

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**CURRENT PLANNING SECTION**

**ENVIRONMENTAL PLANNING COMMISSION  
Project #: 2018-001198, SI-2019-00149,  
VA-2019-00188, VA-2019-00189, VA-2019-00190  
Hearing Date: July 11, 2019**

---

48-HOUR MATERIAL  
PUBLIC COMMENT

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM

## PROJECT MEETING REPORT—The Trails 3 Neighborhoods

**Project #:** Pre-Application  
**Property Description:** Three neighborhoods in The Trails—Catalonia, Valle Prado, Durango

**Date Submitted:** June XX, 2019  
**Submitted By:** Philip Crump

**Meeting Date/Time:** May 29, 2019; 6:00 PM  
**Meeting Location:** Paradise Hills Community Center  
5901 Paradise Blvd. NW

**Facilitator:** Philip Crump  
**Co-facilitator:** Kathleen Oweegon

### Parties (individual names and affiliations of attendees are listed at the end of the report):

- **Owner:**
  - o PV Trails Albuquerque LLC
- **Agent:**
  - o Consensus Planning
- **Affected Neighborhood Associations (\*per CABQ notification requirements):**
  - o \*Westside Coalition of Neighborhood Associations (WSC)
  - o Paradise Hills Civic Association (PHCA)
  - o Taylor Ranch Neighborhood Association (TRNA)
  - o The Trails HOA
  - o Valle Prado residents

### Background/Meeting Summary:

The owner will be requesting variances for the three neighborhoods at The Trails that include Catalonia (a request to the EPC with the Site Plan), and Valle Prado and Durango (ZHE variance requests for future lots per existing DRB approved Site Plans): Building massing and second-story restrictions (increase from 50% of footprint to 75%), simplifying façade design parameters, and decreasing garage setback from residence front façade from 5 feet to 2 feet.

A complete summary of questions and concerns is included in the Meeting Specifics.

### Outcomes:

- While there were no specific objections by neighbors as to additional construction within the Trails, there were a number of concerns, including the nature of the requested variances as well as others.
- Neighbors expressed overall concerns with keeping as much open area as possible, by increasing the size of designated smaller lots as well as keeping the second stories limited to 50% rather than the requested 75%.
- They also said they wish that any new construction be similar to and compatible with the existing structures in the two neighborhoods which already have residences—Valle Prado and Durango.
- The agent emphasized that the applications will be requests—they are not guaranteed to be approved. He will provide the application numbers and hearing dates as soon as they are available.

### Meeting Specifics:

*All questions and comments from neighbors and other meeting participants in attendance are indicated with a Q. Answers are provided by various members of the applicant team, and the individual answering is identified if it is necessary for clarity. Q1, Q2, Q3, etc. indicate different neighbors discussing a common question or comment.*

- 1) Overview of Proposed Project – Jim Strozier
  - a) Assisting property owners who acquired the western-most portion of the Trails

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM

## PROJECT MEETING REPORT—The Trails 3 Neighborhoods

- i) Michael Voss – Consensus Planning
  - ii) Scott Steffen from Price Land Development Group
  - b) North is Paseo del Norte, Universe to the east, APS property and Petroglyph National Monument to the south and unincorporated Bernalillo County properties to the west.
    - i) All originally planned as Trails Sector plan
      - (1) The IDO eliminated the sector plans
      - (2) IDO translated 3 sector plans – Volcano Trails, Volcano Heights & Volcano Cliffs into Character Protection Overlay (CPO) #12
    - c) 3 different applications are to be submitted
      - i) Durango and Valle Prado applications will be submitted to the Zoning Hearing Examiner
        - (1) Southern-most is Durango
          - (a) The old way was to do a site plan, which was reviewed by DRB
          - (b) Lot sizes in Durango have changed from a 3 tier array
            - (i) The IDO changed it to 2 tiers
          - (c) Durango has an approved site plan that incorporates the three tiers of lot sizes previously required by the Sector Plan.
          - (d) The developer has lots within Units 3,4 and 5 in Durango
        - ii) North of Durango is Valle Prado, which has an approved site plan also
          - (a) The developer has lots within Units 4 and 5 in Valle Prado
          - (2) Both areas were partially developed under the previous owner/developer
        - iii) The developer owns tract #2 (aka Catalonia), which had no previous plan
        - iv) The Catalonia application will be submitted to the Environmental Planning Commission
          - (1) A post-IDO site plan was approved by EPC in February before request for variance post IDO
          - (2) As Consensus Planning was working with the home builders, they found issues with CPO#12
            - (a) The City suggested going back to EPC and requesting variances to CPO as a brand new application
            - (b) The EPC has reviewed lot sizes and circulation patterns for the previous application
    - d) For Durango and Valle Prado, which are requesting same variance, application is made to the ZHE for the units in Durango rather than DRB as in the pre-IDO process
      - (1) Site plans for Valle Prado & Durango referenced old sector plan and old sector plan rules
        - (a) DRB is not empowered to issue variances to existing site plans
      - ii) Big issue is that the Trails had its own sector plan and its own restrictions.
        - (1) If a site plan was silent on a particular issue, then the new IDO regulations apply
          - (a) For a 2-story development within The Trails, there was no size restriction for a 2<sup>nd</sup> story
          - (b) Under the IDO CPO 12, the second story is restricted to 50% of the first floor footprint.
  - 2) Requested Variance in Second Story size
    - a) Q: In existing buildings: What percentage of 2-story homes upper stories are at 75% of the footprint, how many are without a 2-story, and how many second stories are 50% of the footprint?
      - i) A: What we are asking for mimics what is there today
        - (1) There were no restrictions under the old code
    - b) Q: So IDO regulations overlay the existing 2-story regulations?
      - i) A: Prior to IDO and its CPO, the Trails sector plan had no restriction at that time on the size of a 2<sup>nd</sup> story related to the 1<sup>st</sup> floor, under which the bulk of The Trails was developed
        - (1) Of those 2-story houses, I don't know how many are at 100%, 75% or 50% of the 1<sup>st</sup> floor area – it varies and haven't been through all the neighborhoods to see
          - (a) Some on the east edge appear to have a 2<sup>nd</sup> story that is 100% of the 1<sup>st</sup> floor
          - (b) In the more central and more developed areas of Valle Prado, maybe less so
        - (2) When we talk about allowance of 75% of footprint for 2-story homes, that doesn't mean all houses will be 2-story, but only if people want that
- 3) Lot sizes
  - a) Q: Are you proposing that 2-story lots be allowed next to Petroglyph monument?
    - i) A: No, those would be restricted to 1 story in Catalonia and Durango

