-1726
2. Hernandez Jorge G & Maria T, 4201 Rancho Bonito Dr. NW, Albuquerque, NM 87120-5345

According to the records we obtained from AGIS, these owner addresses are associated with the following properties, and highlighted on the attached map:

1. UPC: 101106138814540949 (Unaddressed landscape tract at entry to Oxbow North subdivision)
2. UPC: 101106142322440102 (Property located at 4800 Tres Gracias Dr. NW)

Per IDO Section 14-16-6-4(K)(7)(b), we respectfully request updated information from the City, if available, in order to resend notice to the updated address, if different than above.

Letters Returned to Sender

601 0 301 601 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
1/16/2020 © City of Albuquerque

1: 3,607

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit http://www.cabq.gov/abq-data/abq-data-disclaimer-1 for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

- Bernalillo County Parcels
- Primary Streets
  - Freeway
  - Principal Arterial
  - Minor Arterial
  - Local Streets
  - BN and SF Railroad
- Other Streets
- Municipal Limits
  - Corrales
  - Edgewood
  - Los Ranchos
  - Rio Rancho
  - Tijeras
  - UNINCORPORATED
- World Street Map

Notes

CONSENSUS PLANNING

transmittal memo

Date:	December 27, 2019	**Via:**	Hand Delivery
To:	Catalina Lehner, Case Planner	**From:**	Jim Strozier
Re:	Poole Property – Property Owner Notification Documentation	**Project #:**	2018-001402

We are transmitting the following:

Per your request, I am providing hard copies of the following:

1. Buffer Map with Distances,
2. Ownership spreadsheet,
3. Notification Letter (typical), and
4. Proof of mailing copies.

For your:

Project File.

Comments:

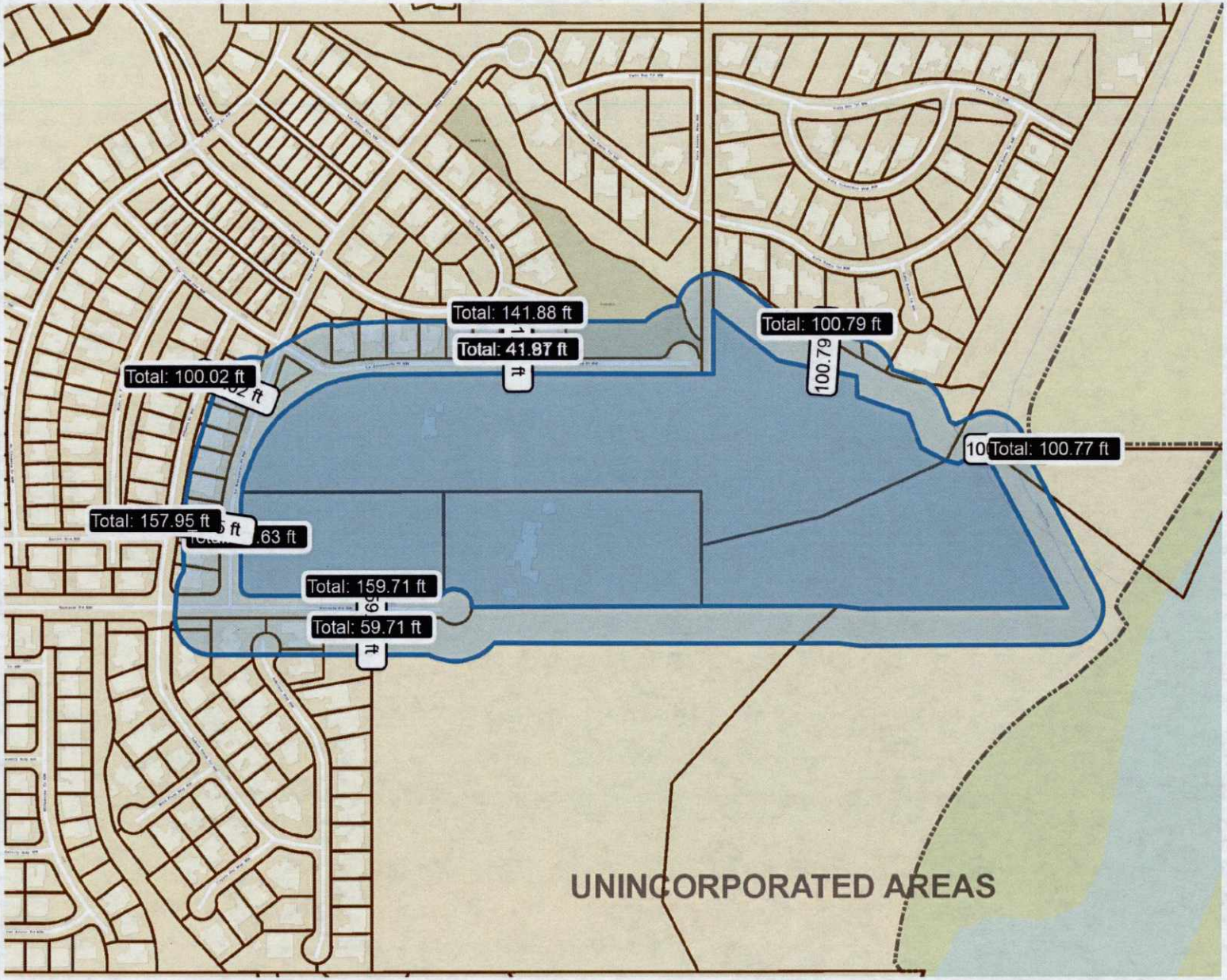
Please contact me if there are any issues with this notification.

c: Project File

302 Eighth Street NW • Albuquerque, NM • 87102

Ofc (505) 764-9801 • Fax (505) 842-5495 • E-Mail cp@consensusplanning.com

Property Owner 100' Buffer Map



Legend

- Bernalillo County Parcels

Municipal Limits

- Corrales
- Edgewood
- Los Ranchos
- Rio Rancho
- Tijeras
- UNINCORPORATED

World Street Map

Notes

Prepared by Consensus Planning on 12/26/19, excluding right-of-way.

800 0 400 800 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
12/26/2019

© City of Albuquerque

1: 4,800

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit http://www.cabq.gov/abq-data/abq-data-disclaimer-1 for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

UPC	Owner	Owner Address	Owner Address 2	SITUS Address	SITUS Address 2	Property Class	Acres
101206104723120413	ACOSTA-FRESQUEZ JEANETTE & FRESQUEZ ERNESTO	4900 CAMINO VALLE TRL NW	ALBUQUERQUE NM 87120-4685	4900 CAMINO VALLE TRL NW	ALBUQUERQUE 87128	R	0.4267
181106138813640948	ADAMS-WHITSELL SAMANTHA & CROW ARLYN G	4516 OXBOW NORTH TRL NW	ALBUQUERQUE NM 87120-4641	4516 OXBOW NORTH TRL NW	ALBUQUERQUE NM 87120	R	0.3396
1D120611012882013 6	ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY	PO BOX 1293	ALBUQUERQUE NM 87183-1293	LA BIENVENIDA PL	ALBUQUERQUE NM 87120	C	2.2553
101106149825540118	ANDALUCIA COMMUNITY ASSOCIATION	8300 CARMEL AVE NE SUITE 401	ALBUQUERQUE NM 87122		ALBUQUERQUE 87120	V	1.6929
101206104621720401	ANDALUCIA HOMEOWNERS ASSOCIATION INC	P O BOX 67590	ALBUQUERQUE NM 87193-7590		ALBUQUERQUE 87128	V	2.0124
101186140421941711	AYOUB CHRISTINE L & AYOUB ANGELINA	4704 ALMERIA DR NW	ALBUQUERQUE NM 87120	4704 ALMERIA DR NW	ALBUQUERQUE NM 87128	R	0.1869
2011D6139920641709	BACHECHI CARLA L & BACHECHI SUSAN M	4632 ALMERIA DR NW	ALBUQUERQUE NM 87120	4632 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.1661
1011D6139218241705	BAUER JOSEPH E & SHELLEY J	4616 ALMERIA DR NW	ALBUQUERQUE NM 87120-1840	4616 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.169
101106138915741701	BOUCHER RICHARD E & SYLVIA K	4600 ALMERIA DR NW	ALBUQUERQUE NM 87128	4600 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.2166
1D12061D71219204 10	BREGEZ LLC	4700 VALLE BONITA LN NW	ALBUQUERQUE NM 87120-4683	4700 VALLE BONITA LN NW	ALBUQUERQUE 87128	R	0.5306
1D110614882234D110	CASTILLO LEO G & JOSIE G TRUSTEES CASTILLO RVT	5000 SEVILLA AVE NW	ALBUQUERQUE NM 87120-1832	5000 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	0.2769
1D110613972D141708	CHAVEZ EDDIE & LENA A	4628 ALMERIA DR NW	ALBUQUERQUE NM 87120-1840	4628 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.1585
1D110613911754170 4	CHURCHILL KENNETH H & PEDERSON FLORENCE E	4612 ALMERIA DR NW	ALBUQUERQUE NM 87120-1840	4612 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.1668
1D110614962444811 7	CITY OF ALBUQUERQUE	PO BOX 1293	ALBUQUERQUE NM 87103		ALBUQUERQUE NM 87120	V	2.6651
1D12061D681583D11D	CITY OF ALBUQUERQUE	PO BOX 2248	ALBUQUERQUE NM 87103-2248		ALBUQUERQUE NM 87120	V	6.648
1D110614821904D2D9	DANIELS FAMILY PROPERTIES LLC	3558 SEQUOIA CT NW	ALBUQUERQUE NM 87120		ALBUQUERQUE NM 87120	R	14.1326
1D110614022124171D	DERBY LEO P & LINDA J	4700 ALMERIA DR NW	ALBUQUERQUE NM 87120	4700 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.1809
181106139519541 7D7	ESQUIBEL ORLANDO J & AUDREY B CO- TRUSTEES ESQUIBEL TRUST	4624 ALMERIA DR NW	ALBUQUERQUE NM 87120-1840	4624 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.1555
1D110614312224D103	GETTLER ROGER & DEBBIE TRUSTEES GETTLER LVT	5028 SEVILLA AVE NW	ALBUQUERQUE NM 87120-1832	5028 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	0.2031
1D110614181334093S	GREENHOUSE LYNN	4508 ATHERTON WAY NW	ALBUQUERQUE NM 87120-1267	4508 ATHERTON WAY NW	ALBUQUERQUE 87120	R	0.2528
1D120610582242041 1	GULLEY THOMAS P & JANE ELLEN	4781 VALLE BONITA LN NW	ALBUQUERQUE NM 87120-4683	4701 VALLE BONITA LN NW	ALBUQUERQUE 87120	R	0.3324
1D110614311374093 4	HELMS CLYDE A & POHL JENNIFER	4504 ATHERTON WAY NW	ALBUQUERQUE NM 87120-1267	4504 ATHERTON WAY NW	ALBUQUERQUE NM 87120	R	0.5658
1D110614232244012	HERNANDEZ JORGE G & MARIA T	4201 RANCHO BONITO DR NW	ALBUQUERQUE NM 87120-5345	4800 TRES GRACIAS DR NW	ALBUQUERQUE NM 87120	V	0.2533
1D110614001404093 7	LULAY ERIC J	4515 ATHERTON WAY NW	ALBUQUERQUE NM 87120-1469	4515 ATHERTON WAY NW	ALBUQUERQUE NM 87120	R	8.4459
101106144722240185	MENDOZA KIMBERLY D	5820 SEVILLA AVE NW	ALBUQUERQUE NM 87120	5028 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	0.2368
1811D6143922340104	MITTAN RONALD G & GARRETT TERRY D TRUSTEES MITTAN GARRETT TRUST	5024 SEVILLA AVE NW	ALBUQUERQUE NM 87120-1832	5024 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	0.2339
1011D6139418941706	MOYE SCOT W & LYNLEY N	4620 ALMERIA DR NW	ALBUQUERQUE NM 87120	4620 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.1756
101106145622240106	OLAH GLENN ALLEN & LORETTA ELAINE	5016 SEVILLA AVE NW	ALBUQUERQUE NM 87120	5016 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	8.1801
101186138814540949	OXBOW NORTH VENTURES	1650 UNIVERSITY BLVD NE SUITE 5-100	ALBUQUERQUE NM 87102-1726		ALBUQUERQUE NM 87120	V	0.0773
1011D6141714240936	POHL JENNIFER	4512 ATHERTON WAY NW	ALBUQUERQUE NM 87120-1267	4512 ATHERTON WAY NW	ALBUQUERQUE 87120	R	0.2775
101206103923620414	SANCHEZ RONALD R & LYDIA M TR SANCHEZ RVT	4904 CAMINO VALLE TRL NW	ALBUQUERQUE NM 87120	4904 CAMINO VALLE TRL NW	ALBUQUERQUE 87120	R	0.3333
101106139116941703	SILVER CHARLES M & MILLER BRIAN N TRUSTEES SILVER & MILLER RVT	360 PASEO DE CORRALES	CORRALES NM 87048-9573	4608 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	0.151
1D110614632224010 7	STANDLEY BARRY H & PATRICIA L	5012 SEVILLA AVE NW	ALBUQUERQUE NM 87120	5012 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	0.1804
101106147122240108	TADAY THERESA A	PO BOX 2064	CORRALES NM 87048-2064	5008 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	0.2036
101106147922440109	WESTON KATHLEEN	5004 SEVILLA AVE NW	ALBUQUERQUE NM 87120	5004 SEVILLA AVE NW	ALBUQUERQUE NM 87120	R	0.319
1D110613901634170 2	YORK JANET L & NORMAN RUSTY	4604 ALMERIA DR NW	ALBUQUERQUE NM 87120	4604 ALMERIA DR NW	ALBUQUERQUE NM 87120	R	8.1623

December 26, 2019

Re: Public Notice Site Plan EPC – City Council Remand for the Poole Property

Dear Neighbor:

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO) Subsection 14-16-6-4(K)(2) Mailed Public Notice, we are notifying you as an adjacent property owner that Consensus Planning LLC., acting as an agent on behalf of the applicant, Gamma Development, LLC., that we have submitted an updated Site Plan as required by the City Council's remand instructions, which included the following:

> 4. *The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noticed quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.*

The purpose of this letter is to meet the City Council's instruction above and provide notice that Consensus Planning, Inc. on behalf of the property owner and Gamma Development, has submitted a new Site Development Plan – EPC that reconfigures the clusters pursuant to the City Council Notice of Decision dated August 27, 2019.

PUBLIC NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the City of Albuquerque Environmental Planning Commission (EPC) will hold a **Public Hearing on Thursday, February 13, 2020** at **8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM to consider the following Zoning Map Amendment - EPC.

ENVIRONMENTAL PLANNING COMMISSION

Information regarding the EPC is posted on the Planning Department's website at http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission and printed copies are available in the Planning Department office on the third floor of the Plaza del Sol Building, 600 Second Street NW. For more information, please contact devhelp@cabq.gov. The agenda, staff reports, and supplemental materials will be posted on the City website, https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports, on Thursday, February 6, 2020.

Please do not hesitate to contact me if you have any questions or desire any additional information.

Under the IDO, anyone may request, and the City may require an applicant to attend a City-sponsored facilitated meeting with Neighborhood Associations, based on the complexity and potential impacts of a proposed project (IDO Section 14-16-6-4(D)).
Visit: https://www.cabq.gov/planning/urban-design-development/facilitated-meetings-for-proposed-development/ to view and download the Facilitated Meetings Criteria. If you wish to request a Facilitated Meeting, please contact the Planning Department at (505) 924-3955 or devhelp@cabq.gov.

Sincerely,

Consensus Planning, Inc.

c: Catalina Lehner, Case Planner (typical letter with buffer map and addresses)

Attachment: Zone Atlas Page – Property Location Map

t NW
M 87102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

Harry Hendriksen
Westside Coalition
10592 Rio Del Sol NW
Albuquerque, NM 87114

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NW
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FIRST-CLASS

PITNEY BOWES
US POSTAGE
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02 1P
0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

Kathy Adams
La Luz Landowners Association
5 Arco NW
Albuquerque, NM 87120

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NW
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FIRST-CLASS

PITNEY BOWES
US POSTAGE
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02 1P
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MAILED FROM ZIP CODE 87102

Diana Shea
Taylor Ranch NA
5113 Spinning Wheel Road NW
Albuquerque, NM 87120

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87102

FIRST-CLASS

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US POSTAGE
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Jonathan Abdalla
La Luz Landowners Association
6 Tumbleweed NW
Albuquerque, NM 87120

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NW
87102

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MAILED FROM ZIP CODE 87102

Rene Horvath
Taylor Ranch and Westside Coalition
5515 Palomino Drive NW
Albuquerque, NM 87120

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ANDALUCIA COMMUNITY
ASSOCIATION
8300 CARMEL AVE NE SUITE 401
ALBUQUERQUE NM 87122

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87102

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ACOSTA-FRESQUEZ JEANETTE &
FRESQUEZ ERNESTO
4900 CAMINO VALLE TRL NW
ALBUQUERQUE NM 87120-4685

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MAILED FROM ZIP CODE 87102

BACHECHI CARLA L & BACHECHI SUSAN
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ALBUQUERQUE NM 87120

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BREGEZ LLC
4700 VALLE BONITA LN NW
ALBUQUERQUE NM 87120-4683

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US POSTAGE
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CHURCHILL KENNETH H & PEDERSON
FLORENCE E
4612 ALMERIA DR NW
ALBUQUERQUE NM 87120-1840

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MAILED FROM ZIP CODE 87102

DANIELS FAMILY PROPERTIES LLC
3550 SEQUOIA CT NW
ALBUQUERQUE NM 87120

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GETTLER ROGER & DEBBIE TRUSTEES
GETTLER LVT
5028 SEVILLA AVE NW
ALBUQUERQUE NM 87120-1832

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PITNEY BOWES
US POSTAGE
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HELMS CLYDE A & POHL JENNIFER
4504 ATHERTON WAY NW
ALBUQUERQUE NM 87120-1267

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0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

MENDOZA KIMBERLY D
5020 SEVILLA AVE NW
ALBUQUERQUE NM 87120

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37102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
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0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

OLAH GLENN ALLEN & LORETTA ELAINE
5016 SEVILLA AVE NW
ALBUQUERQUE NM 87120

)2

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P
0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

ADAMS-WHITSELL SAMANTHA &
CROW ARLYN G
4516 OXBOW NORTH TRL NW
ALBUQUERQUE NM 87120-4641

ning
NW
87102

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P
0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

ANDALUCIA HOMEOWNERS
ASSOCIATION INC
P O BOX 67590
ALBUQUERQUE NM 87193-7590

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t NW
M 87102

FIRST-CLASS

PITNEY BOWES

US POSTAGE

$ 000.50⁰

02 1P
0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

BAUER JOSEPH E & SHELLEY J
4616 ALMERIA DR NW
ALBUQUERQUE NM 87120-1840

7102

FIRST-CLASS

PITNEY BOWES

US POSTAGE

02 1P $ 000.50⁰

0002118651 DEC 27 2019

MAILED FROM ZIP CODE 87102

CASTILLO LEO G & JOSIE G TRUSTEES
CASTILLO RVT
5000 SEVILLA AVE NW
ALBUQUERQUE NM 87120-1832

ning
JW
87102

FIRST-CLASS

PITNEY BOWES

US POSTAGE

02 1P $ 000.50⁰

0002118651 DEC 27 2019

MAILED FROM ZIP CODE 87102

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103

g

102

FIRST-CLASS

PITNEY BOWES

US POSTAGE

02 1P $ 000.50⁰

0002118651 DEC 27 2019

MAILED FROM ZIP CODE 87102

DERBY LEO P & LINDA J
4700 ALMERIA DR NW
ALBUQUERQUE NM 87120

W
37102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 DEC 27 2019
MAILED FROM ZIP CODE 87102

GREENHOUSE LYNN
4508 ATHERTON WAY NW
ALBUQUERQUE NM 87120-1267

ning
NW
87102

FIRST-CLASS

PITNEY BOWES
US POSTAGE
$ 000.50⁰
02 1P
0002118651 DEC 27 2019
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HERNANDEZ JORGE G & MARIA T
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NEIGHBORHOOD INFORMATION

(other than form letters and in descending chronological order)

Lehner, Catalina L.

