

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

March 14, 2019

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

Project #2018-001402
SI-2018-00171, Site Plan - EPC

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: Cheryl Somerfeldt (**DEFERRED FROM NOVEMBER 8, 2018**)

PO Box 1293

Albuquerque

On March 14, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001402/SI-2018-00171, a Site Plan, based on the following findings and conditions:
NM 87103

FINDINGS:

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 Oxbow Open Space, containing approximately 23 acres.
2. The subject site is comprised of three legally platted County assessor parcels, further subdivided into six City parcels, zoned R-A, surrounded by existing single-family development, a City park to the north, and the Rio Grande Bosque to the east, and designated Major Public Open Space to the south.
3. The standards in Site Design and Sensitive Lands apply to all site development and new subdivisions. All three of the County assessor parcels are adjacent to Major Public Open Space and are subject to applicable regulations (14-16-5-2 (C) Avoidance of Sensitive Lands and 14-16-5-2 (H) Major Public Open Space Edges).

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4. The applicant proposes two cluster developments, totaling 76 single-family lots. Single-family and cluster development are permitted uses in the R-A zone. 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 (14-16 (B) (2)).
5. The subject site is part of the Coors Boulevard CPO-2 (14-16-3-4 (C)), and the Coors Boulevard VPO-2 (14-16-3-6 (E)), and subject to those regulations.
6. 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.
7. 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, areas outside of Centers and Corridors, parks, and Major Public Open Space.
8. This is a request for Site Plan–EPC pursuant to IDO Section 6-6(H), which applies to any development on a site 5 acres or greater adjacent to Major Public Open Space prior to any platting action. The subject site is adjacent to Major Public Open Space and is therefore subject to all of the regulations in IDO Section 5-2(H), Major Public Open Space Edges. The applicant proposes two Cluster developments, which is permitted in the subject R-A zone. This application for a Site Plan–EPC meets the following criteria:
 - a) 6-6(H)(3)(a) The site plan is consistent with the ABC Comp plan, as amended. Applicable Comprehensive Plan Policies include:
 - The request is consistent with Goal 4.1, Policy 4.1.1 and Policy 4.1.2. The subject project’s lot sizes range from approximately 5,500 square feet to over 12,000 square feet, which is contextual with the lot sizes of adjacent R-1B, R-1C, and R-1D subdivisions.
 - The request is consistent with Policy 4.1.5. The applicant has responded to the natural setting by preserving an area near the Major Public Open Space and the Bosque to retain some of the natural setting in the context of the site’s R-A zoning district entitlements.
 - The request is consistent with Goal 5.3, Policy 5.3.1, and Policy 7.3.4 because the subject site is in an area with existing development, infrastructure, and public facilities thereby the project site is infill development, which is more efficient than development on the edge of the City.
 - The request is consistent with Policy 5.3.3 because the Site Plan shows a cluster development with a private, contiguous, landscaped common open space and trail adjacent to the Major Public Open Space.
 - The request is consistent with Policy 5.3.4 because the cluster development design set aside private open space that preserves the natural landscape within and on the eastern portion of the property.
 - The request is consistent with Policy 5.6.3 because the cluster development lot sizes are similar to the surrounding subdivisions, thereby protecting the character of the existing single-family neighborhoods. The adjacent Major Public Open Space is protected by the Site Plan’s private open space buffer.

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- The request is consistent with Policy 7.3.1 because the natural features on the eastern portion of the site adjacent to Major Public Open Space are being preserved via the private open space buffer on the proposed Site Plan, which will also help preserve views into and from the Major Public Open Space.
 - The request is consistent with Policy 9.1.1 because the proposed Site Plan will provide additional housing options for a variety of income levels.
 - The request is consistent with Policy 9.2.3 because the proposed project is for cluster housing and provides private community open space.
 - The request is consistent with 10.2.1 c) because the developer is proposing private common open space for the residents that includes an internal trail system that links linear areas with the larger buffer area on the east end of the subject site.
 - The request is consistent with Policy 11.3.3 and a) because grading is designed to direct stormwater away from the steep slopes at the southeast of the project site, which will help reserve the adjacent Major Public Open Space for future generations.
 - The request is consistent with Policy 11.3.3 b) because the common open space to the east adjacent to the Bosque will be undisturbed or revegetated to a natural setting.
 - The request is consistent with Policy 11.3.3 c) because the proposal is for an allowed cluster development on R-A zoned land adjacent to the Bosque, which will conserve approximately 30% of the land as private open space.
 - The request is consistent with Policy 11.3.3 d) because the project has appropriate buffers and transitions from the Major Public Open Space that meet or exceed what is required
- b) 6-6(H)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PC zoning covering the property and any related development agreements and/or regulations.
- The subject site is zoned R-A not NR-SU or PC. The reason this project is being reviewed by the EPC is due to its location adjacent to MPOS, not as a result of the zoning district designation.
- c) 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.
- The site plan shall comply with all provisions of the IDO applicable to the site and the site plan, including the Coors Boulevard CPO; Coors Boulevard VPO; Major Public Open Space Edges (Open Space Superintendent approved the open space buffer instead of the single loaded street); and Cluster Development use-specific standards.
- d) 6-6(H)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

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- The project developer will provide any necessary and additional infrastructure to include street, trail, drainage, and sidewalk systems to serve the proposed development. The applicant has also agreed to work with City Open Space and the DRB regarding improvements to the Namaste cul-de-sac and trail head area.
- e) 6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.
- The applicant voluntarily committed to only single-story homes on the western edge of the site (lots backing up to Tres Gracias Drive) to mitigate adverse impact on the views for neighbors to the west. The applicant has also included private common open space and recreation amenities adjacent to Major Public Open Space to mitigate adverse impacts.
9. The DRB-approved Variance to the connectivity standards of the IDO is currently pending appeal via the Land Use Hearing Officer (LUHO), scheduled for March 20, 2019. The City Legal Department has confirmed that DRB actions and EPC actions are not reliant upon one another and may occur separately.
10. 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).
11. 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.
12. Staff received multiple letters, comments, reviews, and reports in opposition to development on the property. Staff did not receive any comments in support.
13. The subject site is private property in contract with the applicant and therefore evaluated pursuant to the Integrated Development Ordinance (IDO) and all other City Council adopted regulations as described herein.