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM

## PROJECT MEETING REPORT—The Trails 3 Neighborhoods

- (1) The first row of Catalonia lots that face the street are required to be a minimum of 10,000 sq. ft. for 200 from the Petroglyph National Monument (the southern property line)
  - (2) Also, the adjacent lots to the Petroglyph National Monument within the Durango site plan are a minimum of 11,000 s.f.
    - (a) The boundary of the monument is on the western edge of Durango
  - b) Q: Beyond that first row, what about the next rows of lots in Catalonia?
    - i) A: They are required to be 5,000 sq. ft. minimum; I believe these are an average of 6,000 sq. ft. or greater. The smallest rectangular lots are 6,600 sq. ft. in the balance of the project.
  - c) Q: Are there any 5,000 sq. ft. lots?
    - i) A: No, not in Catalonia
  - d) Q: On Durango's proposed lots
    - i) A: Based on the previous Sector Plan, there are restrictions on the 2<sup>nd</sup> tier of lots; they had to be 6,000 sq. ft. minimum and those 2<sup>nd</sup> tier lots range from 6,300 to over 8,000 sq. ft., outside of that band, the lot sizes reduced to a 5,000 s.f. minimum.
      - (1) There's a line that runs North-South that separates the 11,000 sq. ft. requirement and the 2<sup>nd</sup> band of 6,000 sq. ft. lots and lots that are 5,200 & 5,300 s.f. in that little strip between Unit 1 (developed area) and the proposed development area.
  - e) Q: I don't see any of the 11,000 sq. ft. lots complying with setback of CPO
    - i) A: City has interpreted that the sector plan approved in old plan was not silent regarding setback; the setbacks were shown on the DRB approved site plan.
  - f) Q: Except in the IDO it states that when two plans conflict, the more stringent applies.
    - i) A: I believe you are incorrect but will have to look up the citation. I believe it is not applied correctly in this context
  - g) Q: The setback referred to the front of the house?
    - i) A: Site plans have indicated the setbacks as required by either the old Sector Plan (for Valle Prado and Durango and per the IDO for Catalonia).
      - (1) R1D zone, on lots that are greater than 10,000 sq. ft., are required to have larger setbacks in the IDO.
- 4) IDO and Approval Process
- a) Q: The whole intent of IDO is that all previous regulations go away
    - i) A: That is not true if that site plan was silent on that particular provision. Things not addressed in Trail that are now addressed in CPO and the City says they come into play. That is where we want the variances.
  - b) Q: The Site plan precedes the IDO?
    - i) A: Yes
      - (1) The site plan has precedence
      - (2) One thing we looked at relative to the massing requirement was that The Trails had no 2-story restrictions prior to the IDO
      - (3) Volcano Cliffs had those restrictions in place
      - (4) Montecito West and Montecito Vista went through the site plan process for cluster projects and two things happened
        - (a) They went in and requested variances—initially, larger lot sizes, but when they were clustered to create Open Space, the lots got smaller
          - (i) Montecito West requested variances for several things. One was massing; they got approval for raised allowance from 50% to 75% of footprint for the second story
          - (ii) Prior to Montecito Vista memorializing variances in the Sector plan, 1 was for massing—the only way to get smaller lots was to cluster. The 50% restriction was unworkable, so the limit was changed to 75% in approximately 2014 when that amendment was done for Volcano Cliff's sector plan – individual variances for individual lots was prior to that for Montecito Sector Plan.
  - c) Q: Now here is after-the-fact approval: the changes come. Why did you not do this in 2017 or 2018 and are now doing it in 2019? I am not expecting an answer.
  - d) Q: Are you doing cluster?