From:	Salas, Alfredo E.
Sent:	Tuesday, February 04, 2020 9:44 AM
To:	Lehner, Catalina L.
Subject:	FW: document for Feb 13 meeting of EPC
Attachments:	Call for a cultural center for Andalucia and surrounding properties.docx

For the Poole property.

Thank you,
-A

From: JOEL MILLER <klmiller123@sbcglobal.net>
Sent: Tuesday, February 4, 2020 9:40 AM
To: Salas, Alfredo E. <ASalas@cabq.gov>
Subject: document for Feb 13 meeting of EPC

Alsredo,

Please provide the attached document for EPC members for the February 13 meeting at Plaza Del Sol. I will also sign up to speak briefly about it during the meeting.

Thank you,

Joel C. Miller

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

Joel & Kari Miller
4608 Cayetana Place NW
Albuquerque, NM 87120
310-968-3487

Brief presentation for the Environmental Planning Commission for the February 13 meeting:

As fairly new residents of the Andalucía neighborhood (east of Coors, south of Montano Blvd.) I was thrilled to hear about proposals to acquire the former Poole property to develop as a cultural site available to the community. This property also being discussed as a possible site for new homes. The crux of the discussion in favor of a cultural center is how such a center can add value to existing properties around or near the site, and thereby also be an incentive for developers to look elsewhere nearby for construction of new homes. A number of studies in the United States and in Europe demonstrate property values are positively impacted by cultural centers, open space planning, museums and other amenities. I will refer to a few of these studies when I speak before the commission.*

The West side along Coors is on the move as an urban corridor. The opening of many new businesses parallels housing developments. The development of open areas and trails emphasizes the area's natural values for residents, but also enhances the value of the land on which homes are being built. Similarly, a cultural center can turn our neighborhood areas into a mecca for residents and visitors, who value the arts and education.

I urge the commission and developers to study the research offered below to help determine the best course for housing development, alongside cultural and natural amenities that can turn our economic corridor into an attractive urban center for its residents and businesses.

*Studies examined:

Stephen Sheppard, Department of Economics for Williams College in Massachusetts, lead author for a study on "The Impact of Cultural Amenities on Property Values", concluded, "We find that local availability of cultural amenities can have significant impacts on property values.

The study concludes: "One of the most important implications of our analysis is the evidence presented that there are significant public benefits generated by the local cultural sector. These benefits are revealed by the improved property values that provide a measure of the willingness of households to pay to reside in a community with a more active arts and culture scene."

(https://www.researchgate.net/publication/254929145_Buying_Into_Bohemia_the_Impact_of_Cultural_Amenities_on_Property_Values1)

Other studies done in the United States and in Europe draw the same conclusions. See Sofia Franco's and Jacob Macdonald's study of rising housing prices in Lisbon Portugal near landmark structures and cultural amenities. https://ideas.repec.org/p/wiw/wiwrsa/ersa15p657.html

Others who have studied this phenomenon reach similar conclusions:

https://repositorio.iscte-iul.pt/bitstream/10071/13567/1/LING%20WANG-Cultural%20effects%20on%20real%20estate%20market%20an%20explanat.pdf

https://www.jstor.org/stable/3146847?seq=1

Studies also point to increased property values over time in the presence of cultural amenities, even as homes themselves may depreciate. This increase can in time lead to home renewal and retention of residence values.

902 Headingley Ave. NW
Albuquerque, N.M.
87107

1-31-2020

Dear Mr. Russell Brito of City Planning,

I write to express my concerns for the updated site plan for the Poole Estate: Oxbow Wetland Project.

I object to the City Council's decision to limit the findings.

Other concerns include the need to maintain and protect the Oxbow as intact because the river has already been altered.

Another consideration would be for the animals and birds such as the Sandhill cranes and the over 100 species of birds that use this flyway as protected by the Migratory Bird Act as a Natural Habitat.

There is concern for the connectivity of the natural habitats from the Nature Center to the Valle de Oro and to the Bosque del Apache and that includes the Oxbow.

Thank you for your extra attention to this project.

Sincerely,
Judy Giblin
(Judy Giblin)

Lehner, Catalina L.

From: Lily Comann <kelpinalmaty@gmail.com>
Sent: Friday, January 24, 2020 9:22 AM
To: Williams, Brennon; Aranda, James M.; Lehner, Catalina L.
Subject: PR-2018-001402/VA-2019-00103

Dear Brennon Williams, Catalina Lehner, and James Aranda:

First, I want to thank you, Brennon, for your informative response to my email regarding the Poole Property.

We, along with hundreds of neighbors and residents of Albuquerque have been and will continue to follow and participate in any and all hearings by the EPC and any other government agencies considering this case.

To be clear, we strongly oppose the developers' plans to crowd 70+ homes onto this precious land.

The negative Impact new construction and the resulting 70+ private homes will have on the protected sensitive lands around the property is huge. Also the costs to the city for new roads, water, gas, electricity and access by our already overtaxed police, fire and emergency dept. vehicles will increase dramatically.

The Poole family home has been left in disrepair by the present owner (Strozier & Co.) in order to declare it a "tear down".

We would encourage you, as our representatives at City Hall to lobby our Land of Enchantment (let's keep it that way!) State, county and city governments to purchase the property for the enjoyment of all.

Out of the lovely adobe style home we could create a community center which would provide a place for meetings, seminars, weddings, for artists, musicians (in honor of the Poole family who have been major donors to the Santa Fe Opera) .
Our citizens are intelligent & creative--and are sure to come up with many more great ideas for this precious land, other than destroying it with more homes.

The West Side needs and wants the Oxbow area to retain its open spaces for all to enjoy.

Thank you for your attention.
Sincerely,
Susan "Lily" Saunders and Brad Comann
email: kelpinalmaty@gmail.com,

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

Lehner, Catalina L.

From: Williams, Brennon
Sent: Tuesday, January 21, 2020 9:08 AM
To: godfrey1412@sbcglobal.net; KELPINALMATY@GMAIL.COM; terrigodfrey@gmail.com
Cc: Lehner, Catalina L.; Aranda, James M.
Subject: Submitted opposition to PR-2018-001402/VA-2019-00103

Thank you for your email regarding PR-2018-001402, 5001 Namaste Rd. NW, between La Bienvenida Place NW and the Oxbow Open Space. I have assigned Catalina Lehner as the staff planner to work with me and other senior staff to consider the revised site plan and the specific remand instructions of the City Council. Your concerns and ideas will be considered in the forming the staff recommendation on this site plan.

We received the revised site Plan for the subject site on November 25, 2019. After review of the submission, we informed the applicant that all of the information required by the City Council and the IDO were not provided. The hearing on this case will be scheduled when that site plan application is deemed complete. Ms. Lehner has been directed to consider major points regarding the sensitive lands on the site; the application of the cluster provisions in the IDO to make any cluster identifiable; computations of required open space; the ability to count drainage easements as part of its required open space designation; and how the preserved common open space relates to an identifiable cluster. Senior staff will also provide analysis to the EPC regarding whether the IDO allows more than one cluster development on a site plan. These are the items outlined in the City Council Remand Instructions.

Your continued participated in this case is encouraged and you are welcome to submit additional letters and emails for staff and EPC consideration. You are encouraged to participate in the Environmental Planning Commission hearing where you can give oral testimony and listen to EPC deliberations. The case is tentatively scheduled hearing of February 13, 2020. If I can be of further assistance, please contact me directly at bnwilliams@cabq.gov, my deputy director, James Aranda (jmaranda@cabq.gov), or Senior Planner Catalina Lehner (clehner@cabq.gov).

Sincerely,
Brennon Williams

ONE ALBUQUERQUE planning

BRENNON WILLIAMS
planning director
o 505.924.3454
e bnwilliams@cabq.gov
cabq.gov/planning

Lehner, Catalina L.

From: Williams, Brennon
Sent: Tuesday, January 21, 2020 9:05 AM
To: 33slhomer@comcast.net
Cc: Lehner, Catalina L.; Aranda, James M.
Subject: RE: Public Comment from Susan Homer to OPPOSE PR-2018-001402/VA-2019-00103

Thank you for your email regarding PR-2018-001402, 5001 Namaste Rd. NW, between La Bienvenida Place NW and the Oxbow Open Space. I have assigned Catalina Lehner as the staff planner to work with me and other senior staff to consider the revised site plan and the specific remand instructions of the City Council. Your concerns and ideas will be considered in the forming the staff recommendation on this site plan.

We received the revised site Plan for the subject site on November 25, 2019. After review of the submission, we informed the applicant that all of the information required by the City Council and the IDO were not provided. The hearing on this case will be scheduled when that site plan application is deemed complete. Ms. Lehner has been directed to consider major points regarding the sensitive lands on the site; the application of the cluster provisions in the IDO to make any cluster identifiable; computations of required open space; the ability to count drainage easements as part of its required open space designation; and how the preserved common open space relates to an identifiable cluster. Senior staff will also provide analysis to the EPC regarding whether the IDO allows more than one cluster development on a site plan. These are the items outlined in the City Council Remand Instructions.

Your continued participated in this case is encouraged and you are welcome to submit additional letters and emails for staff and EPC consideration. You are encouraged to participate in the Environmental Planning Commission hearing where you can give oral testimony and listen to EPC deliberations. The case is tentatively scheduled hearing of February 13, 2020. If I can be of further assistance, please contact me directly at bnwilliams@cabq.gov, my deputy director, James Aranda (jmaranda@cabq.gov), or Senior Planner Catalina Lehner (clehner@cabq.gov).

Sincerely,
Brennon Williams

ONE ALBUQUERQUE planning

BRENNON WILLIAMS
planning director
o 505.924.3454
e bnwilliams@cabq.gov
cabq.gov/planning

From: form_engine@fs6.formsite.com <form_engine@fs6.formsite.com>
Sent: Saturday, January 18, 2020 6:16 PM
To: Brito, Russell D. <RBrito@cabq.gov>
Subject: Public Comment from Susan Homer to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

Losing this site to such development would be worse than our losing the Alvarado Hotel in the 1970's. We must have the foresight and stomach to protect this gem, for the benefit of us all into the future.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Office of District 1 Councilor, letter(s) will be sent to the correct individual at the office of the honorable and former (deceased) Councilor Ken Sanchez: Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, letter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Susan

Homer

5000 Sequoia Rd NW

Albuquerque

NM

87120

33slhomer@comcast.net

This email was sent to RBrito@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.

Lehner, Catalina L.

From: Ellen Barber <ellen@condensedlight.com>
Sent: Sunday, December 29, 2019 2:27 PM
To: Lehner, Catalina L.
Cc: Brito, Russell D.; Nair, Sarita; Johnson, Janelle; Aranda, James M.; Keller, Tim; Benton, Isaac; Dolan, Diane R.
Subject: Comments re Project PR-2018-001402/SI-2018-00171/VA-2019-00103

Dear Ms. Lehner:

I submit the following comments on the "Overlook at Oxbow" case (Project PR-2018-001402/SI-2018-00171/VA-2019-00103), which is scheduled to be considered at the EPC's January 9, 2020, meeting.

First, I OBJECT to the City Council Decision.

I OBJECT to the City Council's decision to limit the findings, thereby excluding issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103. Those issues include but are not limited to:

1. sensitive lands
2. major public open space
3. contiguous open space
4. landscaping
5. adverse impacts to surrounding natural/cultural landscape

I RESTATE any and all previously submitted objections and oppositions.

Second, I OPPOSE the Remand Findings.

I OPPOSE the updated site plan, I object to the City Council's decision to limit the pertinent issues previously raised by the public, and I respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I respectfully submit my comments on the following issues relating to the remand findings.

(A) Applicable IDO Requirements

The updated project site plan does not satisfy the text of the IDO definitions specific to this particular property (see IDO Section 4-3(B)(2)(d,e,f)):

(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)

(B) Site Plan and Deficiencies

➢The updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings," as does the exemplary cluster design of La Luz Subdivision, which is located 1/8 mile from this site.

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398].

➢The updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units.

➢The updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively includes existing common open space in its calculations.

➢The updated project site plan does not satisfy "dedication" (IDO text) or "designation" (applicant text) of the existing sediment pond and the AMAFCA easement; neither qualifies as common open.

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" of the site, which is the most sensitive portion of the property, but the updated site plan dangerously develops the eastern edge. Development on this most sensitive portion of the site would create devastating damage to each type of qualifying sensitive lands on p. 198 of the IDO [see (D) below].

➢The updated project site plan is deficient because IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that proposed site design should avoid sensitive floodways and flood fringe areas.

➢The updated project site plan clearly creates higher density. The updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019, City Council hearing by Councilor Borrego as a "huge issue to be resolved" by the EPC.

(C) EPC Remand Instructions

The applicant appears to be attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council. The EPC is legally and ethically expected by all parties, including the public, to follow the City Council's instructions verbatim. The EPC is directed by City Council to solely, fully, and wholly evaluate, explain, and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding and may not be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant is not permitted to act as consultant to the EPC.

This point is particularly relevant to this case because the site includes sensitive lands, large stands of mature trees, US Waters, and adjacency to major public open space and protected lands, such as the Rio Grande Valley State Park, the bosque, the Rio Grande, the San Antonio Oxbow Wetland, the San Antonio Oxbow Open 5pace, the Montano Pueblo Open Space, and the San Antonio Arroyo.

To date, this case has received hundreds of public comments opposing the project.

(D) Other Matters

➢Sensitive Lands

The updated project site plan does not explain how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide such analysis and the Land Use Hearing Officer's confirmation of the importance of this matter to public safety. To date, a full assessment of the following criteria remains outstanding, deficient, omitted, or nonexistent:
--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 and acequias (5-2(C)(1)(f)) --Escarpments (5-2(C)(1)(g)) --Rock outcroppings (5-2(C)(1)(h)) --Large stands of mature trees (5-2(C)(1)(i)) --Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove that the above elements are not sensitive before being granted approvals for the updated project site plan. The applicant must prove that "structures will minimize problems arising from said development" (see EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators, p. 443).

➢No Negative Impact

The applicant must explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands listed above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). The updated project site plan does not show how this cluster 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 (Policy 10.3.4) --surrounding natural and cultural landscapes (Policy 11.3.1) --arroyos (Policy 11.3.2) --public park --wildlife habitat --recreational trails --watershed management --drainage functions

I OPPOSE the "updated site plan - EPC."

I respectfully ask the EPC to DENY approval(s) for Project PR-2018-001402/SI-2018-00171/VA-2019-00103.

Third, I note the following additional issues:

➢Major Public Open Space (MPOS)

The updated site plan does not have open space that is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case means the San Antonio Oxbow Wetland (designated protection status), the San Antonio Oxbow Open Space, the Montano Pueblo Open Space, the Rio Grande, and the Rio Grande bosque.

➢Erosion

It is clear that significant erosion is currently an issue along the bluff. It is unclear how the existing erosion problem will be mitigated by the updated site plan's development flows. The proposed buffer in the updated site plan does not mitigate the erosion issue to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes

The updated site plan does not protect native species, nor does it describe how native and cultural features will be protected and/or monitored. It also does not explicitly disclose what non-native species will be prohibited in order to

protect on-site botanical ecosystems that are inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

IN SUMMARY, I OPPOSE the "updated site plan - EPC":

I OBJECT to the City Council's decision to limit the findings, thereby excluding issues previously raised by the public. These issues, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, include the single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, adverse impacts to surrounding natural/cultural landscapes, and common open space and contiguous open space violations.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

Thank you for considering my comments,

Ellen Barber
4523 10th St NW
Albuquerque, NM 87107

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	Dr. Susan Chaudoir <edu.chaudoir@gmail.com>
Sent:	Wednesday, December 25, 2019 11:06 PM
To:	Lehner, Catalina L.; JOEVALLES
Cc:	Ken Churchill
Subject:	Public Comment for record: PR-2018-001402/VA-2019-00103
Attachments:	PR-2018-00142 VA-2019-00103 Planning Must Consider Species Status Along Rio Grande.pdf

Happy Holidays Catalina,

Please submit to the record the attached article. For this case, it bears recognition when considering aspects of:
* sensitive lands; and
* negative impacts on property adjacent to MPOS.

