



**Environmental
Planning
Commission**

**Agenda Number: 01
Project #: 2018-001402
SI-2018-00171
Hearing Date: March 14, 2019**

**Second Supplemental Staff Report
(to be read with the Staff Reports
December 12, 2018 and February 14, 2019 EPC hearing)**

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

Staff Recommendation

APPROVAL of Project # 2018-001402 RZ-2018-00171 based on the Findings and subject to the Conditions of Approval within this report

**Staff Planner
Cheryl Somerfeldt**

Summary

This case was originally on the agenda for the December 13, 2018 EPC hearing, and the EPC deferred the case to the February 14, 2019 hearing to provide time for the applicant to address the original recommended Conditions of Approval. The case was then deferred to the March 14, 2019 hearing.

A revised Site Plan submittal addresses the majority of the original recommended conditions have been met. However, a few new recommended conditions have been added as discussed in this report.

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

Staff recommended Findings and Conditions of Approval are included in this report.

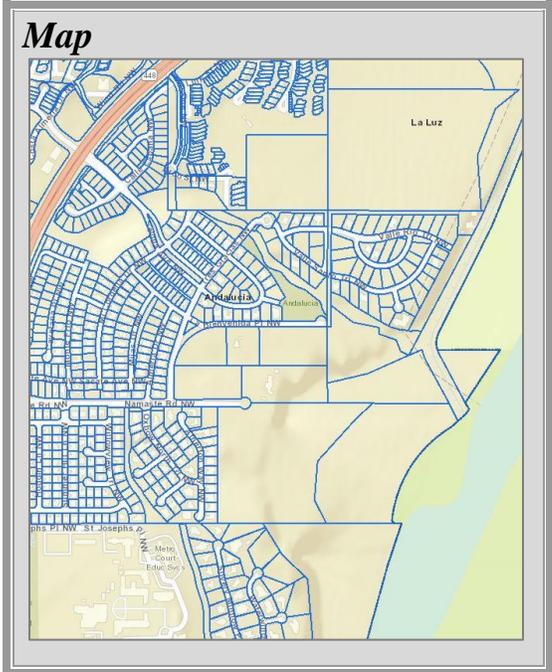




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I. Introduction

	IDO Zoning	Land Use	Comprehensive Plan Area
Site	R-A	Single Family / Vacant	Consistency
North	R-1C	Single Family / Parks / Recreation / Drainage / Flood Control	Consistency
South	NR-PO-B	Parks / Recreation	Consistency
East	NR-PO-B	Parks / Recreation	Consistency
West	R-1B	Single Family	Consistency

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, that correspond to 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 60 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 applicable 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 (further discussed under the **Neighborhood/Public** heading below). Staff did not receive any comments in support. See discussion under Section IV of this report.

EPC Role

Originally, 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 address the recommended Conditions of Approval. The case was then deferred to the March 14, 2019 hearing due to EPC Rules of Conduct B.12, submittal of materials, which were not considered limited and clarifying, past 10-days prior to the hearing.

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 Site Plan-EPC approval prior to any platting action for a site 5 acres or greater adjacent to Major Public Open Space (MPOS). Per IDO Section 6-4(P)(2), the EPC may impose conditions on the

approval necessary to bring the application into compliance with the requirements of this IDO. This case is a quasi-judicial matter.

*For a description of the **History/Background, Context, Roadway System, Comprehensive Plan Corridor Designation, Trails/Bikeways, and Transit service** for the property please refer to the **December 13, 2018 staff report**.*

Definitions:

Cluster Development Design: A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands.

Dwelling, Cluster Development: A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement.

Block: An area that is bounded but not crossed by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers.

Common Open Space: The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development.

II. Analysis of City Plans and Ordinances

Integrated Development Ordinance (IDO)

The application for this request was submitted after the Integrated Development Ordinance (IDO) effective date of May 17, 2018, which replaced the City's Zoning Code, and is therefore subject to its regulations. Upon City Council adoption of the IDO, the zoning converted from RA-1 to the existing R-A.