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM

## PROJECT MEETING REPORT—The Trails 3 Neighborhoods

- i) A: No but when the Trails Open Space network was created, the Trails sector plan created this open space network along with the allowable density within the future neighborhoods. What they did at that time was part of their justification for the zoning and development for the Trails. It was part of the justification and approval for the smaller lots than Volcano Cliffs. We were not part of that project.
  - e) Q: You're doing a lot of density.
    - i) A: Larger lots adjacent to the Monument were never anticipated.
- 5) Setbacks, density and amenities
- a) Q: What kinds of parks, trails and amenities are you providing based on what was approved already? You still have small lots and are getting away from the trail network and parks
    - i) A: The size of lots in Catalonia are 10,000 sq. ft. minimum on the south; they are designed larger than 5,000 sq. ft.; that was part of zoning and preserved outcropping. The area is relatively flat—there is a small outcropping at east edge of Catalonia
  - b) Q: You did what was required?
    - i) A: Yes
  - c) Q: After the February 14<sup>th</sup> hearing, why don't you expand the park around the outcropping on the east edge of Catalonia as an amenity? The views are important, so keep heights to 1-story and keep things more natural. The compromise was the 50% of footprint for a second story
    - i) A: I understand your point and do not agree with the smaller footprint and more parks. The anticipated builder for Catalonia is Pulte Homes. They want to build similar to Montecito West and Montecito Vista.
  - d) Q: Are those lots big enough for the largest Pulte home?
    - i) A: I don't know
      - (1) The other variance with reduction for a garage setback from the façade from 5 ft. to 2 ft. was approved as part of an amendment
  - e) Q: If Catalonia is required to preserve outcroppings, why not Valle Prado?
    - i) A: In the sector plan, certain outcroppings are required to be preserved. For Catalonia, we voluntarily identified outcroppings to preserve,
      - (1) When the previous developer did Durango and Valle Prado, some smaller outcroppings were not identified. I do not know why but maybe because outcropping preservation was not in the original sector plan
    - ii) Garage setback is 1 of 3 issues relative to the façade
      - (1) We are requesting a reduction from 5 ft. to 2 ft. setback of the garage from façade,
      - (2) The CPO can treat with front porch (we believe the façade requirements are unnecessarily complicated and are suggesting they be simplified), another option is a window, and another is a courtyard
      - (3) The two most important variance requests are massing (2<sup>nd</sup> story relative to footprint and the garage setback)
      - (4) For the garage setback, CPO requires the front of garage be a minimum of 5 ft. behind the façade. We are requesting it be reduced to 2 ft.
        - (a) Has significant impact on the livability of the inside of the house
  - f) N: We have similar sized and very livable homes. It is the developer who wants bigger houses. Your justification does not make sense.
  - g) Facilitator: It sounds like there is an implication that a smaller lot size would mean a smaller footprint.
    - i) So you want a larger 2<sup>nd</sup> story to create space within house?
      - (1) Jim: Correct
  - h) Q: Does this become a square box home?
    - i) A: The existing subdivision along the eastern edge of The Trails are 2-story boxes – second stories are probably very close to 100% of footprint
      - (1) Few, if any of the existing homes in The Trails can fit into 50%
  - i) Q: How long is the driveway if there is reduced setback?
    - i) A: The requirement is 20 ft. setback from the property line—the edge of the sidewalk—to allow a car to be parked and not intrude on the sidewalk.

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM

## PROJECT MEETING REPORT—The Trails 3 Neighborhoods

- ii) With the requested variance, the house is closer to the street and the driveway is still at 20 feet
  - (1) The currently required minimum setback is 15 feet from the property line to the house and therefore 20 feet to the garage. With the variance, the garage would stay at 20 feet and the house will be at 18 feet.
    - (a) With the variance, instead of the garage moving closer to the street, the house moves further back
- 6) Other topics
  - a) Q: Is PV Trails ABQ LLC a new entity?
    - i) A: It is the same as in February and different from who requested zone change last fall.
  - b) Q: How did they come into possession of this land?
    - i) A: They were the “bank” that held paper on the property. When the properties were foreclosed, they took them over
  - c) Q: Did they take debt, etc. too?
    - i) A: The title goes with the land, not the owner. Catalonia had no site plan under old developer, so no site plan was approved. Since this is a new project, it must follow new IDO guidelines
  - d) Q: Do you have a new site plan, or are you using the unchanged site plan from 3 or 4 years ago?
    - i) A: We are using the old site plan as starting point, but have proposed amendments to Valle Prado’s site plan.
      - (1) The Durango approved sector plan actually shows both a vehicular and pedestrian access to the Monument. One proposal will eliminate pedestrian and vehicular access because none allowed along the east side of the Monument and western boundary of Durango, at the behest of the Monument as well as the City
  - e) Q: Will there be landscaping of sidewalks? We prefer native landscaping.
    - i) A: Yes
  - f) Q: Will there be pedestrian access into the northern geologic window and trail?
    - i) A: No, originally the site plan showed a trail and maintenance road for the Monument
      - (1) We don’t want to build a road and trail that dead ends at a fence. People can drive or walk along the edge of the monument. The amended site plan is proposed to remove the dead end trail and roadway.
      - (2) We are planning to ask for same variances for Durango (ZHE), Valle Prado (ZHE) and Catalonia (EPC)
  - g) Q: If you knew in 2014 the rules about Montecito West and Montecito Vista, why Valle Prado and Catalonia (approved in Feb. 2019) R1B and changed to 5,000 sq. ft. lots, why you went to DRB and got approvals without those changes, and now you want to change that even though you knew for 5 years
    - i) A: We missed it when did the site plan for Catalonia. We missed CPO requirement for these items as part of our site plan. Had we caught it then we would have applied for it in February
    - ii) A: In the Land Use arena, we are allowed to ask for these variances. Staff may support some and not others. In 2014, when Montecito project was done, those rules didn’t affect anything with the Trails--the sector plan for Valle Prado and Durango. It was not working out here at the time. When the City proposed the overlays, we thought the rules in place prior to IDO would remain the same. The IDO put additional requirements on the Trails that had never existed before.
  - h) Q: Changes in IDO were based on best assessment at the time based on stakeholder input. If you are being grandfathered in under old sector plan--which wasn’t built as approved—and the new entity wants to do it slightly different, it should be under the new IDO, not grandfathered.
    - i) A: I do not entirely agree with you. In that example, if you had that permit because you bought a lot with it in place, and you then wanted to make changes to that and go through proper steps, that’s what we’re doing.
  - i) Q: What you’re doing here is using an approved as of an old site plan, but is really a new start – very different from what was approved before.
    - i) A: You’re right – one foot in each world trying to go through process to get into one.
      - (1) For Catalonia, it is all in the IDO; we will apply to the EPC tomorrow. This is letting you know in advance. Your reps will get that notice when the application is made as well. You’re

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM

## PROJECT MEETING REPORT—The Trails 3 Neighborhoods

right – had we known that when we went through and had been paying attention, we would have asked for it all at once. We do not like to go back and re-do what we just did.

(2) Both Valle Prado and Durango were partially built and then the recession stopped that.