While this is an article from popular and local news source, the authors quote a respectable UNM alumni, Phil Tubbiolo, who echoes several conservation scientists from around the state, including 30-year state hydrologist & environmental specialist Paul Tashjian and 30-year federal wildlife biologist Brian Hanson, who would substantiate Mr. Tubbiolo's thesis:

> *There are currently four species listed under the Endangered Species Act along the Rio Grande in New Mexico, according to the New Mexico Interstate Stream Commission. The Southwestern willow flycatcher, Rio Grande silvery minnow and New Mexico meadow jumping mouse are listed as endangered, while the Western YellowBilled Cuckoo is threatened.* ***According to the Office of the State Engineer, these species' statuses must be taken into consideration for current and future planning along the Rio Grande.*** [emphasis added]
>
> *A controversial housing development on the westside of Albuquerque would bring 76 homes on 23 acres of land above Oxbow Wetlands, adjacent to the open space next to the Rio Grande. According to an article in the Albuquerque Journal, the Albuquerque City Council decided to return the overlook at the Oxbow Project to the Environment Planning Commision (EPC) rather than grant or reject two appeals laid out in March after the EPC approved the development plan. Although the Albuquerque Planning Department determined the site had proper zoning and the EPC approved the Overlook plan with certain conditions, neighbors and those who appealed the project argue it violates the Integrated Development Ordinance and posed a risk to the bosque ecosystem, according to the Journal report.*

Ms. Lehner, specifically, in your own analysis, consider the necessity and precedent of sensitive lands analysis for this case, and the public's and appellant's arguments that this application was deficient from the start, failing to meet IDO 5-2(C)(1) such that "the site design process shall **begin with analysis** . . . related to sensitive lands" (p. 198). The March 14 EPC hearing transcript will show when asked to provide an analysis, the applicant stated their analysis constituted "walking the property" and a printed "colored map" (as quoted by commissioner Eyster). Appellants claim this was grossly insufficient and merely anecdotal. The updated site plan remains deficient with sensitive lands analysis that is worthy of the exceptionality of this property, which contains **7 of the 10 qualifying types**, on p. 198. The property's location also is exceptional to any other in Bernalillo county, intersecting at the Rio Grande, Bosque, Rio Grande Valley State Park, San Antonio Oxbow Wetland,

San Antonio Arroyo, and directly on the west bank of the Rio Grande Nature Center. This is an exceptional intersection of sensitive lands.

Please consider more carefully for this remand the need for sensitive lands analysis, as requested by Open Space Superintendent Langan-McRoberts in her letter dated March 1, 2019, which is in the record.

Thank you for your consideration, for your thorough analysis, and for submitting this email and the attached to the record.

Please send a reply email acknowledging receipt of the email and attachment.

Best regards,

Susan Chaudoir

--

Susan Chaudoir, PhD
MSc, MA, PGCD
Research in Education
edu.chaudoir@gmail.com
LinkedIn: Susan Chaudoir
985-302-2878 (mobile)

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This message has been analyzed by Deep Discovery Email Inspector.

DAILYLOBO.COM
(https://www.dailylobo.com/)

Life along the Rio Grande

By Amanda Britt (https://www.dailylobo.com/staff/amanda-britt), Alex Hiett (https://www.dailylobo.com/staff/alex-hiett) Published 11/07/19 2:49pm

Over the last century, human development and water diversion from the Rio Grande bosque to the Albuquerque community has greatly changed and diminished its natural ecosystem. Historically, the bosque has been a vast riparian forest of cottonwoods and wetlands — an oasis in the arid climate of New Mexico.

The ecosystem was in a constant state of flux, and riverbanks could shift or separate within a single season. Periodic flooding reshaped and reinvigorated the environment, creating a dynamic and unique habitat for the plants and animals that called it home, according to National Geographic.

The bosque used to stretch as far up as Old Town in Albuquerque, but human development in the river valley during the 20th century thinned the ecosystem. Water diversion projects in the post-war period, like the Cochiti and Abiquiú dams, further decimated the bosque's vitality, the National Geographic article continued.

By Alex Hiett / @Nmal1123 ? Daily Lobo (https://www.dailylobo.com/staff/alex-hiett-nmal1123-daily-lobo)
The Rio Grande near the Rio Grande Nature Center State Park in Albuquerque, NM

According to a Bosque Education Guide, the regulation of water flow in the river has not only impacted the organisms that depend on it, but has also changed the variation of vegetation types present in the area.

Phil Tubbiolo, a University of New Mexico alumnus who has lived in Albuquerque for 30 years, walks along the Rio Grande every day with his dogs. He said he doesn't see many people walking by the river, and the paths are particularly sparse during the winter.

"There's nothing like this, even in places like Boise and Missoula and places like that," Tubbiola said, adding that "It's pretty extraordinary."

Tubbiolo said he remembered the water levels being much higher 25 years ago when compared to how high they are today. In the past decade, he said he has seen less crows, geese and other wildlife along the Rio Grande.

"I come from Maine, where there's a lot of deep, wide rivers. Sometimes it feels kind of sad to look at this river, how low it is," Tubbiolo said.

There are currently four species listed under the Endangered Species Act along the Rio Grande in New Mexico, according to the New Mexico Interstate Stream Commission. The Southwestern willow flycatcher, Rio Grande silvery minnow and New Mexico meadow jumping mouse are listed as endangered, while the Western Yellow-Billed Cuckoo is threatened.

According to the Office of the State Engineer, these species' statuses must be taken into consideration for current and future planning along the Rio Grande.

A controversial housing development on the westside of Albuquerque would bring 76 homes on 23 acres of land above Oxbow Wetlands, adjacent to the open space next to the Rio Grande.

According to an article in the Albuquerque Journal, the Albuquerque City Council decided to return the overlook at the Oxbow Project to the Environment Planning Commision (EPC) rather than grant or reject two appeals laid out in March after the EPC approved the development plan.

Although the Albuquerque Planning Department determined the site had proper zoning and the EPC approved the Overlook plan with certain conditions, neighbors and those who appealed the project argue it violates the Integrated Development Ordinance and posed a risk to the bosque ecosystem, according to the Journal report.

Al Midaval and his wife Joan recently moved to Albuquerque from Dallas, but his family has old roots in the city. He thinks the development project would further damage the ecosystem of the Rio Grande.

"We've been fighting the Poole estate over here," said Midaval. "We've been battling the developers — they wanted to put seventy housing units over there."

Midaval said New Mexico is unique in its appreciation of open space. He and his wife relocated here, in part, for the clean air and wildlife of New Mexico.

"What I'm really impressed with about Albuquerque and this state is they really have an appreciation of the open space, and I realize that that's a struggle. It's one of the things that makes New Mexico so enchanting," said Midaval.

Amanda Britt is the photo editor at the Daily Lobo. She can be contacted at photo@dailylobo.com or on Twitter @AmandaBritt__

Alex Hiett is a beat reporter at the Daily Lobo. He can be contacted at news@dailylobo.com or on Twitter @Nmal1123

Lehner, Catalina L.

From: Linda shank <lindamusical9@gmail.com>
Sent: Sunday, December 22, 2019 8:25 AM
To: Lehner, Catalina L.
Subject: Poole Property

I Oppose the updated site plan and the remand limitations. The developers have *never* acted in good faith with respect to this wonderful property adjacent to ABQ Open Space property including the Hubbell Oxbow below it. Suzy Poole would turn over in her grave if she knew what these rapacious people are trying to do with her site. She spent thousands to hire a helicopter to seed the oxbow with natural wild grasses and thus enhance Open Space. And there are ominous questions about the terms of her last minute "new" will that are very perturbing to say the least. City has the responsibility to protect these priceless acres from the ravages of rampant development, and so does EPC and DRB. Thousands of citizens are fully behind the massive effort to block the rape of this property and to protect it from further attempts to turn it into a travesty of appropriate development. Do the Right Thing here PLEASE !!

Mrs. Linda Shank, Citizen and member, Poole Property
Task Force

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Dr. Susan Chaudoir <edu.chaudoir@gmail.com>
Sent: Saturday, December 21, 2019 3:56 PM
To: Ellen Barber; Lehner, Catalina L.
Subject: Re: Thoughts re form letter

Hi Ellen,

Thank you for supporting this and encouraging me to keep going! Oh, yes, You certainly could copy and paste some of the text from the form letter into an email of your own. Feel free to do both -- submit the form and submit your own straight from your email.

I think the planning department will only ONCE read the form letter fully for the content -- once they catch on that its a form letter, then they just calculate the numbers. They don't categorize form letters from personal letters from emails -- they solely state "letters of opposition" in their report. This time around, they are paying more careful attention to public's comments -- so SEND IN YOUR PERSONAL LETTER. But I highly recommend an individualized email directly from your email. Individualized letters are GOOD and very much needed.

There is a NEW PLANNER for this case: CATALINA LEHNER = clehner@cabq.gov -- but copy Russell Brito (until he tells not to) rbrito@cabq.gov
Our Case Number is:
AC-19-6 and AC-19-7 / PR-2018-001402/SI-2018-00171/VA-2019-00103

I will send out another quick email after I call Catalina to confirm the status and to tell her that a mass amount of emails are coming her way and to include them carefully in her report.

Thanks for telling me about the spotted owl. I think there is some push back from the community about sensitive lands and bosque sensitivity overall. Did you see this article in Daily Lobo about a month ago? Life Along the Rio Grande
I will be submitting this to the record.

Talk soon . . . It's still on my radar to make edits to your article --

Take care,
Susan

On Sat, Dec 21, 2019 at 3:14 PM Ellen Barber <ellen@condensedlight.com> wrote:

> Just finished reading all the information at the link you sent me. Wow! As always, you've produced a very thorough and enormously helpful document! (Considering the MANY points involved in this case, I expect we're in for another looong EPC hearing. Oof.) The form letter is great and gives people an easy way to register their opinion with the relevant parties.
>
> Do you think it matters that form letters will (I assume) be categorized as "form letters" in the Planning Department's tally of received comments even if people customize the text? I mean, that's fine, and it's not as though the EPC is really going to take the content of public comments into account, but do you think it would

help the stats at all if people (those who were willing to spend a few extra minutes) copied/pasted from the form letter into an e-mail of their own? It's possible that if the content is the same, the city's e-mail system will count them as form letters anyway. Just wondering what you might know about that.

I'm glad your letter emphasizes the City Council's inappropriate abbreviation of the list of issues that should have been included in the remand. (That made me furious at the time.)

This morning I was thinking: Here's a project that the public overwhelmingly opposes and that even the people approving it have admitted is environmentally dubious. Landowners' rights my ass. The city has no reason to let this project go ahead except its craven willingness to put the profits of a few already wealthy individuals above the common good just to avoid getting sued...

I got excited when I heard the other day that a recent ruling about the Spotted Owl had halted tree cutting in the bosque. The restrictions applied to National Park/Forest land, but Open Space has some partnership with the National Park Service now (right?), so I thought maybe the ruling WOULD help us! But then I read that the restrictions were almost immediately loosened--in October, I think. (I haven't found a good account of where the situation stands, though. Do you know anything about it?)

Whew! Getting myself worked up about this all over again. Gotta work.

Thanks for all your efforts on the form letter. I'll look out for the official announcement and will happily copy/paste if you think there's any advantage to that approach.

Cheers,
Ellen

On Dec 21, 2019, at 1:25 PM, Dr. Susan Chaudoir <edu.chaudoir@gmail.com> wrote:

No worries -- working on sending it out today -- you'll get it soon!

Susan

On Fri, Dec 20, 2019 at 10:04 PM Ellen Barber <ellen@condensedlight.com> wrote:

This week got surprisingly crowded! But I haven't forgotten about reviewing the form letter. I'll be in touch tomorrow.

E.

On Dec 16, 2019, at 11:36 PM, Dr. Susan Chaudoir <edu.chaudoir@gmail.com> wrote:

No hurry aT all. I'm behind on several things and feeling the burn

On Mon, Dec 16, 2019 at 22:16 Ellen Barber <ellen@condensedlight.com> wrote:

Sorry--the day got away from me. I'll be in touch tomorrow, after I've read the form letter with something like a brain...
E.

--
Susan Chaudoir, PhD
edu.chaudoir@gmail.com

--
Susan Chaudoir, PhD
MSc, MA, PGCD
Research in Education
edu.chaudoir@gmail.com
LinkedIn: Susan Chaudoir
985-302-2878 (mobile)

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LinkedIn: Susan Chaudoir
985-302-2878 (mobile)
==========
This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	Dan & Liz Regan <dlreganabq@gmail.com>
Sent:	Saturday, December 21, 2019 2:25 PM
To:	Williams, Brennon; Keller, Tim; Nair, Sarita; Borrego, Cynthia D.; Gibson, Diane G.; Harris, Don; Benton, Isaac; Sanchez, Ken; Pena, Klarissa J.; Davis, Pat; Jones, Trudy; Winter, Brad D.
Cc:	michael@drpridham.com; 'Jim Griffee'; 'Peggy Neff'; 'Joe Valles'
Subject:	Serious Issues with two Applications and ZHE NODs --- Two additional documents
Attachments:	PlanningAdminAction_20190722.pdf; MayorAdminInstruct_6-1.pdf

Brennon, Councilors, Mayor and CAO,

James Aranda shared the two attached documents with me and Jim Griffee, D4C Zoning / Development Committee member, this past July in a meeting with him about the status of the execution of the IDO.

At the time he gave them to us, the Mayor's document had not yet been signed by the CAO. I am assuming that it bear's Sarita Nair's signature now.

I suggest that both of these documents are pertinent to the Applications & ZHE NODs dealing with VA-2019-00326 & VA-2019-00327. And, hence, to my email of Wednesday, 12/18/19.

Thanks for your attention to the above.

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This message has been analyzed by Deep Discovery Email Inspector.

City Of Albuquerque Planning Department

Plaza del Sol Building ▪ 600 2nd Street NW, Albuquerque, NM 87102 ▪ cabq.gov/planning

July 22, 2019

Administrative Actions

- In response to feedback from neighborhood associations and coalitions throughout the city, the Planning Department is in the process of approving an Administrative Instruction that ensures City planning staff is conducting analysis of land use and development applications that require a public meeting or hearing in a more thorough an defensible manner. The Administrative Instruction also creates standards for how planning staff conducts analysis of development requests and allows staff to consider direct, indirect, secondary and cumulative impacts of a request on a place's character, scale, and/or cultural characteristics in their analysis.

- The Planning Department realizes there is a need for improved training and orientation of professional planning staff. There is also a need for standard operating procedures amongst various Planning Divisions to improve customer service provision, community engagement efforts and other facets of job performance. Planning Department Administration are committed to developing and implementing this additional training and orientation for planning department staff members.

- In response to community members concerns about the lack of access to public information such as notes from Pre Application Review Team Meetings, the Planning Department worked with AGIS staff to make PRT applications and associated notes available on the department's website. The website went live on June 17, 2019. A PRT map, including notes from all past 2019 meetings, is now up and running.
    - https://www.cabq.gov/planning/urban-design-development/pre-application-review-team-meetings

  Planning Department staff are currently making similar efforts to ensure all land use applications submitted to the Planning Department from 2019 forward are also available on the Planning Department's webpage.

Legislative Actions

- IDO Amendments: In response to feedback from neighborhoods and community members, Planning staff will submit 2 sets of changes to the Environmental Planning Commission (EPC) on July 25 for review/recommendation to City Council at a hearing on September 12, 2019. A few of the amendments are highlighted in Table 1.
    - Technical Edits (Staff recommendations) – spreadsheet of ~250 tweaks of existing language in the IDO to clarify or adjust original intent or to carry over pre-existing regulations that were inadvertently left out of the IDO.
        - http://abc-zone.com/document/ido-annual-update-2019-technical-edits
    - Amendments (City Council changes) – ~ 20 new substantive additions to the IDO to introduce new regulations or change existing language in major ways. Language was proposed in April but is subject to change. Additional amendments are expected.
        - http://abc-zone.com/document/ido-annual-update-2019-proposed-amendments

City Of Albuquerque Planning Department

Plaza del Sol Building ▪ 600 2nd Street NW, Albuquerque, NM 87102 ▪ cabq.gov/planning

Table 1: Selected Neighborhood Concerns/Requests for Changes

Topic / IDO Section	Issue / explanation	Strategy/Approach
Cluster development IDO 4-3(B)(2)	Poole property – multiple clusters allowed without actual clustering.	Would set limits on how many dwellings can be in one cluster without separating with some open space.
Building height Table 5-1-1 R Zones Table 5-1-2 MX Zones Table 5-1-3 NR Zones	Maximums too tall.	No appetite to open this debate. See request below from developers.
North 4th Street Building Design Standards IDO 5-11	Ugly, tall recent development (done under previous Corridor Plan, not IDO, which actually has more rigorous building design standards but similar height allowances).	Interim measures at City Council 8/5 requiring more building articulation and limiting building heights for same geography as former North 4th Street Corridor Plan to be packaged as a new Character Protection Overlay (CPO).
Pre-submittal Neighborhood meeting IDO 6-4(C)	(1) Applicants don't always send good info in sufficient detail so that NAs can decide whether to say yes to the offered meeting. (2) Neighbors don't trust applicant to summarize meeting (and neighbors want applicant to be required to send them a copy).	(1) Both would require same info as 6-4(K)(6) in initial meeting offer. (2) Tech Edit would make all pre-submittal Neighborhood Meetings facilitated by ADR.
Post-submittal Facilitated meeting IDO 6-4(D)	Not every request for facilitated meeting freezes an application in the review/decision process until a facilitated meeting occurs.	(1) Tech edit would add criteria for Planning Director to decide which applications should freeze. (2) Amendment would say that any request for facilitated meeting would freeze an application.
Notice 6-4(K)(6) Table 6-1-1	(1) Applicants don't always send good info in sufficient detail so that NAs can decide which projects to track/send comments/attend hearings. (2) NAs receive notice for more types of decisions under the IDD and report that it's too much. Don't want notice of decisions they can't affect.	(1) Revise language to be more explicit about information required in notice. (2) Remove NA email notice for administrative decisions.
"Maximum extent practicable" ~ 60 instances	Language is "get out of jail free" card.	Remove some and add additional EPC review where necessary, as this body is charged with discretionary decisions. Replace with more objective standard for others.
Enforcement 6-9	City doesn't take effective enforcement actions.	Adds procedures for civil penalties as an option for enforcement other than district court.