The purpose of the R-A zone district is to provide for low-density, single-family residences and limited agricultural uses, generally on lots of ¼ acre (10,890 square feet) or larger, as well as limited civic and institutional uses to serve the surrounding residential area. In addition to single-family development that meets this minimum lot size, cluster development is also a permitted use in the R-A zone regulated by the Use Specific Regulations IDO Section 4-3(B)(2). Cluster developments are permitted in the R-A zone as long as they are each at least 1 acre and they each meet all cluster requirements. Density for cluster developments is determined by dividing the site area by the minimum lot size allowed in the zone rounded down to the nearest whole number but shall not exceed 50. The project complies and the Zoning Enforcement Officer (ZEO) has determined that cluster developments may be adjacent to each other since there are no statements in the IDO that prohibit it.

Coors Boulevard Character Protection Overlay (CPO-2)

The subject site is part of the Coors Boulevard CPO-2, IDO Section 3-4(C), and applicable regulations are discussed under Section III of this report.

Coors Boulevard View Protection Overlay (VPO-1)

The subject site is part of the Coors Boulevard VPO-2, IDO Section 3-6(D). This section is designed to protect views from Coors Boulevard. Since the subject site is significantly lower in elevation than Coors Boulevard NW, the majority of the regulations in this section do not affect subject proposal except as described below under Section III.

Albuquerque / Bernalillo County Comprehensive Plan

Note: Regulations are in regular text, *applicant's justifications are in italics*, and *staff's comments are in bold italics*.

CHAPTER 4: COMMUNITY IDENTITY

GOAL 4.1 Character Enhance, protect, and preserve distinct communities.

The surrounding residential neighborhoods are a variety of lot sizes and zoning ranging from R1-A to R1-D.

POLICY 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The Site Plan for a cluster development allows for a higher density residential development in exchange for enhancing, protecting and preserving this distinct west side community that encompasses and is adjacent to the Bosque and wetland environment. The quality of the proposed development is consistent with the surrounding residential subdivisions and the Oxbow North and Andalucia communities.

POLICY 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The proposed development is consistent with the distinct character and densities of the surrounding communities and more specifically, adjacent neighborhoods with contextual lot standards to the surrounding zones. By using the cluster development provisions of the IDO, the site plan identifies a mix of residential lots and private open space, which is consistent with the surrounding development patterns.

The request for a site zoned R-A is consistent with Goal 4.1, Policy 4.1.1 and Policy 4.1.2. To the west lies the R-1 B zone with a minimum lot size of 5,000 square feet. To the north lies the R-1C zone with a minimum lot size of 7,000 square feet. To the south and the northeast lies the R-1D zone with a minimum lot size of 10,000 square feet. The subject project's lot sizes range from approximately 5,500 square feet to over 12,000 square feet.

POLICY 4.1.5 Natural Resources: Encourage high-quality development and redevelopment that responds appropriately to the natural setting and ecosystem functions.

The Site Plan for this development responds to the natural setting by preserving the sensitive ecosystem and its functions in the Bosque through the preservation of significant open space buffers and the inclusion of a Sensitive Land Protection Area. Storm drainage is managed to minimize adverse impacts to the steep slope area, Bosque, and the Oxbow wetland.

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.

CHAPTER 5: LAND USE

GOAL 5.3 Efficient Development Patterns Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The proposed site plan utilizes a cluster development approach that concentrates the development on the western portion of the property, closest to the existing infrastructure and minimizes the amount of lots requiring the lift station to access the existing sewer infrastructure. This also provides a significant open space buffer adjacent to the Major Public Open Space and preserves the existing sensitive lands are promoted by the IDO. The use of the cluster design also maximizes the efficiency of the new infrastructure to serve the project.

POLICY 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The site has existing infrastructure available to serve the development and an adjacent neighborhood park.

The request is consistent with Goal 5.3 and Policy 5.3.1 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.

POLICY 5.3.3 Compact Development: Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas and courtyards.

The cluster development provides for a contiguous open space and trail system throughout the project and provides a significant buffer to the adjacent open space areas. The site plan illustrates this open space network, trail, and Sensitive Land Protection Area.

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.