- j) Q: I will be angry if I bought a big lot and then you put in tightly packed smaller lots, creating a ghetto in this area.
  - i) A: The lots proposed in Durango are of a similar size to the ones next door. Lots that are built are 50 to 60 ft. wide, which is what we're proposing. They range in size, but are pretty close in size.
- k) Facilitator: Concern is having too many and too small lots?
  - i) N: correct. How are you supposed to buy a home and be comfortable that it will hold value when you cram a bunch of homes there?
- l) Q: Valle Prado: how small are the lots?
  - i) A: 5,000 sq. ft.
- m) Q: Schools and bridges are already crammed and now you're going to make it worse.
- n) Q: In the portion of Valle Prado that is finished, many come closer to 70%. None of them are 100% or 50%. The thing I'm hesitant about is that the really small lots are close together, so if you make second stories no more than 50% to make it more open, and when you have a setback of 5 ft. (Valle Prado is 4 or 5 ft.) it adds charm. I want that for the rest of Valle Prado. With Catalonia and Durango, they are the capstone developments of the Trails. Give the capstones character. When you make lots smaller, they lose character. If you make the lots a little wider, that would help.
- o) N: Sandia Labs is hiring 2,000 people at 6 figure incomes. Those tech jobs are paying well; they want nice houses. Put in what people want: a big lot with a big home. Do that or better.
- p) Facilitator: You want to see more openness--larger lots, smaller 2<sup>nd</sup> stories, if at all, with increased setback for greater definition of facade, at a bigger price that can be afforded by the high-paid folks who are coming in. The applicant is making requests, which they don't know whether they will fly, but based on history and expectation, they think the changes will be carried over.
- q) N: Porches and courtyards pre-scripted for walkability. We want the houses to look nice, not boxes made of ticky-tacky. Not saying you're doing that, but CPO 12 is asking for that character. More variance will bring you more money. I hate to see this happen in my neighborhood, and not in my general area. It affects property values and schools in area.
- r) N: We want to keep the integrity of the existing community. If you do as you ask, two sections will have different personalities.
- s) N: For the City: There's a new round of things to change and add to IDO. The city should add: If you start something, it must be finished in the same manner. That it is not in there now, and that causes problems.
- t) Q: Regarding Durango – there's a sign at model homes regarding Hakes Brothers builders. Are they still working on that?
  - i) A: Hakes Brothers is under contract to build Valle Prado via purchased land in that area. They build across the street on 50 and 60 ft. wide lots. The builders said they wanted 45 ft. lots, not larger. They know what sells. (Many neighbors expressed disagreement)
    - (1) While the zoning is set, we are requesting variance.
- u) Q: You could rethink that.
  - i) A: It's a question of economics.
- v) N: If you will sell me the lot behind my house, I'll buy it and leave it open
- w) N: You should respect the wishes and needs of existing homeowners.
  - i) A: Existing lots are built out to the max on the sides. New houses on similar lots will still have 10 feet of space between houses. Lot size doesn't materially change the size of the house built upon it; house size remains the same.
- x) N: When Valle Prado opened up, everyone was wanting a 1-story Buxton house (?). That was possible because a 50 ft. house had to sit on 65 ft. lot Q: We made that point at the last meeting that we want more Open Space, fewer and larger lots, parks by outcrops, trails, etc. Why not provide amenities to the community? It is not just about property, but about community. This is not the 1<sup>st</sup> time we've said that.

# CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM

## PROJECT MEETING REPORT—The Trails 3 Neighborhoods

- i) A: We are not wanting any variance on R1B lots. R1B, when applied to vacant portion of Trails, was not consistent with the zoning that existed before that. Zoning in a lot of that area was R1A.
  - y) N: The whole idea was less density as you get closer to the petroglyphs. These are getting way too tall, and you're not making up for it by offering amenities.
    - i) A: Along the 200 ft. buffer, the houses are all single story,
  - z) Q: Wouldn't you say that Valle Prado and Durango are capstones of the Trails?
    - i) A: When built out and lived in, they both will be exceptional neighborhoods and at top end of quality. The builder who built halfway and stopped did you all wrong.
      - (1) The two areas closest to the Monument have larger lots, single-loaded streets, which are more expensive. That is what we are doing—the old Trails plan had staggered lot size restrictions, from 11,000 sq. ft. down to 5,000 sq. ft.
      - (2) In Catalonia, the zoning does not do that. Rather than go from 10,000 down to 5,000 sq. ft. lots, all lots in Catalonia are equivalent to the 2<sup>nd</sup> tier of Volcano Trails sector plan, in the old rules. North of 200 ft. buffer of area adjacent to the Monument.
        - (a) The premium lots are in areas adjacent to the Monument.
      - (3) In Valle Prado, new lots are proposed to be smaller than in original plan: around 5,000 sq. ft., some at 4,500, some slightly larger than 50' width with 10' of separation.
        - (a) We are requesting variances across the board for these products. Many lots in Durango and Catalonia are larger--over 6,000 sq. ft.--but not at the level of Volcano Cliff lots, which are approximately 1/4 acre and larger.
          - (i) So, those are more equivalent to the lots we are proposing along the edge. Single story for that lot size works.
            - 1. It is not a given that there will be 2-story homes. They are telling us they need to have the ability to build 2-story homes.
  - aa) Q: If you are asking for the same variances across all three subdivisions, are other developers asking for the same setback?
    - i) A: Yes.
      - (1) The garage and stairwell are all part of the footprint.
  - bb) N: Stairwell is not part of that 50% of upper story.
  - cc) N: I am hoping that the outcropping north of Valle Prado in the Open Space will be preserved
- 7) Applications for variances
- a) Jim: There is no EPC case planner for this yet, because we have not applied yet.
    - i) Jim will let everyone know who planner assigned will be.
    - ii) The ZHE planner is always Lorena Quintana-Patten

### Application Hearing Details:

Details will be forwarded to attendees after the applications are submitted and the schedules are known

### Names and Affiliations of All Attendees:

Jim Strozier	Consensus Planning
Michael Vos	Consensus Planning
Scott Steffen	Price Land Development Group
Mike Voorhees	Petroglyph Estates
Fabian Lopez	Rio Rancho
Marian Pendleton	Taylor Ranch NA
José M Mendez	Valle Prado
Joshua Beutler	Valle Prado
Tim Fuller	Valle Prado
Annette Schumacher	Valle Prado
René Horvath	West Side Coalition

July 8, 2019

**EPC: Project # 2018-001198: 3 Variance Requests for Trails Development**

Dear EPC Chairman Dan Serrano and fellow Commissioners,

The TRNA has been involved in the planning process for the Volcano Mesa Plan area since 2010, and would like to comment on the proposed variances for the Trails development.