City of Albuquerque

MAYOR/CAO OFFICE

Timothy M. Keller, Mayor

ADMINISTRATIVE INSTRUCTION NO: 6-1 (2019)

TITLE: Ensuring analysis of administrative site plans, all land use and development application submissions that require a public meeting or hearing, and policy decisions by City planning staff is conducted in a thorough and defensible manner.

PRIMARY DEPARTMENTS: Planning

1. General

The City must uphold a high standard of analysis of all administrative site plans, land use and development requests that require a public meeting or hearing, and policy decisions. The City must also create a standardized format for staff reports. This will both ensure appropriate review of requests and create a strong record for decision-making bodies including the Environmental Planning Commission and the City Council. This Administrative Instruction defines the process by which Planning staff members conduct analysis of development and land use requests to ensure that all analysis is conducted in a thorough, objective, analytical, and standardized manner.

2. Application
   a. All applicable federal, state and local laws, ABC Comprehensive Plan policies and decision-making criteria in the Integrated Development Ordinance and Development Process Manual shall provide the background needed to initiate analysis on all development/land use application submissions.
   b. Analysis shall be conducted using the best available and most current data sources, including aerial photography and digital orthography, GIS data, demographic data, and site visits (ground proofing).
      1. In no case whatsoever shall an applicant's or any objector's analysis be used in place of, "cut and pasted" without attribution, or used as the sole basis for staff analysis.
   c. Analysis of all land use requests shall focus on the proposed project's compatibility in terms of density, scale, and intensity of use with existing and planned land use activities on and adjacent to the project site, and compatibility with the existing and planned character of adjacent land uses and development.
   d. Analysis shall address both long-term (operational) and short-term (planning, design, and construction) effects, for both adverse and beneficial impacts.
   e. Analysis shall cover direct, indirect, secondary, and cumulative impacts:
      1. Direct impacts result from physical intrusion into or use of a resource.
      2. Indirect impacts occur as a result of adjacency, absent physical occupation.
      3. Secondary impacts are induced as a result of the proposed project, but are not associated with the specific physical components or elements of the project.
      4. Cumulative impacts result when a particular resource is subject to multiple, simultaneous, or sequential impacts that limit or weaken its capability to absorb or recover from the effects.

f. Staff recommendations. Best practices for planning staff review require that staff analysis include a recommendation on the disposition of all requests, in order for the decision-maker(s) to understand the overall implications of the analysis. Best practices also require that recommendations address the nuances of complex issues and acknowledge that some recommendations may be open to interpretation or may address a new issue that has never been considered before. In order to establish a strong administrative record for subsequent reviewers and to help decision-makers gain a sufficient understanding of the consequences of their actions:
   1. The staff report should analyze all of the information in the application and make a recommendation to the appropriate public body using the policies in the ABC Comprehensive Plan and the decision-making criteria or standards in the Integrated Development Ordinance and Development Process Manual as a foundation.
   2. In cases where the City is the requestor/applicant, staff shall not make a recommendation but can recommend conditions to mitigate project impacts.
   3. The staff recommendation should include a description of any anticipated objections to or concerns with the recommendation, including acknowledgement of any issue that has not been previously addressed under the then-current standards and any issue that has been raised by an objector or public commenter that the staff considers to be irrelevant or incorrect.

g. All staff reports shall concisely communicate vital information and contain the following elements:
   1. Project Description, including a legal description
   2. Findings of Fact, including:
      - Current zoning of the property involved
      - Description of the site (based on site survey)
      - Surrounding existing land uses
      - Existing, and to the extent possible, proposed public utilities serving the site, including classifications of roads
      - Identification of other services such as public transit
      - Traffic counts
      - Floodplain, wetlands and open space information, if relevant
      - Presence of historic or cultural considerations
   3. Staff Findings, including:
      - Decision-making criteria from applicable plans or development codes with comment on how the project request meets or does not meet the criteria
      - Evaluation of consistency of proposed action with all applicable plans, ordinances, and regulations.
      - Impact analyses (Refer to Section 2.e. above for specific impact analyses)
        - Analysis shall also be conducted to determine if and how a land use/development request impacts historical and/or cultural sites, resources and/or practices.
        - Analysis shall also determine if and how a land use/development request impacts health and racial equity in the surrounding area.
   4. Description of information yet to be submitted

5. Comments from other agencies
6. Staff recommendation, including conditions as appropriate and a description of any anticipated objections to or concerns with the recommendation (except in the case of land use/development requests where the City is the requestor/applicant)
7. Maps and aerial images displaying the subject property
8. Photographs of the property, as appropriate
9. The disclosure of any relationship that is or could be perceived to be a conflict of interest between the applicant and the staff person conducting the analysis, such as a familial relationship or previous or anticipated employment relationship between the applicant or its agents or representatives, and the steps taken to mitigate such a conflict.
10. Additional information submitted by the applicant (as attachments)
11. Written comments from community members (as attachments)

_____

Sarita Nair
Chief Administrative Officer

_____

Effective Date

Lehner, Catalina L.

From:	Dr. Susan Chaudoir <edu.chaudoir@gmail.com>
Sent:	Tuesday, December 17, 2019 9:23 PM
To:	Brito, Russell D.
Cc:	ken@abq45.com; Lehner, Catalina L.
Subject:	Re: Gulley objections to Poole property site plan of 11/25/19; City Council remand to the EPC, project #2018-001402

Thank you Russell. I have appreciated all the work you've done on this case and for being available to me over the last 16 months as well as to the residents, neighbors, and people who passionately care about this case.

Nice to meet you Catalina. I look forward to touching base soon as we move forward with the case. I'm Dr. Susan Chaudoir, one of the appellants and lead neighborhood contact. I welcome the opportunity to learn more from you as you acquaint yourself with the project and the record. Your analysis/review is very important to us.

With Best Wishes for Happy Holidays,

Susan

On Mon, Dec 16, 2019 at 11:45 AM Brito, Russell D. <RBrito@cabq.gov> wrote:

Mr. Gulley,

Received. Please note for any future correspondence that Catalina Lehner, cc'd on this reply, is now the staff planner for this case.

Thank you,

ONE ALBUQUERQUE planning

RUSSELL D BRITO

division manager

urban design & development
o 505.924.3337

e rbrito@cabq.gov

cabq.gov/planning

From: gulleyt@aol.com [mailto:gulleyt@aol.com]
Sent: Monday, December 16, 2019 11:38 AM
To: Brito, Russell D.
Cc: jjacobi@rodey.com; billc@chappellfirm.com; Melendrez, Chris P.; edu.chaudoir@gmail.com; ken@abq45.com; aboard10@juno.com; kadamscairo@yahoo.com; hess@yntema-law.com
Subject: Gulley objections to Poole property site plan of 11/25/19; City Council remand to the EPC, project #2018-001402

Dear Mr. Brito,

I have attached a pdf of my 12/16/19 letter with exhibits to you of my objections to the Poole property 11/25/19 site plan submitted with Mr. Strozier's 11/26/19 letter to you. Please place this letter with exhibits in the record for the EPC hearing addressing the council's remand to the EPC. Also, if you would, please acknowledge receipt of this email.

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

--
Susan Chaudoir, PhD
MSc, MA, PGCD
Research in Education
edu.chaudoir@gmail.com
LinkedIn: Susan Chaudoir
985-302-2878 (mobile)

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

Lehner, Catalina L.

From:	Brito, Russell D.
Sent:	Monday, December 16, 2019 11:44 AM
To:	Lehner, Catalina L.
Cc:	Henry, Dora L.; Salas, Alfredo E.
Subject:	FW: Gulley objections to Poole property site plan of 11/25/19; City Council remand to the EPC, project #2018-001402
Attachments:	Gulley Objections 11.25.19 plan.pdf

For the file, please.

Thanks,

- R

From: gulleyt@aol.com [mailto:gulleyt@aol.com]
Sent: Monday, December 16, 2019 11:38 AM
To: Brito, Russell D.
Cc: jjacobi@rodey.com; billc@chappellfirm.com; Melendrez, Chris P.; edu.chaudoir@gmail.com; ken@abq45.com; aboard10@juno.com; kadamscairo@yahoo.com; hess@yntema-law.com
Subject: Gulley objections to Poole property site plan of 11/25/19; City Council remand to the EPC, project #2018-001402

Dear Mr. Brito,

I have attached a pdf of my 12/16/19 letter with exhibits to you of my objections to the Poole property 11/25/19 site plan submitted with Mr. Strozier's 11/26/19 letter to you. Please place this letter with exhibits in the record for the EPC hearing addressing the council's remand to the EPC. Also, if you would, please acknowledge receipt of this email.

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

December 16, 2019

Mr. Russell Brito, Division Manager

Urban Design and Development

One Albuquerque – Planning

600 North Second Street NW

Albuquerque, NM 87102

Re: Poole property updated site development plan dated 11/25/19; City Council remand to the EPC of AC-19-6 and AC-19-7, project#2018-001402.

Dear Mr. Brito,

I am the appellant in AC-19-6. I live in El Bosque at 4701 Valle Bonita Ln NW. My south property line abuts the arroyo that runs along the northeast side of the Poole property and is less than 150 feet from it. I write to state my objections to the 11/25/19 site plan submitted by Mr. Strozier to you with his 11/26/19 letter. Please place this letter and the attachments to it in the record for the EPC hearing addressing the city council's remand.

My objections to the site plan are as follows:

No. 1 - The site plan has two cluster developments. All references to cluster developments in IDO Table 4-1 and in IDO 4(B)(2) are in the singular. Only one cluster development per site plan is allowed. **High Ridge Hinkle Joint Venture v. City of Albuquerque**, 1998-NMSC-050, controls. **High Ridge Hinkle** states that the plain language of an ordinance is the primary indicator of intent of the ordinance, language will not be read into an ordinance which is not there, and zoning regulations cannot be construed to include by implication that which is not clearly within their express terms. To allow multiple clusters would violate that case.

No. 2 – The site plan has multiple common open spaces for both cluster developments. But see the definition of common open space in IDO 7-1. "**The common open space is a separate lot or easement** on the subdivision plat of the cluster development." See Exhibit 1, attached. The definition of Dwelling, Cluster Development also requires that the common open space be "**on a separate lot, or in an easement.**" See Exhibit 2, attached. IDO 4-3(B)(2)(e) states that "The cluster development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot **and the common open space on a separate subdivided lot or easement.**" See Exhibit 3, attached. These references to common open space are all in the singular. **High Ridge Hinkle** mandates that the plain language controls. Only one common open space per cluster development is allowed.

No. 3 – In 1996, the Suzanne H. Poole Living Trust granted an easement to AMAFCA along the north side of the Poole property for drainage, flood control, conveyance of storm water and environmental mitigation works. The 11/25/19 site plan includes the easement as common open space for Cluster B. For several reasons, the easement cannot be included as common open space. The easement is 0.9846 acres. Without the easement, the common open space for Cluster B is 3.6754 acres, short of the 3.90 acres required. (4.66 acres on site plan less 0.9846 acres = 3.6754 acres). The reasons are as follows.

3a – Access to and use of the easement is barred by the language in it. The easement, page 2, states that "Grantee shall construct and maintain a fence the south boundary of this easement **which shall have the purpose of denying access to the remaining portion of Tract "A," Lands of Suzanne H. Poole** and delineating the boundary of the easement." The easement also states on page 2 that "Grantor and Grantee further state that **it is their intention to exclude any other use of the easement and to exclude any educational or recreational use of the easement** from this grant, unless specifically agreed to and authorized in writing by both Grantor and Grantee." See Exhibit 4, page 2 of the easement, attached. Because the terms of the easement bar access to it and use of it, the easement cannot be common open space.

3b – Mr. Strozier in point number 2 on page 2 and 3 of his 11/26/19 letter to Mr. Brito argues that "the AMAFCA drainage pond" should be counted as common open space because it is "on-site ponding." IDO 4(B)(2)(d) does state that on-site ponding may be common open space. But the on-site ponding must be for the use and enjoyment of the residents. IDO 4(B)(2)(d) states that "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.**" See Exhibit 5, attached. And, the definition of common open space in IDO 7-1 is "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. See Exhibit 6, attached.

In the first place, only the westernmost half or so of the easement sometimes has water in it. That part is sometimes a shallow "pond' after significant rainfall(s). But, when there is water in the "pond", the "pond" can be unsavory. See Exhibit 7, a photo of the "pond" with water in it I took on 8/13/19. Other times the "pond" is dry. See Exhibit 8, an overhead photo showing the area that is sometimes a "pond" as completely dry, taken I think in 2017. An area which sometimes is an unsavory "pond" and other times is dry should not qualify as on-site ponding for the use and enjoyment of the residents. Also note that the easternmost half or so of the easement is never a "pond" of any kind, so it could not qualify as on-site ponding common open space under any circumstances.

Furthermore, there is a fence, which the developer's site plan says will remain, along or near the south border of the easement. See Exhibit 7. It is apparent that the "pond" and the rest of the easement are on the north side of the fence and separated by it from the proposed housing. The definition of common open space, Exhibit 6, however, requires the common open space to be "within the cluster development." Although the easement is technically within the Poole property lot lines, the easement as a practical matter is not really within the cluster development. The residents would have to exit the housing area to access the easement. In fact, the residents would have no greater access to the easement than any member of the public. It would be as if the developer wanted

to count the nearby Andalucia Park as common open space. Surely this particular easement is not what the IDO contemplates as common open space within a cluster development for the use and enjoyment of residents.

3c – The city's hydrology engineer stated that the easement "will have to be plated (sic) as separate tracts and conveyed to AMAFCA by deed." The easement cannot be common open space because it will be owned by AMAFCA. See Exhibit 9, the engineer's 1/24/19 memorandum, attached.

No. 4 – The site plan also includes the steep slope on the far southeast side of the property as common open space for Cluster B. Some of that slope is outside the existing fence which will remain. That steep slope outside the fence will not be used and enjoyed by the residents. Without the steep slope as common open space, Cluster B will fall even farther short of the 3.90 acres required.

I ask that you advise the EPC to reject the site plan for the reasons I state.

Sincerely yours,

Thomas P. Gulley

Cc: Jennifer Jacobi

Hess Yntema

Bill Chappell

Chris Melendrez

Susan Chaudoir

Ken Churchill

Rene Horvath

Kathy Adams

Ex 1

Office
Establishments providing executive, management, administrative, professional services, consulting, record keeping, or a headquarters of an enterprise or organization, but not including the on-premises sale of retail goods, or any use included in the definition of personal or business services. See also *Business* and *Establishment*.

On-premises Sign
See *Sign Definitions*.

Opaque Wall or Fence
A continuous non-transparent vertical surface. A fence with inserts or non-rigid or cloth-like materials attached to the fence does not constitute an opaque wall or fence.

Open Air Market
Open air sales of new retail goods, produce, and/or handcrafts; incidental sales of food and beverages is allowed. See also *Farmers Market* and *Seasonal Outdoor Sales*.

Open Space Definitions

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. See also *Dwelling, Cluster Development*.

Extraordinary Facility
Facilities within Major Public Open Space other than trails, fencing, signs, incidental parking lots, access roads, and infrastructure not visible on the surface that are primarily for facilitating recreation, relaxation, and enjoyment of the outdoors and that require additional review by the Open Space Advisory Board and EPC per the Facility Plan for Major Public Open Space. Extraordinary Facilities may include utility structures, Wireless Telecommunications Facilities, or buildings. See also *Open Space Definitions* for *Major Public Open Space*.

Major Public Open Space
Publicly-owned spaces managed by the Open Space Division of the City Parks and Recreation Department, including the Rio Grande State Park (i.e. the Bosque), Petroglyph National Monument, and Sandia foothills. These are typically greater than 5 acres and may include natural and cultural resources, preserves, low-impact recreational facilities, dedicated lands, arroyos, or trail corridors. The adopted Facility Plan for Major Public Open Space guides the management of these areas. For the purposes of this IDO, Major Public Open Space located outside the city municipal boundary still triggers Major Public Open Space Edge requirements for properties within the city adjacent to or within the specified distance of Major Public Open Space.

Open Space
In lowercase letters, a generic term for any outdoor space or amenity intended to retain access to open air and sunlight, regardless of location, ownership, or management responsibility. Open space is required through various means in order to provide a psychological and physical respite from development densities. Healthy places balance density vs. openness, urban vs. natural environments. For City-owned open space, see *Open Space Definitions* for *Major Public Open Space*.

Ex 2

Distance Separation
See *Measurement, Separation of Uses.*

Dispatch Center
A facility from which vehicles for couriers, deliveries, security, locksmiths, taxis, senior services, meals-on-wheels, or similar services are dispatched. Accessory uses may include, but are not limited to, administrative offices and vehicle washing facilities.

Downtown Center
See *Center and Corridor Definitions.*

Drainage Plan
See definition in the DPM.

Drainage Report
See definition in the DPM.

Drive Aisle
A private, unenclosed accessway with a stabilized surface allowing vehicular access either to individual buildings or to parking space(s) within parking lots. In the case of single-family attached and multi-family dwellings, a drive aisle is an accessway shared by the residents and guests of 2 or more dwellings.

Drive-In Theater
An establishment including a large outdoor movie screen, a projection booth, and a large parking area for automobiles from which films projected outdoors may be seen. Accessory uses may include a concession stand.

Drive-through or Drive-up Facility
Facilities associated with a primary use, including but not limited to banks, financial institutions, restaurants, dry cleaners, and drug stores, but not including car washes or light vehicle fueling, to offer goods and services directly to customers waiting in motor vehicles. See also *Car Wash* and *Light Vehicle Fueling.*

Driveway
An unobstructed area with a stabilized surface leading from the street to a garage or other allowed off-street parking area.

Dwelling Definitions

Dwelling, Cluster Development
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. See also *Open Space, Common.*

Dwelling, Cottage Development
A shared-interest low-density residential community in which multiple small individual dwellings are served by shared private ways or infrastructure, and in which the development intensity is measured by the amount of gross floor area in residential dwelling units rather than the number of residential dwelling units. A cottage development may include a combination of dwelling units with shared facilities, including but not limited to open space, parking lots or carports, gardens, recreation areas, community building(s) with facilities such as a kitchen and dining area, meeting and activity spaces, and a maximum of 1 guest room.

Ex 3

4-3(B)(2)(b) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings.