POLICY 5.3.4 Conservation Development: Encourage conservation development to promote private open space and preserve natural landscape, agricultural lands, and other features of the natural environment to encourage development that is sensitive to the open, natural character of the area and the geological and cultural conditions.

The proposed cluster development or conservation development design provides private open space and preserves/protects the sensitive lands on the subject property, as well as provides for a significant private open space buffer to the adjacent open space areas.

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.

POLICY 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

In addition to the sensitivity measures provided by this project that are described above, the proposed site plan enhances the character of existing single-family neighborhoods that surround the project through the provision of a variety of similar contextual lot sizes.

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.

CHAPTER 7: URBAN DESIGN

POLICY 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

The site plan preserves the existing sensitive land features on the property and provides for an internal trail system for the benefit of the residents. Views to the adjacent open space are preserved and enhanced by the provision of the open space buffer and the trail system. The natural features and views from the site were treated with care in the design of the site plan, landscape plan, and trail system throughout the private open space.

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.

POLICY 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

This infill project enhances the surrounding built environment, which includes several single-family neighborhoods, and enhances the streetscape of the block by

keeping as much of the existing perimeter wall as possible.

The request is consistent with Policy 7.3.4 as described under Goal 5.3 and Policy 5.3.1 above.

CHAPTER 9: HOUSING

POLICY 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The site plan will support the development of lots that are consistent with the income levels and types of residents and households in the surrounding neighborhoods.

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.

POLICY 9.2.3 Cluster Housing: Encourage housing developments that cluster residential units in order to provide community gathering spaces and/ or open space.

Two separate yet integrated projects are proposed with this site plan application. The design ensures that the future residents of the cluster housing development will benefit from the open space areas, trails, and gathering spaces provided in accordance with the cluster development provisions in the IDO.

The request is consistent with Policy 9.2.3 because the proposed project is for cluster housing and provides private community open space.

CHAPTER 10: PARKS & OPEN SPACE

POLICY 10.2.1 Park Types: Plan and implement a system of parks to meet a range of needs at different scales, including small neighborhood parks, community parks, regional parks, and linear parks.

POLICY 10.2.1 c) Encourage developers to design, develop, and maintain parks through density bonuses and other incentives.

The developer has included a central open space area and a larger open space buffer to the adjacent arroyo, Bosque, and Oxbow wetland area. The IDO provides an incentive for cluster development, which is used for the proposed development.

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.

CHAPTER 11: HERITAGE CONSERVATION

POLICY 11.3.3 – Bosque: Regulate development on adjacent lands to preserve and enhance the Bosque as an important cultural landscape that contributes to the history and distinct identity of the region, as well as nearby neighborhoods.

POLICY 11.3.3 a) Minimize grading, changes to natural topography, and land disturbance to preserve natural features.

The proposed project provides a Sensitive Lands Protection Area which restricts disturbance to the existing slope area that transition from the mesa down to the Bosque and wetland area below. Grading is also designed to ensure that on site drainage is captured and directed away from the natural buffer area to minimize erosion concerns to the slope area. Erosion has occurred to the east of the Namaste cul-de-sac because stormwater runoff was not managed in that location. The grading plan and street layout address this concern within the Overlook project and improvements to Namaste and the cul-de-sac will address the off-site concerns as well.

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.

POLICY 11.3.3 b) Encourage reconstruction and revegetation to a natural setting on lands adjacent to the Bosque.

The Landscape Plan includes a requirement that: "Natural area to remain undisturbed during construction to the extent possible. Disturbed areas shall be revegetated consistent with the existing conditions."

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.

POLICY 11.3.3 c) Assure compatible land uses and promote cluster development on lands adjacent to the Bosque.

The project utilizes the cluster provision in the IDO to provide a significant buffer on the lands adjacent to the Bosque. This land is designated as a combination of "Natural Area" and "Sensitive Land Protection Area", which meets this policy.

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.

POLICY 11.3.3 d) Ensure appropriate edge treatment, transitions, and buffers through site design and development standards.

