Supplemental Staff Report
(to be read with the original Staff Report published under the December 12, 2019 EPC hearing)

Agent: Consensus Planning, inc.
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 Addressed 5001 Namaste Road NW and between La Bienvenida Place NW and the Oxbow Open Space
Location: 23 acres
Existing Zoning: R-A
Proposed Zoning: N/A

Staff Recommendation
DEFERRAL of Project # 2018-001402 RZ-2018-00171 based on the Findings within this report

Summary of Analysis
This is a request for a Site Plan - EPC. The applicant proposes two cluster developments, totaling 76 single-family lots. The Bernalillo County assessor parcels are adjacent to Major Public Open Space (MPOS) and subject to applicable regulations.
This case was on the agenda for the December 13, 2018 EPC hearing, and the EPC voted to defer the case to the February 14, 2019 hearing in order for the applicant to have more time to meet the previous Conditions of Approval.
Staff recommends a 30-day deferral due to receiving several significant materials after the deadline for materials to be considered by staff (EPC Rules of Conduct B.12).
I. Introduction

Proposal

This is a request for a Site Plan-EPC for a property addressed 5001 Namaste Road NW at the end of the cul-de-sac between La Bienvenida Place NW and the City of Albuquerque Oxbow Major Public Open Space, and is surrounded by existing single-family development, and a City park to the north.

The subject site is comprised of three legally platted County assessor parcels, later subdivided into six City parcels, totaling approximately 23 acres and zoned R-A. All three of the County assessor parcels are adjacent to Major Public Open Space (MPOS) and subject to applicable regulations.

The applicant proposes two cluster developments, Cluster A with 26 lots and Cluster B with 50 lots, totaling 76 single-family lots. Single-family and cluster development are permitted uses in the R-A zone, and therefore the project is evaluated purely on meeting IDO site design regulations.

The applicant notified neighborhood associations and property owners as required. Staff received multiple letters, comments, reviews, reports, and petitions in opposition to the development. Staff did not receive any comments in support.

This case was originally on the December 13, 2019 EPC hearing agenda. The EPC voted to defer the project to the February 14, 2019 EPC hearing in order to give the applicant time to address the previous Conditions of Approval.

EPC Role

The EPC is hearing this case pursuant to the Integrated Development Ordinance (IDO), Site Plan – EPC, Section 6-6(H)(1)(b)3, which requires EPC Site Plan approval prior to any platting action for a site 5 acres or greater adjacent to Major Public Open Space (MPOS).

EPC Rules of Conduct – Written Materials and Other Documents

Pursuant to EPC Rules of Conduct B.12:

“All written materials including petitions, legal analyses, and other documents should be submitted to the Planning Department at least 10 days prior to the EPC hearing, in time for full consideration by staff and presentation to the EPC prior to its regular scheduled meeting.”

This deadline for submittal of significant materials is reflected on the EPC Application and Hearing Schedule published on the City’s website. For the February 14, 2019 EPC hearing that deadline date was Monday February 4, 2019. The applicant submitted significant materials to Planning Staff after this date, and staff was unable to fully analyze the late materials in time to include them in the staff report due to posted on February 7, 2019.
Planning staff recommends deferral of the case to be able to carefully review and analyze these late submittal materials in order to provide the Planning Commission, the public, and the applicant a cogent and comprehensive review and analysis of the submitted project.

It is within the EPC’s purview to defer if the EPC determines that additional information is necessary or beneficial to render a decision pursuant to EPC Rules of Conduct B.7 e.

**Timeline**

Planning staff received the Site Plan in a timely manner, but required, accompanying materials related to Site Design and Sensitive Lands standards and requirements were not submitted until a much later date. These required documents and materials include technical items such as those requested by the City Hydrologist. The following is a timeline of the requests for information and the late responses:

- 01/17/2019 – Received revised Site Plan.
- 01/24/2019 – Planning staff requested updated project letter with updated description, updated response to Site Design and Sensitive Lands criteria, contact with City Forester, updated Sensitive Lands Diagram, and two other questions from the public.
- 02/04/2019 – Planning staff re-requested an updated project letter with updated description, updated response to Site Design and Sensitive Lands criteria, contact with City Forester (meeting was scheduled for February 6, 2019), updated Sensitive Lands Diagram, and two other questions from the public.
- 02/06/2019 – Received updated Sensitive Areas Exhibit, response to earlier questions from the public, response to hydrology comments, and report from City Forester.
- 02/07/2019 – Received updated justification letter.

Staff recommends a one-month deferral to fully analyze the Site Plan and the accompanying materials, to receive missing information, and provide the Planning Commission, the public, and the applicant a cogent and comprehensive review and analysis of the submitted project.
SUPPLEMENTAL FROM STAFF
2/6/2019

Cheryl Somerfeldt
City of Albuquerque Planning Department
600 2nd NW
Albuquerque, NM 87102

Dear Cheryl,

I’m writing to confirm the results of our visit to the Poole property on Namaste Rd NW this morning. I was requested to do a site visit to evaluate the condition of existing trees on the property, relative to proposed development at the site.