4-3(B)(2)(c) The number of dwelling units is determined by dividing the site area by the minimum lot size allowed in the zone rounded down to the nearest whole number but shall not exceed 50, except in the Los Duranes – CPO-6, where the number of dwelling units shall not exceed 20.

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.

4-3(B)(2)(e) The cluster development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot and the common open space on a separate subdivided lot or easement.

4-3(B)(2)(f) Maintenance for common open space areas is the responsibility of the property owner, unless those areas are dedicated the City. See Section 14-16-5-13(B) (Maintenance Standards).

4-3(B)(2)(g) If the zone district allows two-family detached (duplex) dwellings, a cluster development may include that dwelling type.

4-3(B)(3) Dwelling, Cottage Development

4-3(B)(3)(a) Minimum project size for a cottage development is 1 acre, and the maximum project size is 2 acres.

4-3(B)(3)(b) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings.

4-3(B)(3)(c) The development may contain a shared indoor community space for all residents in the development to use for activities, cooking, and/or dining.

4-3(B)(3)(d) Homeowners association or other recorded documents shall require that any the sale of individual dwelling units also include

whatsoever, road, parking area, mechanical or electrical equipment of any nature, other than as designated on the exhibit attached hereto as Exhibit "B." Notwithstanding any other provision of this Agreement, the structures and facilities which may be permanently installed, constructed or established within the easement are limited to the following: a smooth wire fence with top strand of barbed wire along the southern and eastern easement boundaries; dumped basalt rip rap bank protection, which will be covered with two feet of soil cover and then seeded with native grass and shrub seed; a gabion grade control structure across the arroyo bottom, tied into the arroyo banks, to maintain the existing grade of the arroyo bottom; two environmental mitigation ponds that may be partially or completely with the easement, including grading work, piping work, impermeable pond lining, gravel substrate for plantings, native aquatic plantings within ponds and native willow and shrubs adjacent to the ponds; a storm water holding and sediment trapping pond which may be partially or completely within the easement, partial soil cement lining where arroyo enters pond, with a pipe inlet structure and piping leading to the environmental mitigation ponds; native revegetative reseeding with grass and shrub seeds in all disturbed areas.

Grantee shall, as part of the project, provide native grass and shrub revegetative reseeding of all areas disturbed by the project, except for those portions that are within the Lift Station Access Road, or constructed of soil cement or concrete. Grantor will not require any other landscaping or screening of the easement area. Grantee shall construct and maintain a fence along the south boundary of this easement which shall have the purpose of denying access to the remaining portion of Tract "A," Lands of Suzanne H. Poole and delineating the boundary of the easement. Grantee shall also, as a condition of the grant and continuation of the easement granted herein, install and maintain dumped basalt rip rap bank protection, which will be covered with two feet of soil cover and then seeded with native grass and shrub seed on the areas of existing arroyo as shown on the attached Exhibit "B," and grantee shall further repair the existing fence at the gates on the western side of the easement, which fence will remain in place.

This grant of easement shall be construed as narrowly as possible to allow only the construction, operation, inspection and maintenance of the Facilities for the purposes stated herein and to exclude any other use of the easement including, but not limited to, any mechanical or electrical equipment or any other thing which creates noise or light or detracts in any way from the natural appearance and condition of the property. Periodic inspections and maintenance by the Grantee will be allowed, subject to the provisions of this easement. Absolutely no other use of the easement is granted or permitted. No equipment, personnel, supplies, materials or other matters shall be placed, stored or used within the easement at any time or for any other purpose. The Grantor and Grantee state that it is their intention that this easement be exclusively for the use of AMAFCA and that they do not intend to create any right in any third party or other entity to acquire any rights or in any way enforce any rights under this grant of easement. Grantor and Grantee further state that it is their intention to exclude any other use of the easement and to exclude any educational or recreational use of the easement from this grant, unless specifically agreed to and authorized in writing by both Grantor and Grantee.

This easement shall be exclusively for the use of AMAFCA and shall not be assignable or transferrable to any other person or entity, nor shall AMAFCA have any right to allow any other person or entity access to or use of the easement for any purposes except for the initial construction and periodic inspection and maintenance of the Facilities within the easement. No portion of Grantor's lands outside of the area described in Exhibit "A" may be used, accessed or travelled upon at any time during the design, construction or maintenance of the Facilities except as specifically permitted in writing by Grantor.

Grantee will advise its representatives, personnel, contractors, subcontractors, inspectors and all other persons working on the project, in the area and in conjunction with the work of the limited nature and restricted use of this easement, and shall specifically instruct and require all

Ex5

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Ex 6

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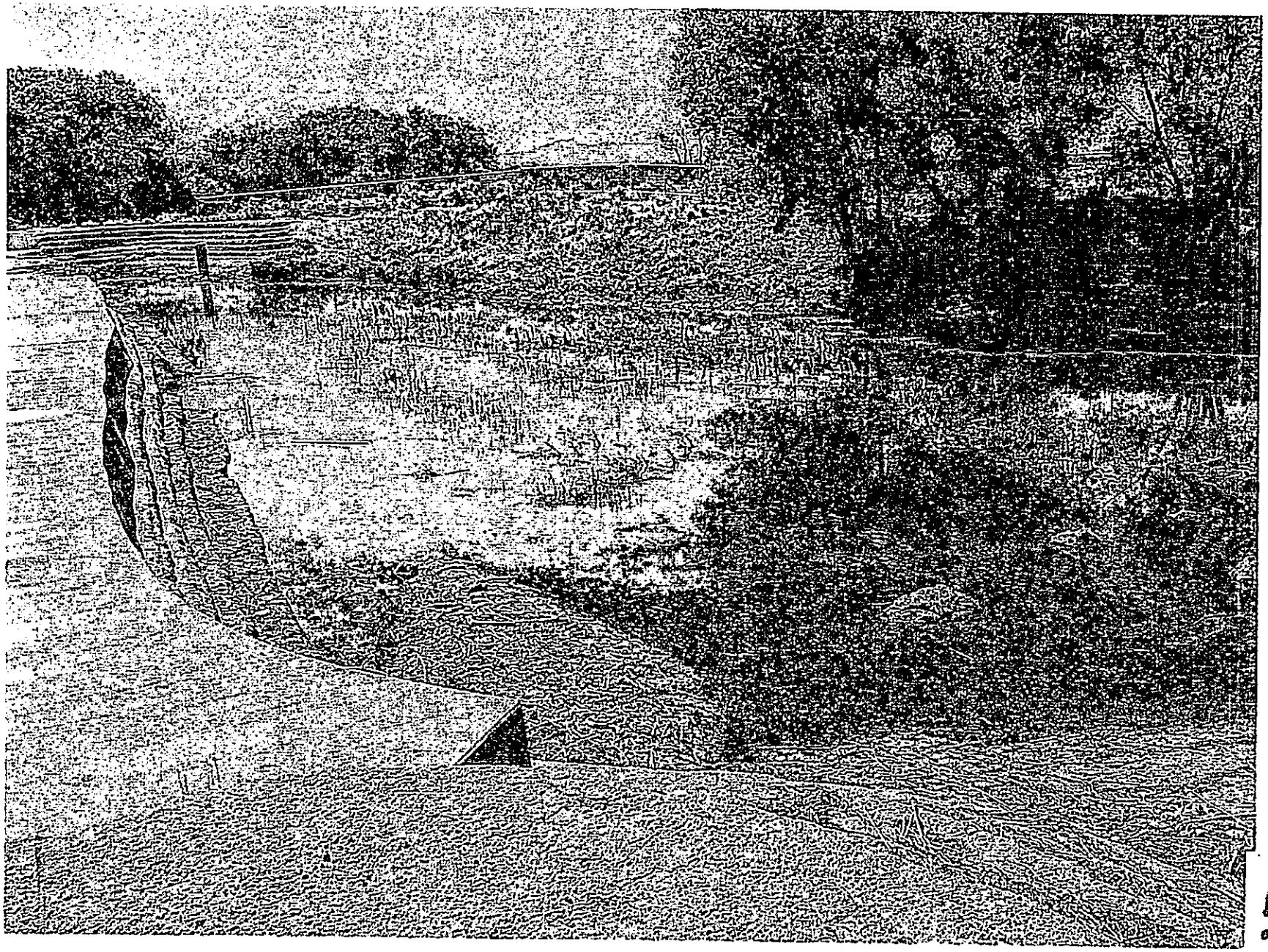
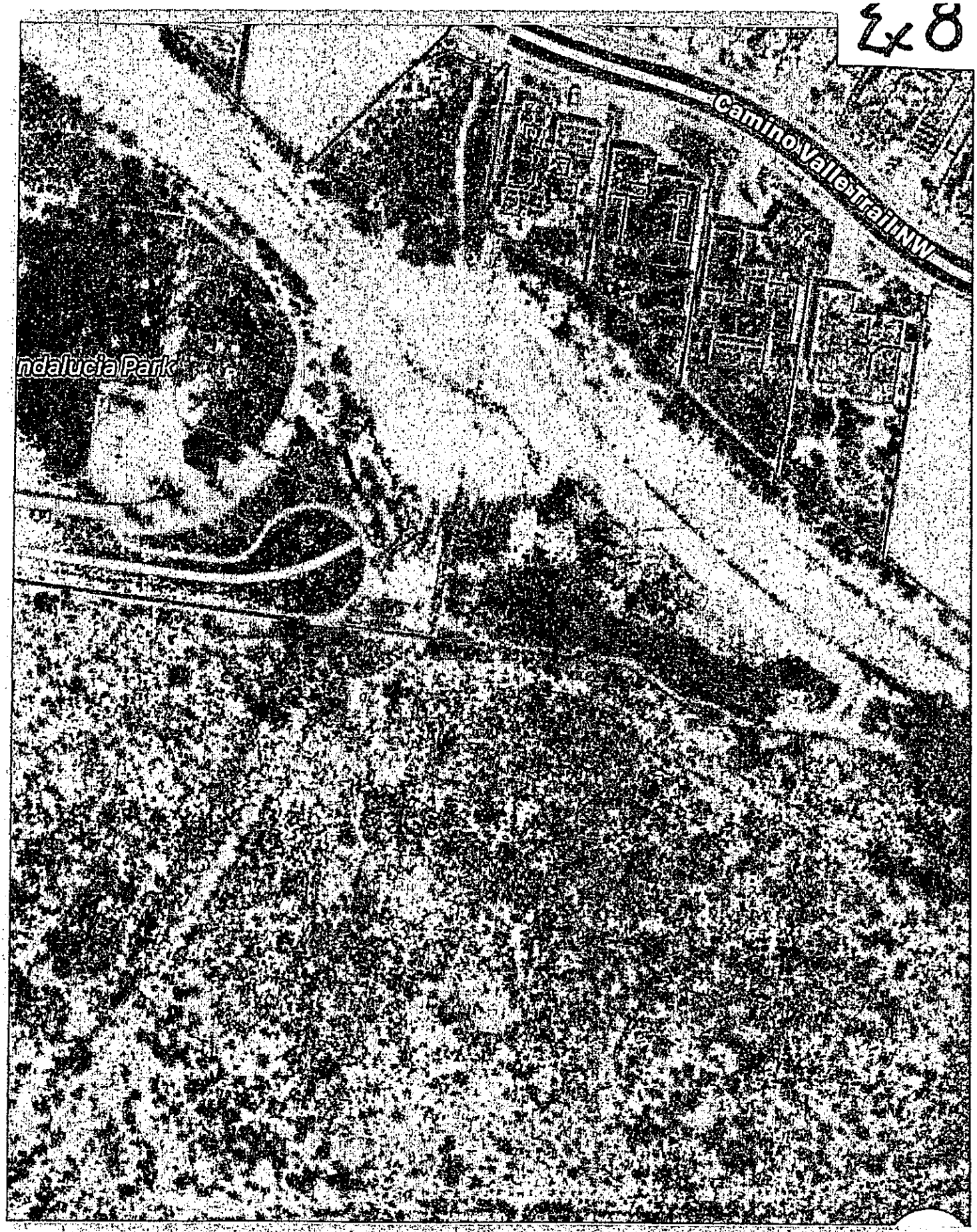


8/13/19

Ex 1


Camino Valle Trail NW
ndalucia Park

Ex 9

EPC - HYDROLOGY SECTION

James D. Hughes Principal Engineer 924-3986 jhughes@cabq.gov

DRB Project Number: 2018-001402 Hearing Date: **1-24-2019**

Project: Poole Subdivision Agenda Item No: **EPC**

☐ Sketch Plat	☐ Minor Preliminary / Final Plat	☐ Preliminary Plat	☐ Final Plat
☐ Temp Sidewalk Deferral	☐ Sidewalk Waiver/Variance	☒ Site Plan	☐ Bulk Land Plat
☐ SIA Extension	☐ DPM Variance	☐ Vacation of Public Easement	☐ Vacation of Public Right of Way

ENGINEERING COMMENTS:

1) An approved Grading and Drainage Plan & Drainage Report is required prior to approval of Preliminary Plat or Site Plan. A separate submittal is required to hydrology to include sufficient engineering analysis and calculations to determine the feasibility and adequacy of the proposed improvements.
2) All floodplains need to be shown on the plat and site plan.
3) LOMR will be required to remove the floodplain from the lots that have the floodplain.
4) AMAFCA approval will be required for connection to their Channel and grading adjacent to their right of way.
5) USACE approval will be required for any fill proposed in Waters of the US.
6) An infrastructure list will be needed for Preliminary Plat.
7) A recorded IIA is required prior to Final Plat.
8) A prudent setback from the Rio Grande is recommended because the slope on City Open Space is not stable and subject to lateral migration of the river. The City has no plans to stabilize the slope and does not want to be burdened with the cost of such improvements. Bank Protection may be constructed to prevent lateral migration of the river, and erosion of the slope.
9) The land containing the AMAFCA facilities in the northeast corner of the site will have to be plated as separate tracts and conveyed to AMAFCA by deed.
10) Management onsite will be required for the SWQV unless a waiver is demonstrated on the G&D Plan and accepted by Hydrology

LETTERS OF OPPOSITION

A

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of jeanetteacosta at sbcglobal.net <form_engine@fs6.formsite.com>
Sent: Sunday, December 22, 2019 4:45 PM
To: Brito, Russell D.
Subject: Public Comment from Jeanette Acosta-Fresquez regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies
➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a

traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)

It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

Honorable, Ken Sanchez
Along with the City Engineer and whomever conducted the hydrology analysis on the conceptual grading and drainage plan.
Let me draw your attention to the drainage flow from the top of the development near Tres Gracias at an elevation of 5045' to where it all collectively dumps into the sedimentation pond at San Antonio Arroyo with an 4095' elevation.
I reside directly across the Arroyo and downstream at El Bosque Andalucia development. I have personally witnessed the sedimentation pond OVERFLOW just from the waterthat is collected from upstream rains. The Overlook at OxBow is going to ADD water drainages/grading from their development to a sedimentation pond that already is at capacity. Is there any assurances that the San Antonio Arroyo won't overflow into the homes in El Bosque Andalucia? That would be an expensive lawsuit and or litigation to the city of Albuquerque if that would ever happen. By then the developer has collected their profits and long gone.
In addition, if you look at the backyard lots of 33,34,35, and 36 which back up to the sedimentation pond are all in the approximate location of an existing FEMA flood zone. These lots have already been identified as being on an existing flood zone that the developer is trying to remove via an LOMR. This should raise red flags on trying to develop 4 lots that probably shouldn't be developed.
Sincerely
Ernesto Fresquez.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to:	District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
	Jeanette
	Acosta-Fresquez
	4900 Camino Valle Tr., NW
	Albuquerque
	New Mexico
	87120
	jeanetteacosta@sbcglobal.net

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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of kadamscairo at yahoo.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 28, 2019 3:57 PM
To: Brito, Russell D.
Subject: Public Comment from Kathleen Adams regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(1)(c))
--Wetlands (5-2(C)(1)(d))
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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
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--arroyos (Policy 11.3.2);
--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Kathleen

Adams

---

5 Arco Court NW

Albuquerque

NM

87120

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kadamscairo@yahoo.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of jo at allen.us <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 6:48 PM
To:	Brito, Russell D.
Subject:	Public Comment from Jo Allen regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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2. major public open space
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4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
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(C) EPC Remand Instructions; and
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(b) Cluster Development Dwelling: A development type that concentrates single-family or two-family

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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 undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

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to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
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--arroyos (Policy 11.3.2);
--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Jo

Allen

1 Tumbleweed NW

Albuquerque

NM

87120

jo@allen.us

B

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of Carla_bachechi at yahoo.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 21, 2019 3:46 PM
To: Brito, Russell D.
Subject: Public Comment from Carla Bachechi regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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I RESTATE any and all previously submitted objections and oppositions.

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(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Carla

Bachechi

1702 Watchpoint

Santa Fe

New Mexico

87507

Carla_bachechi@yahoo.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
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==========
This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of smbachechi at comcast.net <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 3:48 PM
To:	Brito, Russell D.
Subject:	Public Comment from Susan Bachechi regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Susan

Bachechi

4632 Almeria Drive

Albuquerque

NM

87120

smbachechi@comcast.net

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Lehner, Catalina L.

From:	Ellen Barber <ellen@condensedlight.com>
Sent:	Sunday, December 29, 2019 2:27 PM
To:	Lehner, Catalina L.
Cc:	Brito, Russell D.; Nair, Sarita; Johnson, Janelle; Aranda, James M.; Keller, Tim; Benton, Isaac; Dolan, Diane R.
Subject:	Comments re Project PR-2018-001402/SI-2018-00171/VA-2019-00103

Dear Ms. Lehner:

I submit the following comments on the "Overlook at Oxbow" case (Project PR-2018-001402/SI-2018-00171/VA-2019-00103), which is scheduled to be considered at the EPC's January 9, 2020, meeting.

First, I OBJECT to the City Council Decision.

I OBJECT to the City Council's decision to limit the findings, thereby excluding issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103. Those issues include but are not limited to:

1. sensitive lands
2. major public open space
3. contiguous open space
4. landscaping
5. adverse impacts to surrounding natural/cultural landscape

I RESTATE any and all previously submitted objections and oppositions.

Second, I OPPOSE the Remand Findings.

I OPPOSE the updated site plan, I object to the City Council's decision to limit the pertinent issues previously raised by the public, and I respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I respectfully submit my comments on the following issues relating to the remand findings.