**View protection: (IDO) (Volcano Mesa - CPO-12) 3-4(M)(4)**, building height is limited to a maximum of 18 feet, but may be increased to 26 feet on a maximum of 50 percent of the building footprint. The Applicant is pursuing a Variance to this regulation to increase the 26-foot height allowance to 75% of the building footprint.

**TRNA Response:** The Mesa top is one of the three main features that is unique to Albuquerque, and has been noted for special protection in numerous Planning documents. One of the area attributes are the views toward the volcanoes and mountains. TRNA has provided numerous comments in support of view protection for this area. Limiting homes to one story is preferred. The 50 % of the building foot print is the compromise. TRNA does not support the variance to the Building Ht. regulation, of the IDO - CPO-12.

**Garage setback: (IDO)(Volcano Mesa - CPO-12) 3-4(M)(5)(c) Table 3-4-1**, restrictions apply to garage design requiring a 5-foot minimum setback from the front of the dwelling. The Applicant is pursuing a Variance to this regulation to decrease the garage setback from 5-feet to 2-feet from the Front Façade for front-loaded garages.

**TRNA Response:** The garage setback provision is to provide articulation of the front façade so that it is more visually appealing. It also provides extra space for car parking as well. Existing homes have been abiding by this setback to help reduce the dominance of the garage on the street. There is no substantial reason to alter this practice for one development.

There is also growing concern that the lot sizes are becoming too small, thereby making the subdivisions and the driveways too cramped, forcing many cars to be parked on the streets. Therefore, TRNA does not support the variance to CPO-12 garage setback.

According to the staff report the third variance was withdrawn. Based on the reasons listed above TRNA supports the Planner recommendation to deny the remaining two variances.

Thank you,  
Rene' Horvath  
Land Use Director for TRNA

**Other Concerns mentioned at May 29th facilitated meeting:** There are **no parks being planned** in the plan area. Some of the original Trails subdivisions were designed to not only preserve the rock out crops, but to tie them together with a trail. This is a great public amenity that is not being continued. We would like to see more planning efforts in providing trails connections to rock out crops as well as providing decent size neighborhood parks to the Trails development.

July 2019

**In response to proposed variances that seek to change the garages setback and second story footprint established for proposed developments in Durango and Catalonia at the Trails**

To the members of the Albuquerque Environmental Planning Commission:

We appreciate your assistance in this matter as we seek to reach a suitable accord with the proposed developments in question. We each attended the facilitated meeting on May 29<sup>th</sup> and are familiar with the development history, proposed variances and the developer's reasoning for each variance.

In general, and in this instance, we oppose variances. This reasoning stems from the understanding that the IDO sets forth and enforces a set of standards that help preserve and ensure sustainable communities. Most variances request that the city or community give up some set of standards without reciprocating or compensating for the deficiencies that passage of a variance would create. This procedure of taking without giving creates a deficient community and would further exacerbate a lack of open space in the Durango and Catalonia developments if granted.

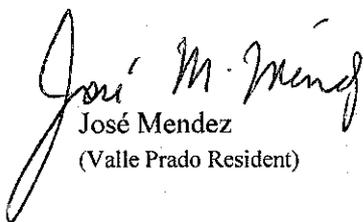
While Durango and Catalonia are different in that site plans for Durango were granted pre-IDO and site plans for Catalonia were granted under the IDO, they have many similarities that cause us to address our concerns for both developments in one statement. Both developments are adjacent to the open space and monument and have marvelous views the need to be preserved. Despite requests from several groups representing various coalitions and closer residences during the planning process, both developments are entirely deficient in open space. Unfortunately, while Durango is adjacent to an elementary school and both developments adjacent to city or national monument open space, no access has been granted by either entities to these developments that would allow use of the adjacent open space. The closest open park spaces are across Woodmont Ave. The future connection of Woodmont Ave with Ventana West Parkway and Paseo del Norte will turn this sleepy road into a thoroughfare and further isolate these communities from accessible open space. This deficiency in open space could be better tolerated if the community was expressly tailored for small households, but this community is next to the Volcano Vista K-12 block and it is anticipated by all, that a large number of children and adolescent youth will occupy these developments. Passage of these requested variances will further deprive these communities of much needed space.

The dense housing allowed by the IDO does not expressly address a reciprocal need for open space. However, it does preserve openness between houses by requiring liberal garage setbacks and limiting the area of the second story. The overall effect of these statutes is to create structures that are less imposing in their height and a structural base that is segmented (due to the setback) to create periodic pockets of space. Proximity to the national monument and city open space further establish the need for liberal setbacks and significantly smaller second stories as these will provide sought after views to these public treasures.

Should these variances be granted, we feel it would only be reciprocal in nature to also require that the developer dedicate a consolidated parcel consisting of 15% of the land within each development to an open space area that would be transferred to and maintained by the HOA.

In closing we desire to restate our disapproval for variances. While the recently passed IDO may have many flaws, these flaws should be addressed in amendment of the ordinance and not through the habitual granting of variances. When variances are granted, significant resources are drawn away from addressing general shortcomings in the IDO and instead expended to facilitate a special request or exception to the law. This practice makes the city ordinance appear as an obstacle that with sufficient effort can be overcome rather than a standard to abide by and design within.