There are some trees that are healthy enough to warrant consideration for retaining. On the east side of the entry way there are a few Arizona cypress that are of good size and appear to be quite healthy, based on the fullness of the canopies. These should be considered for retaining.

Just north of those is a small stand of pinyon pine (noted on the report by Doug Bishop, Landscape Architect with Hilltop Landscape). While about ¼ of these trees are dead, and another one is losing vigor rapidly (I suspect a buried stem-girdling root to be the problem), there are 6-7 that are healthy enough to warrant consideration. They are suffering somewhat from the lack of dedicated irrigation, but are still holding needles from 5-7 years back, an indication of reasonable health.

Around the small house in the middle of the property there are numerous pinyon trees in good condition. However, if that structure is going to be demolished, and the grade lowered to match the rest of the site, that will cause significant long-term damage, or more immediate decline and death, to those trees. Given the likelihood of land surface change, I would not expect those trees to survive and thus would not consider them for retaining, unless the site plan can be adjusted to keep the existing grade.

Even with that, the demolition and subsequent construction of new homes will strongly and negatively impact the future viability of trees growing near either of the existing houses on the site. I would not consider it worthwhile to try to save any of the cottonwood trees or assorted other smaller broad-leaf trees, nor any of the Austrian black pines. Some of the ponderosa pines are in good condition, but very close to the buildings to be demolished, and likely to suffer irreparable damage during said demolition.

I very much appreciate the opportunity to evaluate these trees on behalf of the City of Albuquerque.

Joran Viers
City Forester
Park Management Division
P.O. Box 21037
Albuquerque, NM 87154
O: 505-768-5196
javiers@cabq.gov
### City of Albuquerque
### ENVIRONMENTAL PLANNING COMMISSION (EPC)
### 2019 APPLICATION AND HEARING SCHEDULE

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<th>Legal Ad Published (Wednesday) Note: the date listed is the 15-day requirement for publication. Actual publication may occur earlier</th>
<th>Deadline to submit materials for full consideration by staff (EPC Rules of Conduct B.12) Monday 9:00 AM</th>
<th>EPC Hearing Agenda &amp; Staff Reports posted on COA website Thursday 3:00 PM</th>
<th>48 Hour-rule deadline to submit limited, clarifying materials (EPC Rules of Conduct B.12) Tuesday 9:00 AM</th>
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Jim,
Can you please answer the following regarding the Poole/Oxbow project (new material must be submitted this week):

- Will the existing sewer be relocated?
- Will the existing retaining walls and boundary walls be modified?
- Can you let me know why the AMAFCA easement agreement was submitted for the EPC record at this time?
- Do you intend to submit an updated project letter with updated project description including clustering etc.?
- Please submit an updated memo for Section 5-2 (C) criteria – please answer all 4 criteria, not just criterion 1?
- Have you contacted the City Forrester? Viers, Joran A. javiers@cabq.gov – meeting scheduled for Wednesday 10:30am.
- Do you intend to submit an updated Sensitive Lands Diagram with any additional information such as that from the Forrester.

CHERYL SOMERFELDT
current planner
o 505.924.3357
e csomerfeldt@cabq.gov
cabq.gov/planning
Hello Jim,
The following are questions regarding the Poole/Oxbow case. Thank you for forwarding the Site Plan set.

Can you submit the following additional information:

- Updated project letter with updated project description including clustering etc.
- Updated description of meeting Section 5-2 (C) criteria.
- Have you contacted the City Forrester? Viers, Joran A. javiers@cabq.gov
- Updated Sensitive Lands Diagram with any additional information such as that from the Forrester.
- See Attached Hydrology comments.
- A member of the public has asked for an explanation for why the AMAFCA easement agreement was submitted for the EPC record at this time?
- A member of the public has asked if the existing sewer will be relocated and wants to confirm that the existing retaining walls and boundary walls will not be modified?

Thank you,

CHERYL SOMERFELDT
current planner
o 505.924.3357
e csomerfeldt@cabq.gov
cabq.gov/planning
Hello,

Just touching base regarding the Oxbow project... Per the EPC discussion at the December 13, 2018 public hearing, the EPC deferred the case 60 days in order to give the applicant sufficient time to address the Conditions of Approval (see attached) in the Site Plan design.

The deadline for submitting new applications for the February 14, 2018 EPC public hearing was December 27, 2018 and we have already begun the process of routing Site Plans to other agencies for their review and comments. Given the importance of the Hydrology Section, Traffic Engineering, and the Open Space Division for this case, time is needed to route the revised Site Plan to these agencies for review. Please send an updated Site Plan by end of business next Thursday January 10, so it may be routed to the appropriate agencies at that time. We would be happy to meet again early next week if you would like to discuss the relevant IDO standards.