(A) Applicable IDO Requirements

The updated project site plan does not satisfy the text of the IDO definitions specific to this particular property (see IDO Section 4-3(B)(2)(d,e,f)):

(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)

(B) Site Plan and Deficiencies

➢The updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings," as does the exemplary cluster design of La Luz Subdivision, which is located 1/8 mile from this site.

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398].

➢The updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units.

➢The updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively includes existing common open space in its calculations.

➢The updated project site plan does not satisfy "dedication" (IDO text) or "designation" (applicant text) of the existing sediment pond and the AMAFCA easement; neither qualifies as common open.

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" of the site, which is the most sensitive portion of the property, but the updated site plan dangerously develops the eastern edge. Development on this most sensitive portion of the site would create devastating damage to each type of qualifying sensitive lands on p. 198 of the IDO [see (D) below].

➢The updated project site plan is deficient because IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that proposed site design should avoid sensitive floodways and flood fringe areas.

➢The updated project site plan clearly creates higher density. The updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019, City Council hearing by Councilor Borrego as a "huge issue to be resolved" by the EPC.

(C) EPC Remand Instructions

The applicant appears to be attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council. The EPC is legally and ethically expected by all parties, including the public, to follow the City Council's instructions verbatim. The EPC is directed by City Council to solely, fully, and wholly evaluate, explain, and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding and may not be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant is not permitted to act as consultant to the EPC.

This point is particularly relevant to this case because the site includes sensitive lands, large stands of mature trees, US Waters, and adjacency to major public open space and protected lands, such as the Rio Grande Valley State Park, the bosque, the Rio Grande, the San Antonio Oxbow Wetland, the San Antonio Oxbow Open Space, the Montano Pueblo Open Space, and the San Antonio Arroyo.

To date, this case has received hundreds of public comments opposing the project.

(D) Other Matters

➢Sensitive Lands

The updated project site plan does not explain how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide such analysis and the Land Use Hearing Officer's confirmation of the importance of this matter to public safety. To date, a full assessment of the following criteria remains outstanding, deficient, omitted, or nonexistent:
--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 and acequias (5-2(C)(1)(f)) --Escarpments (5-2(C)(1)(g)) --Rock outcroppings (5-2(C)(1)(h)) --Large stands of mature trees (5-2(C)(1)(i)) --Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove that the above elements are not sensitive before being granted approvals for the updated project site plan. The applicant must prove that "structures will minimize problems arising from said development" (see EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators, p. 443).

➢No Negative Impact

The applicant must explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands listed above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). The updated project site plan does not show how this cluster 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 (Policy 10.3.4) --surrounding natural and cultural landscapes (Policy 11.3.1) --arroyos (Policy 11.3.2) --public park --wildlife habitat --recreational trails --watershed management --drainage functions

I OPPOSE the "updated site plan - EPC."

I respectfully ask the EPC to DENY approval(s) for Project PR-2018-001402/SI-2018-00171/VA-2019-00103.

Third, I note the following additional issues:

➢Major Public Open Space (MPOS)

The updated site plan does not have open space that is contiguous with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case means the San Antonio Oxbow Wetland (designated protection status), the San Antonio Oxbow Open Space, the Montano Pueblo Open Space, the Rio Grande, and the Rio Grande bosque.

➢Erosion

It is clear that significant erosion is currently an issue along the bluff. It is unclear how the existing erosion problem will be mitigated by the updated site plan's development flows. The proposed buffer in the updated site plan does not mitigate the erosion issue to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes

The updated site plan does not protect native species, nor does it describe how native and cultural features will be protected and/or monitored. It also does not explicitly disclose what non-native species will be prohibited in order to

protect on-site botanical ecosystems that are inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

IN SUMMARY, I OPPOSE the "updated site plan - EPC":

I OBJECT to the City Council's decision to limit the findings, thereby excluding issues previously raised by the public. These issues, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, include the single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, adverse impacts to surrounding natural/cultural landscapes, and common open space and contiguous open space violations.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

Thank you for considering my comments,

Ellen Barber
4523 10th St NW
Albuquerque, NM 87107

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

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 31, 2019 8:22 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Jamie Barr regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 30, 2019 3:08 PM
To: Brito, Russell D.
Subject: Public Comment from Jamie Barr regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
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--Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

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In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Jamie

Barr

---

21 Tennis Ct NW

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jbarr1564@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of sjbnjeb at gmail.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 21, 2019 3:15 PM
To: Brito, Russell D.
Subject: Public Comment from Shelley Bauer regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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Shelley

Bauer

4616 Almeria Dr NW

Albuquerque,

Nm

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sjbnjeb@gmail.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of sjbnjeb at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 3:16 PM
To:	Brito, Russell D.
Subject:	Public Comment from Shelley Bauer regarding PR-2018-001402/VA-2019-00103

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Shelley

Bauer

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Friday, December 27, 2019 2:32 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Sam Bawcum regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Friday, December 27, 2019 2:32 PM
To: Brito, Russell D.
Subject: Public Comment from Sam Bawcum regarding PR-2018-001402/VA-2019-00103

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I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov

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sambawcum@gmail.com

This email was sent to RBrito@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.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of Heather_Beltran at me.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 6:50 PM
To:	Brito, Russell D.
Subject:	Public Comment from Heather Beltran regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Heather

Beltran

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Albuquerque

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Heather_Beltran@me.com

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of herbnmusa at comcast.net <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 7:25 PM
To:	Brito, Russell D.
Subject:	Public Comment from Herbert Benedick regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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I RESTATE any and all previously submitted objections and oppositions.

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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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
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District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Herbert

Benedick

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of ELIZABETH_BERREY at YAHOO.COM <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 3:22 PM
To:	Brito, Russell D.
Subject:	Public Comment from Elizabeth Berrey regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

---

Elizabeth

Berrey

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ELIZABETH_BERREY@YAHOO.COM

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C

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of kcarru at aol.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 8:52 PM
To:	Brito, Russell D.
Subject:	Public Comment from Karen Carruthers regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

---

Karen

Carruthers

---

2 Arco CT, NW

Abq.

NM

87120

kcarru@aol.com

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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of edu.chaudoir at gmail.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 21, 2019 3:10 PM
To: Brito, Russell D.
Subject: Public Comment from Susan Chaudoir regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
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➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

---

Susan

Chaudoir

4040 St. Josephs Place NW

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edu.chaudoir@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of cohenedmunds at netzero.net <form_engine@fs6.formsite.com>
Sent: Sunday, December 22, 2019 11:55 PM
To: Brito, Russell D.
Subject: Public Comment from Beth Cohen regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
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I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Beth

Cohen

---

707 Arno St. S.E.

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cohenedmunds@netzero.net

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of bcomann at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, December 22, 2019 8:05 AM
To: Brito, Russell D.
Subject: Public Comment from Brad Comann regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
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I respectfully submit to the record this letter to state that:

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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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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov

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Brad

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of nancy.conrow at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, December 23, 2019 9:09 AM
To: Brito, Russell D.
Subject: Public Comment from Nancy Trigg Conrow regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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Nancy Trigg

Conrow

11 Arco Ct NW

Albuquerque

NM

87120

nancy.conrow@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of clcorkins at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 10:56 AM
To:	Brito, Russell D.
Subject:	Public Comment from Chris Corkins regarding PR-2018-001402/VA-2019-00103

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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Chris

Corkins

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15 Pool St. NW

Albuquerque

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clcorkins@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of lynco at newmex.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 9:56 PM
To:	Brito, Russell D.
Subject:	Public Comment from Lyn Coupland regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(1)(c))
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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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
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Lyn

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D

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Friday, December 27, 2019 1:39 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Becky C Davis regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Friday, December 27, 2019 12:37 PM
To: Brito, Russell D.
Subject: Public Comment from Becky C Davis regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
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4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

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➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

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This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and cultural landscapes (Policy 11.3.1);
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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

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--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

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It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.
CITY LIABILITY
It is clear that should any erosion, flooding, sewer overflow, Coors traffic impairment or structural losses due to fire damage occur on this site, the City will be made to resolve the losses of property and money because 1) there is no "hold harmless" clause for the City in the owner or developer site plan contracts , and 2) the proposed site plan has no distinct design limits nor damage control language on the site plan to describe mitigation controls.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Becky C

Davis

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500 Leeward Dr. NW

Albuquerque

New Mexico

87121

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beedee3@lawyer.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of uxornoe at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 2:15 PM
To:	Brito, Russell D.
Subject:	Public Comment from Elizabeth Derby regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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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 undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

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---

Elizabeth

Derby

1948 Sumner Breeze Dr NW

Albuquerque

New Mexico

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uxornoe@gmail.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of derbyalb at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 9:48 AM
To:	Brito, Russell D.
Subject:	Public Comment from Leo Derby regarding PR-2018-001402/VA-2019-00103

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Leo

Derby

4700 Almeria Dr NW

Albuquerque

NM

87120-1838

derbyalb@gmail.com

Lehner, Catalina L.

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District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Linda

Derby

4700 Almeria Dr NW

Albuquerque

NM

87120-1838

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derbylj@gmail.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 30, 2019 10:35 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Robert Deuble regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 30, 2019 10:27 AM
To: Brito, Russell D.
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(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

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➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

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(D) Other Matters

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It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
--Rio Grande River (Policy 10.3.4);
--surrounding natural and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of kdullea at yahoo.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 21, 2019 6:35 PM
To: Brito, Russell D.
Subject: Public Comment from Kevin Dullea regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

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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 undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

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➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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(D) Other Matters

➢Sensitive Lands

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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Kevin

Dullea

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kdullea@yahoo.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of duzmj at yahoo.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 1:45 PM
To:	Brito, Russell D.
Subject:	Public Comment from Martin Duzor regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-20I9-00103.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-0017I/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Martin

Duzor

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duzmj@yahoo.com

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E

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 4:34 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Randall Edmunds regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 23, 2019 4:12 PM
To: Brito, Russell D.
Subject: Public Comment from Randall Edmunds regarding PR-2018-001402/VA-2019-00103

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Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific

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to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

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(D) Other Matters
➢Sensitive Lands
It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:
--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(1)(c))
--Wetlands (5-2(C)(1)(d))
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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact
It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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I OPPOSE the "updated site plan - EPC";

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cc'd to: District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov

---

Randall

Edmunds

707 Arno St SE

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New Mexico

87102

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This email was sent to RBrito@cabq.gov as a result of a form being completed.
Click here to report unwanted email.

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of bob at condensedlight.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 10:09 AM
To:	Brito, Russell D.
Subject:	Public Comment from Robert Eggers regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I OPPOSE the "updated site plan - EPC";

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--the problem will be mitigated by the updated site plan's development flows; and
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cc'd to: District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov

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Robert

Eggers

4523 10th St NW

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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of erselius at glendale.edu <form_engine@fs6.formsite.com>
Sent: Sunday, December 29, 2019 5:47 PM
To: Brito, Russell D.
Subject: Public Comment from Robert Erselius regarding PR-2018-001402/VA-2019-00103

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
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District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Diamne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Robert

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 24, 2019 1:57 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Mark Feldman regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Tuesday, December 24, 2019 11:32 AM
To: Brito, Russell D.
Subject: Public Comment from Mark Feldman regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
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It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov

---

Mark

Feldman

1821 Meadow View Drive NW

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mark@markmfeldman.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of katelinfish at yahoo.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 21, 2019 8:16 PM
To: Brito, Russell D.
Subject: Public Comment from Katelin Fisher regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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I understand that the issues relating to the remand findings include:
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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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Katelin

Fisher

1715 Ridgecrest Cir SE

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katelinfish@yahoo.com

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 11:37 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Paula Fisher regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Sunday, December 22, 2019 6:44 PM
To: Brito, Russell D.
Subject: Public Comment from Paula Fisher regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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--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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I RESTATE any and all previously submitted objections and oppositions.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of ernestofresquez at sbcglobal.net <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 3:20 PM
To:	Brito, Russell D.
Subject:	Public Comment from Ernesto Fresquez regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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2. major public open space
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4. landscaping; Goal 10.3; CP10.3.4
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I RESTATE any and all previously submitted objections and oppositions.

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(B) Site Plan and Deficiencies;
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I RESTATE any and all previously submitted objections and oppositions.

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District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 24, 2019 10:47 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Barbara Friedman regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Tuesday, December 24, 2019 10:47 AM
To: Brito, Russell D.
Subject: Public Comment from Barbara Friedman regarding PR-2018-001402/VA-2019-00103

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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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---

cc'd to: District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov

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Barbara

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of toyfoxthomas at hotmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, December 22, 2019 8:15 AM
To: Brito, Russell D.
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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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Kenneth

Funk

4908 Camino Valle Tr NW

Albuquerque

New Mexico

87120

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toyfoxthomas@hotmail.com

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G

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 31, 2019 8:21 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Patrick Gallagher regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 30, 2019 2:06 PM
To: Brito, Russell D.
Subject: Public Comment from Patrick Gallagher regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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

Gallagher

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24 Link St. NW

Albuquerque

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87120

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patgllgr@aol.com

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, January 07, 2020 8:24 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Terry Garrett to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, January 06, 2020 6:40 PM
To: Brito, Russell D.
Subject: Public Comment from Terry Garrett to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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Terry

Garrett

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of sadstone at comcast.net <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 3:33 PM
To:	Brito, Russell D.
Subject:	Public Comment from Marvin Gladstone regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

cc'd to:	District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
	Marvin
	Gladstone
	4600 Mijas Dr
	Albuquerque,
	NM
	87120
	sadstone@comcast.net

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 3:49 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Sandra Gladstone regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 23, 2019 3:01 PM
To: Brito, Russell D.
Subject: Public Comment from Sandra Gladstone regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific

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to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters
➢Sensitive Lands
It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:
--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))
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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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Sandra

Gladstone

4600 Mijas Dr NW

Albuquerque

New Mexico

87120

idsrvit@comcast.net

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, January 13, 2020 8:32 AM
To: Lehner, Catalina L.
Cc: Williams, Brennon
Subject: FW: Public Comment from Terri Godfrey to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com <form_engine@fs6.formsite.com>
Sent: Sunday, January 12, 2020 7:18 PM
To: Brito, Russell D. <RBrito@cabq.gov>
Subject: Public Comment from Terri Godfrey to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I understand that the issues relating to the remand findings include:
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➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

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(D) Other Matters

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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--surrounding natural and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Dxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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cc'd to: District 1, Office of District 1 Councilor, letter(s) will be sent to the correct individual at the office of the honorable and former (deceased) Councilor Ken Sanchez: Policy Analyst Elaine Romero: eromero@cabq.gov

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Terri

Godfrey

4620 Almeria Dr NW

Albuquerque

New Mexico

87120

terrigodfrey@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, January 14, 2020 8:12 AM
To: Lehner, Catalina L.
Cc: Williams, Brennon
Subject: FW: Public Comment from William Godfrey to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com <form_engine@fs6.formsite.com>
Sent: Monday, January 13, 2020 6:26 PM
To: Brito, Russell D. <RBrito@cabq.gov>
Subject: Public Comment from William Godfrey to OPPOSE PR-2018-001402/VA-2019-00103

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--Rock outcroppings (5-2(C)(1)(h))
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--Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

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--public and private open space (Goal 10.3);
--bosque (Policy 10.3.4; 11.3.3);
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--surrounding natural and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➤Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➤It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➤Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to:	District 1, Office of District 1 Councilor, letter(s) will be sent to the correct individual at the office of the honorable and former (deceased) Councilor Ken Sanchez: Policy Analyst Elaine Romero: eromero@cabq.gov

---

William

Godfrey

4620 Almeria Dr NW

Albuquerque

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godfrey1412@sbcglobal.net

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of TJGonzal3s at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 4:47 PM
To:	Brito, Russell D.
Subject:	Public Comment from Timothy Gonzales regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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2. major public open space
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4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

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to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

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To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(1)(c))
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It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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--arroyos (Policy 11.3.2);
--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
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District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
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District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Timothy

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 11:36 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Nancy Gordon regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 23, 2019 8:00 AM
To: Brito, Russell D.
Subject: Public Comment from Nancy Gordon regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

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I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
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(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific

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to this particular property (per IDO Section 4-3(B)(2)(d,e,f)). Definitions include:

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Nancy

Gordon

5009 Camino Valle Tr NW

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geofnan@gmail.com

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H

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of leilanivenhall at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 8:54 PM
To:	Brito, Russell D.
Subject:	Public Comment from Samuel and Leila Hall regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and

C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

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(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

---

Samuel and Leila

Hall

14Arco Ct NW

Albuquerque

NM

87120

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of hamesp at icloud.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 5:21 PM
To:	Brito, Russell D.
Subject:	Public Comment from Patricia Hames regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

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(D) Other Matters

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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--recreational trails;
--watershed management; and
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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Patricia

Hames

3819 Tundra Swan CT MW

Albuquerque

New Mexico

87120

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hamesp@icloud.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
Click here to report unwanted email.

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of anni.hanna at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 10:11 PM
To:	Brito, Russell D.
Subject:	Public Comment from Anni Hanna regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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I RESTATE any and all previously submitted objections and oppositions.

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➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
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--surrounding natural and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov

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Anni

Hanna

11510 Ramchitos Road

Albuquerque

NM

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anni.hanna@gmail.com

This email was sent to RBrito@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.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Friday, December 27, 2019 9:46 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from brian hanson regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Thursday, December 26, 2019 8:42 AM
To: Brito, Russell D.
Subject: Public Comment from brian hanson regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I am a wildlife biologist with over 30 years of experience in New Mexico. I worked for the U.S. Fish and Wildlife Service for most of that time primarily addressing riparian and riverine issues and Federal threatened and endangered species. I object to the proposed development.

Wildlife habitat in the Rio Grande corridor is being constantly narrowed due to development which decreases wildlife habitat and lowers wildlife use along and in the Rio Grande. Migratory birds that are protected by the federal Migratory Bird Treaty Act use the Rio Grande corridor and another development close to the river above the oxbox wetland will impact bird use in the oxbow, the river and riparian areas next to the river. Birds that are seeking food and shelter fly directly over the Rio Grande and when they see a very limited, narrow natural area they will likely fly somewhere else. Another development will cause disturbance dissuading birds from using the area. "Somewhere else" will likely not be good habitat also, thus effectively reducing habitat for birds.