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CONDITIONS OF APPROVAL

1. The applicant shall coordinate with the staff planner to ensure that all Conditions of Approval are met and then submit a vetted, final version to the staff planner for filing at the Planning Department.
2. Per IDO Section 14-16-5-2(C)(1)(i)), the Pinon stand in the area shown as common open space shall be preserved. If the mature pinon pine trees cannot be retained, then they will be replaced in the same general area with new trees at a ratio of three new trees for every mature tree lost.
3. Even after adjustments to the lot sizes, the common open space must remain a minimum of 35-foot wide between the houses per IDO Section 14-16-4-3(B)(2)(d)2.
4. The Site Plan shall note any Variance – DRB that has been granted/approved for IDO Section 14-16-5-3(E)(2) on the Site Plan.
5. 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.

6. Note under Maintenance on page 2: 14-16-4-3(B)(2)(e). The common open space for each cluster on a separate subdivided lot or easement. 14-16-4-3(B)(2)(f). Maintenance for common open space areas is the responsibility of the HOA for each cluster.
7. A note shall be added to the Site Plan that states all new Buildings and Landscapes will comply with 14-16-3-6(D)(6) and 14-16-5-2(H).
8. This Site Plan shall be submitted to and approved by the DRB for the below technical issues/requirements:

A) HYDROLOGY SECTION:

- 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.
- All floodplains need to be shown on the plat and site plan.
- LOMR will be required to remove the floodplain from the lots that have the floodplain.
- AMAFCA approval will be required for connection to their Channel and grading adjacent to their right of way.
- USACE approval will be required for any fill proposed in Waters of the US.
- An infrastructure list will be needed for Preliminary Plat.
- A recorded IIA is required prior to Final Plat.

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- 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.
- Management onsite will be required for the SWQV unless a waiver is demonstrated on the G&D Plan and accepted by Hydrology.
- Note 4 on sheet 3 is incorrect and should be removed. Replace with a note that says "A prudent setback will be established to allow for the future construction of bank protection by the HOA on the HOA's property without any encroachment into the Open Space property or on any of the lots."

B) TRANSPORTATION DEVELOPMENT SERVICES

- Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)
- Infrastructure and/or ROW dedications may be required at DRB.
- All work within the public ROW must be constructed under a COA Work Order.
- The following comments need to be addressed prior to DRB:
- Show the clear sight triangle and add the following note to the plan: "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."

C) MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

- Per the 2040 Long Range Bikeway System Map there is a bicycle route proposed along Namaste Road and at La Bienvenida Pl. adjacent the west side of subject property.

D) SOLID WASTE MANAGEMENT DEPARTMENT

- Need site plan to (1:40) scale, with dimensions, to verify safe refuse truck access/exit. The circumference of the cul-de-sac next to RA 16/17, will need to be redesigned to allow complete/continuous turnaround for refuse truck. Clarify "Public Lift Station" noted inside cul-de-sac, noted on Pg. #4.

E) ABC WATER UTILITY AUTHORITY (ABCWUA)

- From the information provided it is understood that a section of the site intends to utilize a public force main to provide sanitary sewer service to the east portion of the development.
- Every opportunity should be utilized to minimize the use of public force main.
- Once development is desired obtain an Availability Statement for the new developments. Requests can be made at the link below:
- http://www.abcwua.org/Availability_Statements.aspx
- Request shall include a zone map showing the site location, as well as a site plan indicating finish floor elevations.
- It should be noted that there is an existing ten inch collector line transecting the development.
- This line is not to be abandoned.

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- If relocation of this line is required for the development to take place the capacity shall be maintained or improved.

F) ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

- Identify the AMAFCA Easement, filed for public record in Bernalillo County, NM on October 17, 1996 as Document No. 96114620, on the Site Plan for subdivision and Grading & Drainage Plan including the Storm Water Holding and Sediment Trapping Pond, Riprap bank stabilization, and grade control structure.

G) PUBLIC SERVICE COMPANY OF NEW MEXICO

- An existing underground distribution line is located on the subject property to the existing structure to be removed. It is the applicant's obligation to abide by any conditions or terms of these easements.
 - It will be necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding this project. Contact:
Andrew Gurule, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107, Phone: (505) 241-0589.
 - 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.
9. The EPC delegates its approval authority to the DRB for any changes to the Site Plan that meet the thresholds outlined in IDO Table 6-4-5.
10. The Site Development Plan shall comply with the General Regulations of the IDO, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 29, 2019**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6 of the IDO, Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

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Sincerely,


David S. Campbell
Planning Director

DSC/CS

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 Neigh. Assoc., Harry Hendriksen, 10592 Rio del Sol NW., ABQ, NM 87114
Westside Coalition of Neigh. Assoc., Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120
Alan Reed, 3105 Don Quixote 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
Perrienne 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 Montclair 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

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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
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