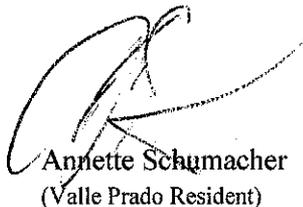
Sincerely,



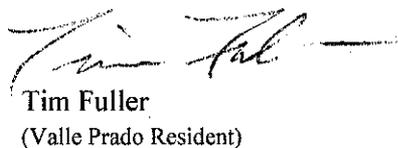
José Mendez  
(Valle Prado Resident)



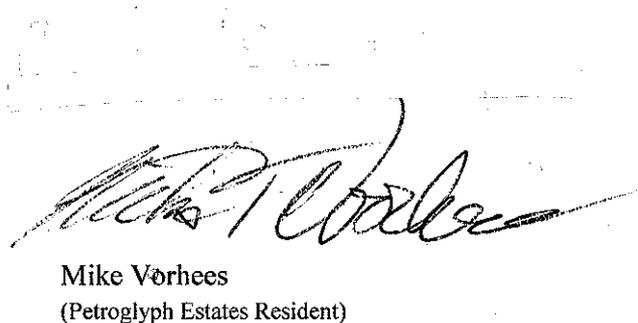
Joshua Beutler  
(Valle Prado Resident)



Annette Schumacher  
(Valle Prado Resident)



Tim Fuller  
(Valle Prado Resident)



Mike Vorhees  
(Petroglyph Estates Resident)

July 8, 2019

Dan Serrano, Chairman  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, New Mexico 87102



RE: Support for Project PR-2018-001198; Applications SI-2019-00149; and VA-2019-00188, 00189, and 00190 Site Plan-EPC for Catalonia @ The Trails

Dear Mr. Chairman:

On behalf of The Homebuilder's Association of Central New Mexico and our 740 members, we are pleased to provide this letter of support for the requested variances to the arbitrary restrictions included in the Integrated Development Ordinance's CPO-12. We support removing arbitrary obstacles to the development of this property with high quality, single family homes. Our members build homes for existing and new residents in the City of Albuquerque.

Our support for these variances is based on our opinion that the provisions in CPO 12 related to 2<sup>nd</sup> story massing and the garage setbacks were inappropriately applied to The Trails community. The purpose of CPO's as stated in the IDO is to preserve areas with distinctive characteristics worthy of conservation. CPO-12, rather than preserving the existing character of The Trails community, imposed new restrictions that are out of character with the existing community. The only characteristic of The Trails is its adjacency to a part of the Petroglyph National Monument, which is adequately addressed in the IDO and the R1-D zoning with larger lot sizes, single story homes along those edges, and a single loaded street. The building massing and garage setbacks required by CPO-12 are not unique to this area; in fact they are contrary to the characteristics of the community.

Our members build homes and respond to the demands of those consumers. They also respond to construction costs and building efficiency which helps keep costs down and helps maintain housing affordability. Both construction costs and livability concerns on R1-B lots with the 50 percent limitation makes building a 2<sup>nd</sup> story impractical and will result in a de-facto ban on 2 story homes. While some people may desire that our community only allow single story homes, the consumers have clearly voted to support a combination of single and two story homes. It is arbitrary in this case for the City to conclude that future development in The Trails shall be subject to a restriction that mandates future homes that are not consistent with the character of the existing community.

In conclusion, we support the requested variances to Catalonia and also support this issue being addressed as part of the first IDO Annual Update. We respectfully request that City staff and the EPC approve the requested variances.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John A. Garcia'. The signature is fluid and cursive, written over a light blue background.

John A. Garcia  
Executive Vice President  
**Home Builders Association of Central New Mexico**

4100 Wolcott Avenue NE, Suite B Albuquerque, NM 87109

July 8, 2019

Dan Serrano, Chairman  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, New Mexico 87102

RE: Support for Project PR-2018-001198; Applications SI-2019-00149; and VA-2019-00188, 00189, and 00190 Site Plan-EPC for Catalonia @ The Trails

Dear Mr. Chairman:

On behalf of Hakes Brothers, we are pleased to provide this letter of support for the requested variances to the arbitrary restrictions included in the Integrated Development Ordinance's CPO 12. We support removing arbitrary obstacles to the development of this property with high quality, single family homes.

Our support for these variances is based on our opinion that the provisions in CPO 12 related to 2<sup>nd</sup> story massing and the garage setbacks were inappropriately applied to The Trails community. The purpose of CPO's as stated in the IDO is to preserve areas with distinctive characteristics worthy of conservation. CPO 12, rather than preserving the existing character of The Trails community, imposed new restrictions that are out of character with the existing community. The only unique characteristic of The Trails is its adjacency to a part of the Petroglyph National Monument, which is adequately addressed in the IDO and R1-D zoning requiring larger lot sizes, single story homes, and a single loaded street along those edges. The building massing and garage setbacks are not unique to this area, in fact they are contrary to the characteristics of the community.

Our company build homes that respond to the demands of our customers. We also have to respond to construction costs and building efficiency factors which helps keep costs down and maintain housing affordability. When you apply the 50 percent limitation for 2<sup>nd</sup> stories for the R1-B lots and factor in both construction costs and livability concerns, the result is a de-facto ban on 2 story homes. While some people may desire that our community only allow single story homes, our customers vote everyday with their checkbooks and while some may want a single story home, many want to buy a 2 story home. It is arbitrary in this case for the City to conclude that future development in The Trails shall be subject to a restriction that requires new homes that are not consistent with the character of the existing community.

In conclusion, we support the requested variances to Catalonia and also support this issue being addressed as part of the first IDO Annual Update. We respectfully request that City staff and the EPC approve the requested variances.