I am the chairman for the Candelaria Nature Preserve, Technical Advisory Group. We are developing a Resource Management Plan for the land that will be managed by Albuquerque Open Space. The 167

acre preserve is directly east of the proposed development that includes the Rio Grande Nature Center State Park. Narrowing the Rio Grande corridor by another development will discourage bird use of Candelaria Nature Preserve since birds will go elsewhere.

Directly below and south of the proposed development is a oxbow wetland that is the only wetland for miles up and down the Rio Grande. This wetland may be used by 4 Federally endangered and threatened species including the Rio Grande silvery minnow, southwestern willow flycatcher, New Mexico meadow jumping mouse and yellow-billed cuckoo. Any land development should study the possible impacts upon these species. Soil erosion from a development could also fill in the wetland. To protect the oxbox wetland, I suggest a plan be developed to protect the wetland and also not build on the Poole property.

Noise in the future housing area and increased use of the area by hiking or other activities could impact bird and mammal use. Shouldn't Albuquerque be interested in protecting and improving habitat for wildlife and especially for endangered species within the city?

Maintaining a buffer between the wetland and new housing will be difficult. A buffer natural area on the Poole property could be developed that would connect two wildlife habitats; San Antonio Open Space to the south and a natural area to the north. This would prevent habitat fragmentation. To be adequate, the buffer width should be about the same width as the current Open Space area. Again, I stress that any development will impact wildlife use in the immediate development footprint and in the Rio Grande ecosystem. Keeping the Poole property as a conservation area would be best, since development will affect wildlife.

I urge you to prevent the housing development.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(B) Site Plan and Deficiencies
➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

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➢No Negative Impact
It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
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--surrounding natural and cultural landscapes (Policy 11.3.1);
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It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
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It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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cc'd to:	District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
	brian
	hanson
	9016 Freedom Way N.E.
	Albuquerque
	NM
	87109
	bhanson5@comcast.net

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 16, 2019 2:39 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Kathleen Harvold regarding PR-2018-001402/VA-2019-00103

For the Poole file.

Thanks,

- R

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 16, 2019 1:59 PM
To: Brito, Russell D.
Subject: Public Comment from Kathleen Harvold regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

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I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies
➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

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To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters
➢Sensitive Lands
It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:
--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact
It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov

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and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Kathleen

Harvold

2239 Kelly rd. SW

Albuquerque

NM

87105

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kharvold@gmail.com

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, January 20, 2020 9:30 AM
To: Lehner, Catalina L.
Cc: Williams, Brennon
Subject: FW: Public Comment from Susan Homer to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com <form_engine@fs6.formsite.com>
Sent: Saturday, January 18, 2020 6:16 PM
To: Brito, Russell D. <RBrito@cabq.gov>
Subject: Public Comment from Susan Homer to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

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5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

Losing this site to such development would be worse than our losing the Alvarado Hotel in the 1970's. We must have the foresight and stomach to protect this gem, for the benefit of us all into the future.

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Susan

Homer

5000 Sequoia Rd NW

Albuquerque

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 5:28 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Susan Homer regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 23, 2019 5:21 PM
To: Brito, Russell D.
Subject: Public Comment from Susan Homer regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov

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Susan

Homer

5000 Sequoia Rd NW

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J

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of Dgj1958 at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 5:53 PM
To:	Brito, Russell D.
Subject:	Public Comment from Daniel Jensen regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Daniel

Jensen

---

7 Arco Ct NW

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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of loretta.johnson2.lj at gmail.com <form_engine@fs6.formsite.com>
Sent: Monday, December 23, 2019 2:17 AM
To: Brito, Russell D.
Subject: Public Comment from Loretta Johnson regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
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I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

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➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

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➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

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to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

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--Unstable soils (5-2(C)(1)(c))
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--Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
--Rio Grande River (Policy 10.3.4);
--surrounding natural and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Loretta

Johnson

4905 Camino Valle Trail NW

Albuquerque

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loretta.johnson2.lj@gmail.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of debkg34 at aol.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 8:14 AM
To:	Brito, Russell D.
Subject:	Public Comment from Deborah Kendall-Gallagher regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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(D) Other Matters

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson:

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dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Deborah

Kendall-Gallagher

---

24 Link St. NW

Albuquerque

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87120

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debkg34@aol.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of mattkinger38 at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 8:57 PM
To:	Brito, Russell D.
Subject:	Public Comment from Matthew King regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

Matthew King
12 Pool St. NW
Albuquerque NM 87120

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

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---

Matthew

King

12 Pool St NW

Albuquerque

NM

87120

mattkinger38@gmail.com

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 11:39 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Tina Kouri regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 23, 2019 10:09 AM
To: Brito, Russell D.
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---

Tina

Kouri

4912 Camino Valle Trail Nw

Albuquerque

NM

87120

tina.kouri@gmail.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of jkwait at outlook.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 6:57 PM
To:	Brito, Russell D.
Subject:	Public Comment from John Kwait regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

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(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(1)(c))
--Wetlands (5-2(C)(1)(d))
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--Large strands of mature trees (5-2(C)(1)(i))
--Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.

John

Kwait

7300 Desert Eagle RD NE

Albuquerque

NM

87113

jkwait@outlook.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
Click here to report unwanted email.

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This message has been analyzed by Deep Discovery Email Inspector.

L

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of joylawrence123 at gmail.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 28, 2019 8:35 PM
To: Brito, Russell D.
Subject: Public Comment from Joy Lawrence regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

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➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

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➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

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➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

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(D) Other Matters

➢Sensitive Lands

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

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It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Joy

Lawrence

17 Berm St NW

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joylawrence123@gmail.com

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of april.lawrence at mac.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 28, 2019 8:37 PM
To: Brito, Russell D.
Subject: Public Comment from April Lawrence regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

---

April

Lawrence

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of dml23 at me.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 8:12 PM
To:	Brito, Russell D.
Subject:	Public Comment from Denise Lind regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Denise

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This email was sent to RBrito@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of dlopez at ratesllc.com <form_engine@fs6.formsite.com>
Sent: Sunday, December 22, 2019 9:10 AM
To: Brito, Russell D.
Subject: Public Comment from Donavan Lopez regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
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(D) Other Matters.

I respectfully submit to the record this letter to state that:

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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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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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I RESTATE any and all previously submitted objections and oppositions.

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cc'd to:	District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

Donavan

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 11:35 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Loretta Naranjo Lopez regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Saturday, December 21, 2019 6:22 AM
To: Brito, Russell D.
Subject: Public Comment from Loretta Naranjo Lopez regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Loretta

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of victor.fs.lopez at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 6:35 PM
To:	Brito, Russell D.
Subject:	Public Comment from Victor Lopez regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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))
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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)(I)(j)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Victor

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victor.fs.lopez@gmail.com

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M

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of jabmartin at aol.com <form_engine@fs6.formsite.com>
Sent: Sunday, December 29, 2019 3:25 PM
To: Brito, Russell D.
Subject: Public Comment from Jean Martin regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions. I feel the Poole land should be preserved for all to enjoy in a responsible and respectful way that honors the land and the wetlands.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and

C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
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---

Jean

Martin

13 Pool St NW

Albuquerque

NM

87120

jabmartin@aol.com

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Thursday, January 30, 2020 11:32 AM
To: Lehner, Catalina L.
Cc: Williams, Brennon
Subject: FW: Public Comment from Cynthia McLean to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com <form_engine@fs6.formsite.com>
Sent: Thursday, January 30, 2020 11:15 AM
To: Brito, Russell D. <RBrito@cabq.gov>
Subject: Public Comment from Cynthia McLean to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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I RESTATE any and all previously submitted objections and oppositions.

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It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to this

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Office of District 1 Councilor, letter(s) will be sent to the correct individual at the office of the honorable and former (deceased) Councilor Ken Sanchez: Policy Analyst Elaine Romero: eromero@cabq.gov

---

Cynthia

McLean

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of mikejmiceli at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 11:15 AM
To:	Brito, Russell D.
Subject:	Public Comment from Michael Miceli regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

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➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

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➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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(D) Other Matters

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It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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➢No Negative Impact

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I OPPOSE the "updated site plan - EPC";

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➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

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Michael

Miceli

4812 Valle Santo Trl NW

Albuquerque

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87120

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mikejmiceli@gmail.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
Click here to report unwanted email.

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of chasestream at live.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 3:12 PM
To:	Nair, Sarita
Subject:	Public Comment from Arlette Miller regarding PR-2018-001402/VA-2019-00103

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---

Arlette

Miller

560@ Palomino Dr NW

Albuquerque

NM

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chasestream@live.com

This email was sent to snair@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, February 03, 2020 8:18 PM
To: Lehner, Catalina L.
Cc: Williams, Brennon
Subject: Fwd: Public Comment from Joel Miller to OPPOSE PR-2018-001402/VA-2019-00103

Thank you,

RUSSELL D BRITO
division manager
urban design & development
o 505.924.3337
e rbrito@cabq.gov
cabq.gov/planning

Begin forwarded message:

From: "klmiller123 at sbcglobal.net" <form_engine@fs6.formsite.com>
Date: February 3, 2020 at 5:30:27 PM MST
To: "Brito, Russell D." <RBrito@cabq.gov>
Subject: Public Comment from Joel Miller to OPPOSE PR-2018-001402/VA-2019-00103
Reply-To: <klmiller123@sbcglobal.net>

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Failing to preserve the Poole property as a cultural, educational and artistic site will also neglect the positive appreciation in values of current home that can result from such a center. Let's make the Andalucia neighborhoods and surrounding residences a mecca for the west side and create a cultural identity of which we can all be proud.

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--arroyos (Policy 11.3.2);
--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

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I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-20 00103.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-20 00103.

---

cc'd to: District 1, Office of District 1 Councilor, letter(s) will be sent to the correct individual at the office o the honorable and former (deceased) Councilor Ken Sanchez: Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gc

---

and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, letter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gc
and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.
and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Joel

Miller

4608 Cayetana PL NW

Albuquerque

NM

87120-4669

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klmiller123@sbcglobal.net

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 24, 2019 8:34 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Miamon Miller regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 23, 2019 9:46 PM
To: Brito, Russell D.
Subject: Public Comment from Miamon Miller regarding PR-201B-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

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➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(1)(c))
--Wetlands (5-2(C)(1)(d))
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--Rock outcroppings (5-2(C)(1)(h))
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--Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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cc'd to:	District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
	Miamon
	Miller
	2621 Matthew Pl NW
	Albuquerque
	NM
	87104
	miamon@earthlink.net

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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of almirabal01 at hotmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, December 29, 2019 2:04 PM
To: Brito, Russell D.
Subject: Public Comment from alfonso mirabal regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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cc'd to:	District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
	alfonso
	mirabal
	17 pool st
	albuquerque
	nm
	87120
	almirabal01@hotmail.com

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, January 06, 2020 10:24 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Ron Mittan to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, January 06, 2020 9:53 AM
To: Brito, Russell D.
Subject: Public Comment from Ron Mittan to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

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1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.

District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
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District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Ron

Mittan

5024 Sevilla Ave NW

Albuquerque

NM

87120

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rgmittan@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of lmorris711 at comcast.net <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 4:00 PM
To:	Brito, Russell D.
Subject:	Public Comment from Letitia Morris regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(I)(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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov

---

Letitia

Morris

1515 Los Arboles NW

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lmorris711@comcast.net

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of cara3cara05 at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 21, 2019 3:39 PM
To:	Brito, Russell D.
Subject:	Public Comment from Joan Morrison regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:

1. sensitive lands; 5-2(C)(1) p198 - this property is adjacent to sensitive lands in the Oxbow Wetland and open space. Erosion is an issue that has not been appropriately addressed. Significant erosion is already currently an issue along the bluff. It is unclear how the problem will be mitigated by the updated site plan's development flows. Also, the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

2. major public open space - this property is adjacent to existing open space, which will be negatively affected by this development

3. contiguous open space; 5-2(H)(2) p205-206 - the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands

4. landscaping; Goal 10.3; CP10.3.4 - It is also incredible to me that WATER is NEVER a discussion item for this proposal. Landscaping will use ever more of our precious groundwater, negatively affecting the Rio Grande.

5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3 - this proposed development will negatively affect the Oxbow Wetland, which is one of only a few remaining such wetlands along the Rio Grande. It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-

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001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies
➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site

plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas. This project is adjacent to sensitive lands of the Oxbow Wetland, which will be negatively affected by this project.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions
It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project. These include opposition from engineers, wetland scientists and hydrologists, and wildlife biologists.

(D) Other Matters
➢Sensitive Lands
It is clear the updated project site plan does not expliain how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:
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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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from

said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators). Development of this property will lead to erosion of the slopes into other sensitive lands.

➢No Negative Impact
It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

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natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
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District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Joan

Morrison

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NM

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cara3cara05@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of tom at muccilaw.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 28, 2019 8:45 PM
To: Brito, Russell D.
Subject: Public Comment from Thomas Mucci regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant

to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

Thomas

Mucci

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tom@muccilaw.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of peggyd333 at yahoo.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 10:10 PM
To:	Brito, Russell D.
Subject:	Public Comment from Peggy Neff regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov

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Peggy

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peggyd333@yahoo.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, January 06, 2020 9:03 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Peggy Neff to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, January 06, 2020 8:58 AM
To: Brito, Russell D.
Subject: Public Comment from Peggy Neff to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions. And I include reference to objections from West La Cueva NA regarding the Planning Department's use of a unique mapping system distinctly different than the representational maps of the city districts. This process has disenfranchised neighborhoods and removed community voice in the planning process in large areas throughout the city especially areas along major commercial and transportation routes.

In addition it is noted that the issue of violation of Open Meetings Act can be seen systemically in regard to the mapping of PD and PC zoning throughout the city. This zoning was used to tag properties throughout the city with significant economic values that previously under sector plans had various limitations for development. This amounts to site zoning, allowing various expanded uses, increased densities and heights while negating due process to residents and neighborhoods. Closed door meetings were used to determine the mapping of and transition of sites to PD and PC zoning, residents and neighborhoods were not included nor informed during this process. Furthermore this was done at the same time that sector plans covering the same sites were in negotiation with residents and neighborhoods at the same time.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

Peggy

Neff

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peggyd333@yahoo.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of cnoftsker at gmail.com <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 9:36 PM
To:	Brito, Russell D.
Subject:	Public Comment from christina noftsker regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov

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District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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christina

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noftsker

---

15 Tennis Ct NW

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cnoftsker@gmail.com

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P

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 24, 2019 1:58 PM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Florence Pedersen regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Tuesday, December 24, 2019 1:01 PM
To: Brito, Russell D.
Subject: Public Comment from Florence Pedersen regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific

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to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions
It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters
➢Sensitive Lands
It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:
--Steep slopes (5-2(C)(1)(b))
--Unstable soils (5-2(C)(1)(c))
--Wetlands (5-2(C)(1)(d))
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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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact
It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov

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Florence

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of lynn at broussardperls.com <form_engine@fs6.formsite.com>
Sent:	Sunday, January 05, 2020 3:30 PM
To:	Brito, Russell D.
Subject:	Public Comment from N. Lynn Perls to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

As a life long homeowner, resident, and active participant in my neighborhood association within Council District 1, my Father now lives in Council District 5, and as a former office building owner in Council District 2, I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is

directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
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--arroyos (Policy 11.3.2);
--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and

--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov

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N. Lynn

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of wpilart at msn.com <form_engine@fs6.formsite.com>
Sent:	Monday, December 23, 2019 8:55 AM
To:	Brito, Russell D.
Subject:	Public Comment from Willa Pilar regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

What about our water?
Flowing underneath the Lands of Poole is an artesian spring that feeds the San Antonio oxbow and preserves it from the contamination of the Rio Grande.

Even when the volume of the Rio Grande drops, the spring continues to flow.

This spring could be a drinking water source if properly protected.

To date, no assessment of how siting tract homes on top of this spring has been conducted.

I OBJECT to the City Council's decision to limit the findings that are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Willa

Pilar

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wpilart@msn.com

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

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of Tad1pohl at gmail.com <form_engine@fs6.formsite.com>
Sent: Sunday, December 22, 2019 9:24 AM
To: Brito, Russell D.
Subject: Public Comment from Jennifer Pohl regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
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4. landscaping; Goal 10.3; CP10.3.4
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I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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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(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

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➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed

to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Jennifer

Pohl

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Tad1pohl@gmail.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of Lisaprice12 at yahoo.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 3:45 PM
To:	Brito, Russell D.
Subject:	Public Comment from Elizabeth Price regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

These are sensitive lands, at the very least there should be a Sensitive Lands Analysis done.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

---

Elizabeth

Price

4704 Mi Cordelia Dr. NW

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Lisaprice12@yahoo.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, January 06, 2020 8:48 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Walter Putnam to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Sunday, January 05, 2020 6:07 AM
To: Brito, Russell D.
Subject: Public Comment from Walter Putnam to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov

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District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov

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Walter

Putnam

---

4 Tennis Ct NW

Albuquerque

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87120

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zarafanm@gmail.com

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R

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of raje39 at icloud.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 6:41 AM
To:	Brito, Russell D.
Subject:	Public Comment from Mary Raje regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
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4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

This land is unusually sensitive since it borders and overlooks the Oxbow wetland and potential for environmental damage must be evaluated carefully.
There are no short cuts to protecting this wetland.
I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

There are no short-cuts to protecting this sensitive wetland. Once it is lost, it cannot be reclaimed. All environmental studies must be carefully and thoughtfully completed before any building projects are approved.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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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(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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant

must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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))
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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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
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--public park;

--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

Mary

Raje

1213 Granite Ave NW

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raje39@icloud.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of lrizek at yahoo.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 11:57 AM
To:	Brito, Russell D.
Subject:	Public Comment from Lynnette Rizek regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

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➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
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District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Lynnette

Rizek

2805Bosque del Sol NW

Albuquerque

NM

87120

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lrizek@yahoo.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Sunday, February 02, 2020 8:24 PM
To: Lehner, Catalina L.
Cc: Williams, Brennon
Subject: Fwd: Public Comment from Joan Robins to OPPOSE PR-2018-001402/VA-2019-00103

Thank you,

RUSSELL D BRITO
division manager
urban design & development
o 505.924.3337
e rbrito@cabq.gov
cabq.gov/planning

Begin forwarded message:

From: "1robins at swcp.com" <form_engine@fs6.formsite.com>
Date: February 2, 2020 at 4:37:15 PM MST
To: "Brito, Russell D." <RBrito@cabq.gov>
Subject: Public Comment from Joan Robins to OPPOSE PR-2018-001402/VA-2019-00103
Reply-To: <1robins@swcp.com>

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously rais by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, includ but not limited to:

1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issue: previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018 001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions spec to 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 site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lan (p. 453)

(b) Cluster Development Dwelling: A development type that concentrates single-family or two-famil 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. 45

(c) Common Open Space: The area of undeveloped land within a cluster development that is set asid 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 spa is a separate lot or easement on the subdivision plat of the cluster development. (p. 479)

(B) Site Plan and Deficiencies
➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depic traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acre as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for comm open space because the project site uses existing preserved lands; there is no exchange "in return" fo preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated s: plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating los and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when IDO Section 5-2(C)(4) implies that fewer lots should be considered for property adjacent to sensitive lands and that the proposed sit design avoid sensitive flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated proje site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions
It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, incluc the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC wh directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) a C(3) as they are written by City Council. The City Council's instructions are binding, and not allowe to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the F Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters
➢Sensitive Lands
It is clear the updated project site plan does not explicate how the cluster development avoids sensiti lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has b fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are lik outstanding, deficient, omitted, or avoided:
--Steep slopes (5-2(C)(1)(b))
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--Escarpments (5-2(C)(1)(g))
--Rock outcroppings (5-2(C)(1)(h))
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--Archaeological sites (5-2(C)(1)(j)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from

said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact
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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-20 00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, riv arroyo, and open space ecosystems and sensitive habitat.