Thank you,

CHERYL SOMERFELDT
current planner
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e csomerfeldt@cabq.gov
cabq.gov/planning
Hi Jim,

Thank you for your response. I am looking forward to receiving the digital copies Monday morning. We need to distribute the hard copies to the EPC on Thursday, so you do not have to deliver them on Monday if it is easier...

Thank you,

CHERYL SOMERFELDT
current planner
  o 505.924.3357
  e csomerfeldt@cabq.gov
  cabq.gov/planning

Cheryl,

We are working on responses and will provide those on Monday. The Site Plan and Landscape Plan have been amended and we are waiting on the updated grading and drainage and utility plans.

I will send you electronic versions of our response memo and the site plan and landscape plan Monday Morning along with hand delivery of a hard copy. I was planning on delivering hard copies of the new drawing set to you by the end of the day on Monday – that is the earliest we can get the prints done. How many copies do you need?

We are scheduled to be heard at a special Open Space Advisory Board meeting on December 4th. This will be our third meeting with them.

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

Just a reminder... Monday at 9am is 10 days prior to the December 13 EPC hearing and is therefore the deadline for materials to be analyzed by staff per the EPC rules of conduct #12. You may continue with the previously documents; however, the City may recommend deferral if it is determined that there is insufficient information for the EPC to make an informed decision at this hearing. If you intend to submit updates, please let me know.

Regarding this EPC case, we are expecting:
- An updated justification letter addressing 5-2(C).
- Regarding the Site Plan, the below IDO regulations have not yet been fleshed out:
  - 4-3(B)(2)(b). 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.
  - 5-2(H)(2) PropertiesAdjacent to Major Public Open Space 2. Locate on-site open space to be contiguous with the Major Public Open Space (applies to Cluster B).

Thank you,

Cheryl Somerfeldt
current planner
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Cheryl,

We are currently refining the plans we presented at the meeting on November 12th. We are also working on additional exhibits that address the cluster provisions.

I should have some materials to review with you all next week.

Thanks.

Jim Strozier, FAICP
From: Somerfeldt, Cheryl <csomerfeldt@cabq.gov>
Sent: Friday, November 23, 2018 4:34 PM
To: Jim Strozier <cp@consensusplanning.com>
Cc: Jaime Jaramillo <jaramillo@consensusplanning.com>; Brito, Russell D. <RBrito@cabq.gov>
Subject: FW: Poole / Oxbow ZEO determination on cluster development

Hello,
I just wanted to follow-up and see how we are moving forward with the EPC case? The below email (sent 11/16/2018) and a previous email sent (11/13/2018) outlined some remaining questions. You may use the OSD letter to address section 5-2(H)(2), but the applicant’s project letter should discuss 5-2(C).
The diagrams of the Site Plan still appear not to meet 4-3(B)(2)(d)3 and 5-2(H)(2)(a)2 for Cluster B. Can we expect updated pdfs of the Site Plan and project letter early next week for the staff report (drafts due November 30)? We will also need updated hard copies for the EPC by December 5.

Thank you,

CHERYL SOMERFELDT
current planner
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e csomerfeldt@cabq.gov
cabq.gov/planning

From: Somerfeldt, Cheryl
Sent: Friday, November 16, 2018 12:34 PM
To: 'Jim Strozier'; 'Jaime Jaramillo'
Cc: Brito, Russell D.; 'Mackenzie Bishop'; 'Abrazo Homes'; 'Christopher Scott'; 'Michael Balaskovits'; 'Chris Green'; 'Bill Chappell'; Martinez, Jacobo R.; Dicome, Kym; Gould, Maggie S.
Subject: Poole / Oxbow ZEO determination on cluster development

Hello,
The ZEO has made a determination regarding the project pursuant to IDO Use Specific Standards Section 4-3 (B)(2), Cluster Development: The Site Plan may be presented as one Site Plan with several Cluster Developments if each separate cluster is required to meet the Use Specific Standards 4-3(B)(2)a-g. Below are the items which would be conditioned.

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.
Setbacks on the edges of each cluster shall be pursuant to the underlying zone.

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.
How does Cluster A and B comply?

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).

A note shall be added to the Site Plan requiring each private open space to have its own separate HOA or entity responsible for its private open space.

5-2(H)(2) Properties Adjacent to Major Public Open Space
2. Locate on-site open space to be contiguous with the Major Public Open Space, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department.

All Clusters except Cluster A are on lots with adjacency to MPOS. Therefore, Cluster B is also subject to this regulation and on-site open space should be contiguous with MPOS.

Thank you,

Cheryl Somerfeldt
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This message has been analyzed by Deep Discovery Email Inspector.