Sincerely,



Chris Hakes

President, Hakes Brothers ABQ



July 8, 2019

Dan Serrano, Chairman  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street NW  
Albuquerque, New Mexico 87102

RE: Support for Project PR-2018-001198; Applications SI-2019-00149; and VA-2019-00188, 00189, and 00190 Site Plan-EPC for Catalonia @ The Trails

Dear Mr. Chairman:

On behalf of Pulte Homes of New Mexico, we are pleased to provide this letter of support for the requested variances to specific restrictions included in the Integrated Development Ordinance's CPO 12. We support removing arbitrary obstacles to the development of this property with high quality, single family homes.

Our support for these variances is based on our opinion that the provisions in CPO 12 related to 2<sup>nd</sup> story massing and the garage setbacks were inappropriately applied to The Trails community. The purpose of CPO's as stated in the IDO is to preserve areas with distinctive characteristics worthy of conservation. CPO 12, rather than preserving the existing character of The Trails community, imposed new restrictions that are out of character with the existing community. The only unique characteristic of The Trails is its adjacency to a part of the Petroglyph National Monument, which is adequately addressed in the IDO and R1-D zoning requiring larger lot sizes, single story homes, and a single loaded street along those edges. The building massing and garage setbacks are not unique to this area, in fact they are contrary to the characteristics of the community.

Our company builds homes that respond to the demands of our customers. We must also be cognizant of construction costs and make every effort to include building efficiency factors which maintain housing affordability for the residents of Albuquerque. When you apply the 50 percent limitation for 2<sup>nd</sup> stories for the R1-B lots and factor in both construction costs and livability concerns, the result is a de-facto ban on two-story homes. While some may want a single-story home, many want to buy a two-story home, especially in the family-oriented Trails community. It is arbitrary in this case for the City to conclude that future development in The Trails shall be subject to a restriction that requires new homes that are not consistent with the character of the existing community.

In conclusion, we support the requested variances to Catalonia and also support this issue being addressed as part of the first IDO Annual Update. We respectfully request that City staff and the EPC approve the requested variances.

Sincerely,

A handwritten signature in black ink, appearing to read "David Newell".

David Newell  
Director of Land Acquisition

**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**CURRENT PLANNING SECTION**

**ENVIRONMENTAL PLANNING COMMISSION  
Project #: 2018-001198, SI-2019-00149,  
VA-2019-00188, VA-2019-00189, VA-2019-00190  
Hearing Date: July 11, 2019**

---

48-HOUR MATERIAL  
APPLICANT COMMENT

## Somerfeldt, Cheryl

---

**From:** Jim Strozier <cp@consensusplanning.com>  
**Sent:** Tuesday, July 09, 2019 8:15 AM  
**To:** Somerfeldt, Cheryl; Brito, Russell D.  
**Cc:** Garret Price (gprice@pricedg.com); Scott Steffen; Michael Vos  
**Subject:** Catalonia EPC Variances  
**Attachments:** Modified Findings\_Variences\_Catalonia - 00188 and 00190 - Clean Version .docx;  
Modified Findings\_Variences\_Catalonia - 00188 and 00190.docx

Cheryl and Russell,

Please provide this email along with the attached documents to the EPC members in accordance with the 48 hour rule.

We have reviewed the Planning staff's analysis and proposed findings for the requested variances. We disagree wholeheartedly with the recommendation of denial and the findings offered in support of that recommendation. It is difficult when staff appears to agree with the substance and rationale for our request, but recommend denial based on a strict interpretation of the criteria. We feel that if the EPC agrees with the argument presented and supports the idea that the IDO incorrectly applied certain restrictions to the subject property within the CPO-12 area, then the variances should be approved.

We would like to offer a modified version of the findings in support of approval of the two variances. The attached is a redline and clean version of our suggested modified findings to support approval.

Thank you for your consideration of this request.

[Jim Strozier, FAICP](#)  
Consensus Planning, Inc.  
302 8<sup>th</sup> Street NW  
(505) 764-9801

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

***Findings, Variance-EPC, 2019-00188 and 2019-00190***

1. This is a request for a Variance for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A located on Woodmont Ave. NW, between Paseo del Norte NW and Major Public Open Space and containing approximately 20.5 acres.
2. This request is in association with three other requests:
  - SI-2019-00149, a Site Plan-EPC;
  - VA-2019-00189, a Variance to IDO 3-4(M)(5)(a)2; and
  - VA-2019-00190, a Variance to IDO 3-4(M)(5)(c).
3. This is a request for a Variance-EPC to IDO Section 3-4(M)(4) which states that the Building height, maximum is 18 feet but may be increased to 26 feet on a maximum of 50% of the building footprint. The Applicant requests a Variance to permit 75% of the building footprint to be two-story instead of 50% for the R-1B zoned portion of the site.
4. The subject site for the request, Tract 2, is currently zoned R-1D within 200 feet from Major Public Open Space and R-1B for the remainder, which both permit the proposed single-family use.
5. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan which has policies to protect and enhance the character of existing single-family neighborhoods.
6. The subject site is within the Volcano Mesa Character Protection Overlay (CPO-12), and the Northwest Mesa View Preservation Overlay (VPO-2). The associated Variance requests are to regulations within IDO Section 3-4(M), Volcano Mesa, CPO-12.
7. The Volcano Mesa Character Protection Overlay (CPO-12) incorrectly applied regulations from the previously adopted Volcano Cliffs Sector Development Plan (without carrying forward amendments that are consistent with the requested variances for smaller lots) to properties within the previously adopted Volcano Trails Sector Development Plan. This action imposed new regulations that do not preserve the unique characteristics of previously developed portions of The Trails and are contrary to the unique characteristics of the surrounding community.
8. The previously adopted VTSDP required the garage to be setback from the main façade but did not include a setback dimension other than a 2' minimum setback for the third garage from the primary garage façade.
9. The government action that applied the regulations in CPO-12 to the subject property, unjustly limited the reasonable use of the property since it did not comply with the stated purpose of the Character Protection Overlay Zones in the City Council's adopting resolution.
10. Per the City's Legal Department, Zoning is not considered an eminent domain action: The City did not acquire any property.