As discussed above the entire edge of the project adjacent to the San Antonio Arroyo, Bosque, and Oxbow is preserved. This is provided for and will be enforced through the site plan, which is required to be reviewed and approved by the EPC. In addition, the plan also provides for view fencing on the lots adjacent to the open space buffer and restricts private, rear yard access from individual homes (as requested by City Open Space staff) furthering this policy.

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.

III. Site Plan–EPC

Note: Regulations are in regular text, *applicant’s justifications are in italics*, and *staff’s comments are in bold italics*.

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.

Any application for a Site Plan - EPC shall be approved if it meets all of the following criteria:

6-6(H)(3)(a) The site plan is consistent with the ABC Comp plan, as amended.

For criterion a, please refer to Albuquerque / Bernalillo County Comprehensive Plan policy analysis above under Section II. The subject project is consistent with applicable goals and policies.

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.

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 complies with all provisions of the IDO applicable to the site and the site plan. As detailed in this justification letter the site plan complies with or justifies a variance to the following IDO regulations:

- *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.*

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.

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.

6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

The applicant has committed to only single-story homes on the western edge of the site (lots backing up to Tres Gracias Drive) to mitigate any adverse impact on the views for neighbors to the west. The applicant has also included several open space and recreation amenities to the site plan to mitigate impacts to the adjacent open space.

The applicant's voluntary agreement to height limitations and preservation of on-site private open space adjacent to Major Public Open Space mitigates adverse impacts.

3-4 (C) Coors Boulevard Character Protection Overlay (CPO-2)

3-4(C)(5)(a) A 100-foot-wide buffer strip shall be established west of the Corrales Riverside Drain between the Calabacillas Arroyo and Namaste Road. The buffer strip shall remain undeveloped or be landscaped with perennial plants native to the Bosque.

The Corrales Riverside Drain Extension runs to the north east of the subject site, and development for this project is not within 100-feet of its boundaries.

3-4(C)(4) Building Height and Bulk Buildings and structures shall not exceed the height limitation in the underlying zone. Buildings within the Coors Boulevard – VPO-1 shall comply with the height, bulk, and massing regulations of that Subsection 14-16-3-6(D).

Building height, maximum in the underlying R-A zone is 26-feet. The Site Plan shows that lots backing up to Tres Gracias will be limited to 1-story and the remainder of the lots will be subject to this 26-foot limit. The subject site is not restricted by VPO-1.

3-4(C)(5)(a) Floodplain, All development shall comply with all adopted drainage policies, including restrictions on development in the 100-year floodplain. Cluster development design on land above the flood level shall be used to the maximum extent practicable, and the floodplain shall be used as open space

Cluster development design is used to avoid the floodplain to the maximum extent practicable and a majority of the floodplain is designated as open space. The

developer understands and is committed to obtaining a LOMR to remove the flood plain designation on Lots 34 – 36 since the improvements to the San Antonio Arroyo and building the AMAFCA pond in effect removed this area from the flood plain, but a LOMR was never processed.

The applicant indicates a Flood Zone area on the Sensitive Areas exhibit and the Grading and Drainage Plan shows an “Approximate Location of Existing FEMA Flood Zone”; however, the applicant has indicated that the flood zone line should have been adjusted due to work on the adjacent detention pond to the north. The City Hydrologist states that a Letter of Map Revision (LOMR) will be required to remove the floodplain from the lots that have the floodplain, and this is Note 1 on the applicant’s Conceptual Grading and Drainage Plan.

Staff recommends this project proceed to DRB review and approval for technical issues such as this, and if Lots C-34-C-36 remain in the flood zone that they be relocated on the Site Plan.

3-4(C)(5)(b) Changes to natural topography shall be kept to a minimum. On slopes of 10 percent or greater, no grading shall take place until a specific development plan has been approved for construction. Grading, drainage, or paving proposals; Master Development Plans; and Site Plans shall retain the sense of the natural features and vegetation. Reconstruction and revegetation to a natural setting shall be pursued to the maximum extent practicable.