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pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions. I ASK THAT THE BEST INTENTIONS IN PRESERVING THIS PRICELESS LAND AND WETLANDS BE HONORED IN DELIBERATION. 100 SPECIES OF BIRDS FREQUENTING THIS AREA ARE PROTECTED BY THE MIGRATORY SPECIES ACT AND SHOULD NOT BE IGNORED NOR OTHER PROTECTED SPECIES.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

cc'd to:	District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
	Joan
	Robins
	3565 Rio Grande Blvd NW
	Albuquerque
	NM
	87107-3086
	1robins@swcp.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of rossbachd at msn.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 10:09 AM
To:	Brito, Russell D.
Subject:	Public Comment from Dianne Rossbach regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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(B) Site Plan and Deficiencies;
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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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Dianne

Rossbach

PO Box 13263

Albuquerque

NM

87192-3263

rossbachd@msn.com

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S

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, January 13, 2020 8:32 AM
To: Lehner, Catalina L.
Cc: Williams, Brennon
Subject: FW: Public Comment from Susan Saunders to OPPOSE PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com <form_engine@fs6.formsite.com>
Sent: Sunday, January 12, 2020 9:31 AM
To: Brito, Russell D. <RBrito@cabq.gov>
Subject: Public Comment from Susan Saunders to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

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It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to this

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(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

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➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the

City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

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--the problem will be mitigated by the updated site plan's development flows; and
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It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.
District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

---

Susan

Saunders

3815 Tundra Swan Ct NW

Albuquerque

NM

87120-4111

KELPINALMATY@GMAIL.COM

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of KELPINALMATY at GMAIL.COM <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 8:03 AM
To:	Brito, Russell D.
Subject:	Public Comment from Susan Saunders regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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

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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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➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

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➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

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➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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Susan

Saunders

3815 Tundra Swan Ct NW

Albuquerque

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87120-4111

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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of oporornis at yahoo.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 21, 2019 4:38 PM
To: Brito, Russell D.
Subject: Public Comment from Steven Siegel regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

This land is too valuable and in too beautiful a spot to be wasted on some housing development. It should be public space. The structures already there would be perfect for meetings, weddings, etc. The grounds would make a memorable and well-attended garden in a rapidly growing part of town that has none. Don't let the next generation say "We should have saved this". There will not be another chance once the 73 (or is it 76?) postage-stamp, cookie cutter buildings this developer is known for are crammed into this lot.

In addition, and not mentioned before, consider this. Thousands of Albuquerque residents and visitors hike the trail at the Alameda Open Space every year. The climax of this walk is at the end of the trail when you step onto the bank of the Rio Grande. This property abuts the trail, actually stands over it, just before you get to the river. Right now the walk is peace. With this asinine development it will end in the ruckus you expect in a crowded neighborhood. Please don't do this to us.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez:

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to: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
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Steven

Siegel

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oporornis@yahoo.com

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of chuckinnabq at msn.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 22, 2019 10:23 AM
To:	Nair, Sarita
Subject:	Public Comment from Charkes Silver regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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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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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

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It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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Charkes

Silver

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Corrales

New Mexico

87048

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chuckinnabq@msn.com

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Friday, December 27, 2019 9:45 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Gail Stephens regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Tuesday, December 24, 2019 3:50 PM
To: Brito, Russell D.
Subject: Public Comment from Gail Stephens regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
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(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 undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

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Gail

Stephens

4709 Mijas Drive NW

Albuquerque

New Mexico

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john_stephens@comcast.net

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of anthony_strippoli at hotmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 10:49 AM
To:	Brito, Russell D.
Subject:	Public Comment from Anthony Strippoli regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Anthony

Strippoli

1 Arco Ct. NW

Albuquerque

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anthony_strippoli@hotmail.com

T

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of aetaylor at unm.edu <form_engine@fs6.formsite.com>
Sent:	Saturday, December 28, 2019 8:33 PM
To:	Brito, Russell D.
Subject:	Public Comment from Anne Taylor regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.
Anne Taylor

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and

C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.
Anne Taylor, La Luz

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

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--the problem will be mitigated by the updated site plan's development flows; and
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It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

In Summary I OPPOSE the "updated site plan - EPC";

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.
Anne Taylor, La Luz

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Anne

Taylor

9 Tumbleweed nw

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NM

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aetaylor@unm.edu

This email was sent to RBrito@cabq.gov as a result of a form being completed.
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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of lloydthrap at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 5:31 PM
To:	Brito, Russell D.
Subject:	Public Comment from Lloyd Thrap regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
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I RESTATE any and all previously submitted objections and oppositions.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov
District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov
District 3, Councilor Klarissa Peña, leter(s) will be sent to Councilor Klarissa Peña: kpena@cabq.gov and Policy Analyst Cherise Quezada: cquezada@cabq.gov
District 4, Councilor Brook Bassan, letter(s) once Councilor Bassan's contact information is made available.

District 5, Councilor Cynthia Borrego, letter(s) will be sent to Councilor Cynthia Borrego: cynthiaborrego@cabq.gov and Policy Analyst Susan Vigil: susanvigil@cabq.gov
District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov
District 7, Councilor Dianne Gibson, letter(s) will be sent to Councilor Diane Gibson: dgibson@cabq.gov and Policy Analyst Charlotte Chinana: cchinana@cabq.gov
District 8, Councilor Trudy Jones, letter(s) will be sent to Councilor Trudy Jones: trudyjones@cabq.gov and Policy Analyst Aziza Chavez: azizachavez@cabq.gov
District 9, Councilor Don Harris (Vice-President), letter(s) will be sent to Councilor Don Harris: dharris@cabq.gov and Policy Analyst Bonnie Suter: bsuter@cabq.gov

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Lloyd

Thrap

---

609 Encino PL NE 614

Albuquerque

New Mexico

87102

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lloydthrap@gmail.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
Click here to report unwanted email.

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of blublur95 at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 8:03 PM
To:	Brito, Russell D.
Subject:	Public Comment from Patrick Trujillo regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

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➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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);
--Rio Grande River (Policy 10.3.4);
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--public park;
--wildlife habitat;
--recreational trails;
--watershed management; and
--drainage functions.

I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

---

cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

---

Patrick

Trujillo

5707 Morgan Ln NW

Albuquerque

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87120

blublur95@gmail.com

UV

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 31, 2019 8:20 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Andrea Urbina regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 30, 2019 11:29 AM
To: Brito, Russell D.
Subject: Public Comment from Andrea Urbina regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
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4. landscaping; Goal 10.3; CP10.3.4
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I respectfully submit to the record this letter to state that:

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I OPPOSE the "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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Andrea

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Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of joevalles at aol.com <form_engine@fs6.formsite.com>
Sent: Sunday, January 05, 2020 9:48 PM
To: Brito, Russell D.
Subject: Public Comment from Dr. Joe L. Valles to OPPOSE PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

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3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
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I RESTATE any and all previously submitted objections and oppositions.

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---

Dr. Joe L.

Valles

5020 Grande Vista Ct. NW

Albuquerque

New Mexico

87120

joevalles@aol.com

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W

Lehner, Catalina L.

From: form_engine@fs6.formsite.com on behalf of terry.williams3907 at gmail.com <form_engine@fs6.formsite.com>
Sent: Saturday, December 28, 2019 8:11 PM
To: Brito, Russell D.
Subject: Public Comment from Terrence Williams regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

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I OPPOSE the "updated site plan - EPC";

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➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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terry.williams3907@gmail.com

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Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of mchlwlsn at gmail.com <form_engine@fs6.formsite.com>
Sent:	Sunday, December 29, 2019 9:45 AM
To:	Brito, Russell D.
Subject:	Public Comment from Michael Wilson regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

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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

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(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

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To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

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It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

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In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

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It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

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I RESTATE any and all previously submitted objections and oppositions.

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Michael

Wilson

2220 N Silverbell Rd, #2109

Tucson

AZ

85745

mchlwlsn@gmail.com

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Lehner, Catalina L.

From: Brito, Russell D.
Sent: Monday, December 23, 2019 11:35 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Patricia Willson regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Friday, December 20, 2019 9:48 PM
To: Brito, Russell D.
Subject: Public Comment from Patricia Willson regarding PR-2018-001402/VA-2019-00103

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---

cc'd to: District 6, Councilor Pat Davis, letter(s) will be sent to Councilor Pat Davis: patdavis@cabq.gov and Policy Analyst Sean Foran: seanforan@cabq.gov

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Patricia

Willson

505 DARTMOUTH Dr. SE

Albuquerque

NM

87106

info@willsonstudio.com

This email was sent to RBrito@cabq.gov as a result of a form being completed.
Click here to report unwanted email.

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This message has been analyzed by Deep Discovery Email Inspector.

Lehner, Catalina L.

From:	form_engine@fs6.formsite.com on behalf of rowingtwo at yahoo.com <form_engine@fs6.formsite.com>
Sent:	Monday, December 23, 2019 9:09 AM
To:	Brito, Russell D.
Subject:	Public Comment from Clemency Wings regarding PR-2018-001402/VA-2019-00103

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I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, including but not limited to, single project site, cluster development design, open space calculations, setbacks, sensitive lands, major public open space, contiguous open space, AMAFCA easement, landscaping, connectivity, hydrology concerns, and adverse impacts to surrounding natural/cultural landscapes, common open space and contiguous open space violations, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103.

I RESTATE any and all previously submitted objections and oppositions.

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 2, Councilor Isaac Benton, letter(s) will be sent to Councilor Isaac Benton: ibenton@cabq.gov and Policy Analyst Diane Dolan: ddolan@cabq.gov

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XYZ

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Tuesday, December 31, 2019 8:22 AM
To: Lehner, Catalina L.
Subject: FW: Public Comment from Yaeko Zeigler regarding PR-2018-001402/VA-2019-00103

From: form_engine@fs6.formsite.com [mailto:form_engine@fs6.formsite.com]
Sent: Monday, December 30, 2019 5:22 PM
To: Brito, Russell D.
Subject: Public Comment from Yaeko Zeigler regarding PR-2018-001402/VA-2019-00103

Dear Mr. Brito.

Please note my below message regarding PR-2018-001402/SI-2018-00171/VA-2019-00103.

This message is being cc'd to Sarita Nair (snair@cabq.gov), Janelle Johnson (janellejohnson@cabq.gov), James Aranda (jmaranda@cabq.gov), and Mayor Keller (tkeller@cabq.gov), as well as my City Councilor.

I OBJECT to the City Council's decision to limit the findings, which excluded issues previously raised by the public, all of which are pertinent to PR-2018-001402/SI-2018-00171/VA-2019-00103, including but not limited to:
1. sensitive lands; 5-2(C)(1) p198
2. major public open space
3. contiguous open space; 5-2(H)(2) p205-206
4. landscaping; Goal 10.3; CP10.3.4
5. adverse impacts to surrounding natural/cultural landscapes; 6-6(H)(3)(e) CP11.3.1/11.3.2/11.3.3

I RESTATE any and all previously submitted objections and oppositions.

I OPPOSE the updated site plan and object to the City Council's decision to limit the pertinent issues previously raised by the public and respectfully ask the EPC to deny approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

I understand that the issues relating to the remand findings include:
(A)Applicable IDO Requirements;
(B) Site Plan and Deficiencies;
(C) EPC Remand Instructions; and
(D) Other Matters.

I respectfully submit to the record this letter to state that:

(A) Applicable IDO Requirements
It is undisputed that the updated project site plan does not satisfy the text of the IDO definitions specific to 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)

(B) Site Plan and Deficiencies

➢It is undisputed that the updated project site plan is deficient as a "cluster development" and depicts a traditional, conventional subdivision layout in that it does not "concentrate buildings", such as the exemplary cluster design of La Luz Subdivision, which is an 1/8 mile from this site;

➢As stated by the Land Use Hearing Officer, "it is undisputed that there is no intent to phase the developments at the application site" [R.398];

➢It is undisputed that the updated project site plan is deficient in that the total site area of 23.75 acres as one project cannot exceed 50 dwelling units;

➢It is undisputed that the updated project site plan fails to satisfy requirements of the IDO for common open space because the project site uses existing preserved lands; there is no exchange "in return" for preservation; the updated site plan deceptively tries to cheat by covertly including existing common open space in its calculations;

➢It is undisputed that the updated project site plan does not satisfy "dedication" (IDO text) or/nor "designation" (applicant text) of: 1) a sediment pond and 2) AMAFCA easement; neither qualify for common open;

➢The record shows that the Open Space Superintendent and City Councilors "prefer development away from the eastern edge" which is the most sensitive boundary of the property, and the updated site plan dangerously develops the eastern edge, at the most sensitive portion, and creates devastating loss and damage to each type of qualifying sensitive lands on p198 [see D) below];

➢It is undisputed that the updated project site plan is deficient when 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 flood ways and flood fringe areas.

➢The updated project site plan clearly created higher density. It is undisputed that the updated project site plan fails to show how it avoids sensitive lands and/or minimizes problems arising from such density adjacent to and abutting sensitive lands, as noted at the August 5, 2019 City Council hearing by Councilor Borrego as a "huge issue to be resolved" by EPC.

(C) EPC Remand Instructions

It is clear the applicant is attempting to re-write the City Council's findings for C(2) and C(3). The applicant must not be allowed to set the direction for EPC Remand instructions, which are solely and strictly the authority of the City Council, not the applicant. The EPC is expected by all parties, including the public, to follow the City Council's instructions verbatim, legally and ethically. It is the EPC who is directed by City Council to solely, fully and wholly evaluate, explain and issue a decision for C(2) and C(3) as they are written by City Council. The City Council's instructions are binding, and not allowed to be arbitrarily and capriciously rewritten by the applicant for the benefit of the applicant. The applicant cannot act as consultant to the EPC.

This is particularly relevant to this case because this site includes sensitive lands, large strands of mature trees, US Waters, and adjacency to major public open space and protected lands such as the Rio Grande Valley State Park, Bosque, Rio Grande River, San Antonio Oxbow Wetland, San Antonio Oxbow Open Space, Montano Pueblo Open Space, and San Antonio Arroyo.

To date, this case has received hundreds of public submissions that oppose the project.

(D) Other Matters

➢Sensitive Lands

It is clear the updated project site plan does not explicate how the cluster development avoids sensitive lands. To date, the record lacks clear, reliable evidence showing how each of the criteria below has been fully analyzed and assessed, in spite of the staff planner's request to provide it and the Land Use Hearing Officer's confirmation of its importance to public safety. To date, those requirements are likely outstanding, deficient, omitted, or avoided:

--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)

In other words, the applicant must prove the above are not sensitive before granted approvals for the updated project site plan. The applicant must prove "structures will minimize problems arising from said development" (see p443, EPA Performance Controls for Sensitive Lands: A Practical Guide for Administrators)

➢No Negative Impact

It is the applicant, not appellants, who must provide and explicitly demonstrate that there will be no negative material or physical impact on the habitat values of the MPOS (per IDO Section 5-2(H)(2)(b)) and/or the sensitive lands above. No evidence has been provided to explicitly demonstrate material or physical impact on public safety, health, and welfare (e.g., fire safety). It is unclear from the updated project site plan that this cluster 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 and 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 "updated site plan - EPC";

I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

➢Major Public Open Space (MPOS)
It is obvious that the updated site plan does not have contiguous open space with the adjacent MPOS per IDO Section 5-2(H)(2)(a), which in this case is the San Antonio Oxbow Wetland (designated protection status); San Antonio Oxbow Open Space, Montano Pueblo Open Space, Rio Grande, and Rio Grande Bosque.

➢It is clear that significant erosion is currently an issue along the bluff. It is unclear how:
--the problem will be mitigated by the updated site plan's development flows; and
--the proposed buffer in the updated site plan does not mitigate conditions to the maximum extent possible.

➢Adverse, Harmful Impacts to Natural/Cultural Landscapes
It is clear the updated site plan does not protect native species, nor describe how native and cultural features will be protected and/or monitored and/or explicitly disclose what non-native species will be prohibited in order to protect on-site botanical ecosystems inexorably linked to adjacent wetland, river, arroyo, and open space ecosystems and sensitive habitat.

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I respectfully ask the EPC to DENY approval(s) for project PR-2018-001402/SI-2018-00171/VA-2019-00103.

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cc'd to: District 1, Councilor Ken Sanchez (President), letter(s) will be sent to Councilor Ken Sanchez: kensanchez@cabq.gov and Policy Analyst Elaine Romero: eromero@cabq.gov

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Yaeko

Zeigler

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