6.11. Properties in the same zone district and vicinity (Ventana Ranch and Ventana West) are similar in terms of size, shape, topography, location, surroundings, and physical characteristics, yet are not subject to the restrictions imposed by CPO-12.

7.12. An application for a Variance–EPC shall be approved if it meets all of the following criteria:

1. *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*

The IDO regulations were imposed city-wide for the R-1 zone, which is appropriate for the subject property. However, the IDO failed to follow its stated purpose in the application of CPO-12's second story massing and garage setback regulations to an area whose existing development characteristic related to second story massing and garage setbacks are not consistent with these regulations. The CPO-12 boundary did not include properties more consistent with The Trails, namely Ventana Ranch and Ventana West immediately to the north.

This government action, while not eminent domain, does limit the reasonable use of the subject property. This limitation is in violation of the CPOs stated purpose as expressed by both the adopting resolution and the IDO. The bulk of the property within The Trails is already developed, which results in a limited application of the CPO-12 regulations to a small area (the vacant R-1 properties including the subject property). The regulations are applied to this unique property in violation of the stated purpose by government action and it cannot be demonstrated that the regulations are preserving any unique characteristic of other developments within The Trails.

~~Although effectiveness of IDO regulations was not self imposed, this event was not unique to the subject site. City Council adoption of the IDO was city wide and affected all properties within City boundaries including all those within the same zone district vicinity and CPO-12 boundaries. Regulations different from what was in the old Zoning Code became effective throughout the City for a great many properties. Zoning regulations apply to all properties in the CPO-12 area and do not make properties in this area undevelopable. Per the City's Legal Department, Zoning is not considered an eminent domain action: the City did not acquire any property and the applicant can still use/develop the property per IDO regulations.~~

~~The Applicant's desire to increase the permitted percentage area for two-story homes and decrease the garage setback is understandable. However, the requests do not apply to a specific lot where it is an extraordinary hardship to comply with the~~

~~regulations. Because the Variances are requested for the entire Site Plan as opposed to one of the proposed lots, the Applicant does not site physical characteristics or natural forces that create a special circumstance preventing compliance.~~

~~The Applicant has not met the burden of proof for this criterion. A more appropriate application for the desired result is a text amendment to the IDO.~~

2. *The Variance will not be materially contrary to the public safety, health, or welfare.*

The requested Variance will not be materially contrary to public safety, health, or welfare. Increasing the square footage allowed on the second story will only occur on each individual lot, not affect surrounding neighborhoods, and will be similar to other development in the community.

3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*

The requested Variance will not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. Increasing the square footage allowed on the second story will only occur on each individual lot, not affect surrounding neighborhoods, and will be similar to other development in the community. A Variance to increase the square footage allowed on the second story would make the proposed homes similar to many of the constructed homes in the area which vary from ~~65%~~ to 100% two-story.

4. *The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.*

Pursuant to IDO 1-3, the purpose of the IDO is to:

1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

1-3(B) Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

1-3(C) Ensure the provision of adequate public facilities and services for new development.

1-3(D) Protect the quality and character of residential neighborhoods.

1-3(E) Promote the economic development and fiscal sustainability of the City.

1-3(F) Provide for the efficient administration of City land use and development regulations.

1-3(G) Protect the health, safety, and general welfare of the public.

1-3(H) Provide for orderly and coordinated development patterns.

1-3(I) Encourage the conservation and efficient use of water and other natural resources.

1-3(J) Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.

1-3(K) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.

1-3(L) Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.

Pursuant to IDO 2-3(B)(1), the purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood.

Pursuant to IDO 3-4(A) the purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones.

CPO-12 is a Character Protection Overlay area because it mirrors the boundaries and intent of the three Sector Development Plans designed to recognize neighborhood identity and character. Regulations cited in the Variance request were part of a Sector Development Plan that did not encompass the subject site, however, a process was established to integrate the Sector Development Plans into the IDO, which prioritized neighborhood character and protection. The intent to protect the City's established neighborhoods and streamline the City's development review and approval procedures was implemented. Since the Volcano Trails SDP did not include the regulations requested to be varied from, the requested Variances do not "materially undermine" the intent and purpose of this IDO. In fact, the requested Variances further the IDO purpose and policies as stated above.

5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*

Evaluation of the "minimum necessary to avoid extraordinary hardship or practical difficulties" is designed to result in similar built conditions as other neighborhoods within The Trails that were governed by the previous Sector Development Plan. -The changes will allow reasonable development of the entire neighborhood, which is appropriate and consistent with the context of the surrounding neighborhoods. It imposes extraordinary hardship and practical difficulties to apply the CPO 12 regulations related to second story massing and garage setbacks to this entire neighborhood in contrast to the characteristics of the surrounding neighborhoods. is difficult because the request applies to an entire Site Plan rather than an individual lot with an unusual physical characteristic constituting a hardship. This illustrates that the appropriate request for the Applicant's desired outcome is a text amendment to the IDO.

~~8.~~13. The Applicant contacted the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the property as required.

~~9.~~14. The Applicant and agent attended a Neighborhood Association Pre-Application Meeting on May 29, 2019. The Westside Coalition of Neighborhood Associations, the Valle Prado Neighborhood Association, the Taylor Ranch Neighborhood Association,

and the Petroglyph Estates Homeowners Association attended the meeting. Participants had concern over the strain on schools, traffic, and incomplete construction.

10.15. Staff has not received any public comment in support or opposition for this request.

***Recommendation***

***DENIAL-APPROVAL of a request for a Variance to IDO Section 3-4(M)(4) for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A, based on the preceding Findings.***