The proposed grading plan utilizes the natural grade change from west to east to reduce impacts to neighbor’s views and provide view opportunities for the new residents of the community. The steep slope areas, greater than 10 percent, are preserved as part of the open space buffer. The Site Plan includes a conceptual grading and drainage plan for the property. The grading and drainage plan also directs the developed stormwater away from the open space and into the AMAFCA Pond, which ensures that stormwater quality is treated prior to release into the San Antonio Arroyo and significantly reducing the amount of stormwater going east into the Oxbow and down the existing steep bank.

The only slopes that approximate 10 percent or greater are located in the private open space preserved along the southern edge of the site where grading is not intended. On the Grading and Drainage Plan, the applicant proposes a lift station to service a few of the lots on the eastern portion of the development in order to keep from having to use retaining walls to raise the height of those lots. The Landscape Plan shows the common open space on the east side of the project to be “Natural area to remain undisturbed during construction to the extent possible. Disturbed areas shall be revegetated consistent with the existing conditions.” The remaining common spaces will be landscaped with native buffalo/blue gramma grass mix, primarily native shrubs, and trees. Of the trees, only the Desert Willow and New Mexico Olive are native, however, the remaining trees are generally recommended on the City Tree List due to compatibility with the Albuquerque climate.

3-4(C)(5)(d) Outdoor Lighting The mounting height of light fixtures in off-street parking, other vehicular use areas, and/or outdoor storage areas shall be no higher than 20 feet from finished grade.

Outdoor lighting shall be no higher than 20 feet from finished grade.

3-4(C)(5)(e) Architectural Design and Details 1. The use of colors that contrast with the predominant color of the building is limited to 10 percent of each façade.

Accent colors on dwelling units will not contrast the predominant color of the building more than 10 percent of each façade, and Mechanical equipment will be screened from public view from streets.

3-4(C)(5)(f) Signs

The only sign proposed for the project is a freestanding sign at the northeast corner of the intersection of Namaste and Tres Gracias Drive in conformance with the CPO sign regulations.

CPO-2 Sign Regulations do not pertain to this project.

3-6 (D) Coors Boulevard View Protection Overlay (VPO-2)

The submitted site plan complies with standards in the Coors Boulevard VPO-1 as outlined in section 14-16-3-6(D) of the IDO. Because the subject site is more than ¼ mile east of Coors Boulevard with a significant drop in grade eastward, many of the standards regarding view planes and setbacks do not apply to the subject site.

3-6(D)(6) Colors The exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, shall be colors with light reflective value (LRV) ranging from 20 percent to 50 percent. This middle range of reflectance is intended to avoid very light and very dark colors.

3-6(D)(6)(a) Allowable colors include the browns and greens existing within the Bosque.

3-6(D)(6)(b) Trim materials on façades constituting less than 10 percent of the façade's opaque surface may be any color.

Exterior surfaces of structures within the project will be a color that is within 20 to 50 percent light reflective value and will be a range of browns and greens.

4-3(B)(2) Use Specific Standards for Dwelling, Cluster Development

Note: Regulations are in regular text, applicant's justifications are in italics, and staff's comments are in bold italics.

The project site is proposed to be subdivided into 2 Cluster Developments with each over 1 acre as required, and with each further subdivided into single-family lots and a common open space as required.

On November 16, 2018, the Zoning Enforcement Officer (ZEO) made a determination (see email) that several cluster developments may be presented in one Site Plan. Each separate cluster is required to meet all applicable Use Specific Standards per 4-3(B)(2)a-g. Applicable regulations are described in this section.

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

The cluster development project is designed as two separate projects adjacent to each other on 22.75 acres.

Each of the two proposed clusters are at least 1 acre.

4-3(B)(2)(b) Setback requirements shall apply to the project site as a whole, not to individual dwellings.

Contextual lot and setback requirements are used and are similar to R-1B standards.

Setbacks along the edges of each of the cluster development are pursuant to the underlying R-A zone (per 4-3(B)(2)(f)). The project is not subject to Contextual setbacks (per 5-1(C)(2)(c)), because the proposed clusters are not facing the same street as adjacent subdivisions, zoned R-1B, R-1C, and R-1D. Therefore the project may not use setbacks similar to R-1B without a zone change.

Setbacks should be 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*

Calling out the appropriate setbacks is a recommended Condition of Approval. The applicant has indicated that they may reduce the common open space in order to meet the setbacks by increasing the size of the lots. If this results in a major change to the Site Plan, it will be required to be reviewed and approved again by the EPC again.

4-3(B)(2)(c) The number of dwelling units is determined by dividing the site area by the minimum lot size allowed in the zone rounded down to the nearest whole number but shall not exceed 50.

The number of dwelling units was determined by dividing the site area (22.75 acres) by the minimum lot size allowed in the zone (10,890 square feet or 0.25 acre). The total of that calculation (rounded down to the nearest whole number) is 91 lots is the maximum number of lots permitted. The use specific standard for cluster housing projects only allows 50 lots per project. Therefore, one cluster development project only has 44 lots and the adjacent project has 32 lots.

The project site will be divided into two clusters each with more than 1 acre as required. The area of each acre is then divided by 10,890 to arrive at the total

number of lots permitted. 30 percent of the area of each cluster is required to be maintained as common open space. Neither of the cluster developments is permitted to have more than 50 dwelling units. The project currently complies with these density requirements (see attached Site Plan – diagram on lower left of page).

4-3(B)(2)(d) The cluster development project site shall include a common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.

1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.

The applicant recently updated the configuration of the clusters without changing the lot layout of the Site Plan. The open space calculations are as follows:

Cluster A is 10.80 acres, 3.24 acres is 30 percent and 3.17 acres gained through size lot reductions – the Site Plan shows 3.31 acres provided. Cluster B is 12.95 acres, 3.89 acres is 30 percent and 4.05 acres gained through lot size reductions – the Site Plan shows 4.07 acres provided.

2. The common open space shall have a minimum length and width of 35 feet.

The common open space has a minimum length and width of 35 feet that must be retained if lots are adjusted for setbacks.

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.

The Common Open Space is visible from a public right-of-way, is landscaped with trees that are visible above walls and fences, and is adjacent to public open space.

The common open space is visible from the public right-of-way of La Bienvenida Place NW and Namaste Road NW.

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

No structure is allowed in the common open space except if necessary for its operation and maintenance, which is noted on the landscape plan.

The Site Plan does not currently show structures in the common open space.

5. Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department.

Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department. The Open Space Division has determined that it does not want to accept dedication of the open space. City Hydrology has requested that the existing AMAFCA easement be dedicated to them with this project. This will be done with the future subdivision plat for the property.

The applicant does not intend to dedicate the open space to the City. Although City Hydrology requested the easement at the northeastern portion of the project site be dedicated to AMAFCA, they have also commented that the steep slopes in the southeastern portion of the project site make this area undesirable for City acquisition.

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

All lots are designated on the site plan and will be platted separately from each other and separately from the Common Open Space.

Each lot and the common open space will be subdivided on a plat subsequent to EPC review and approval.

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

Areas not dedicated to AMAFCA will be owned and maintained by the Homeowner's Association as noted on the site plan.

4-3(B)(2)(g) If the zone district allows two-family detached (duplex) dwellings, a cluster development may include that dwelling type.

The existing R-A zone does not permit duplex dwellings.

5-2 Site Design and Sensitive Lands

Note: Regulations are in regular text, applicant's justifications are in italics, and staff's comments are in bold italics.

Staff did not receive updated justifications to these criteria in the recent submittal. The current evidence that these criteria have been considered is the Sensitive Areas exhibit submitted in February and the original letter dated December 3, 2018, which is quoted in italics below. It is within the EPC purview to determine if the applicant has sufficiently met these criteria and/or if more information is needed.

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

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

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

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

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

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

The project has been designed to utilize the on-site open space being created as a part of two of the cluster development portions of the project to avoid the floodplain at the northeast corner of the property, the steep slopes that transition from the property to the Oxbow and Bosque and wetland areas are incorporated into the open space; the existing wetland area that is part of the Oxbow itself is part of the proposed on-site open space; ...

The sensitive land analysis resulted in the designation of the property outside of the existing pipe and wire mesh fence as a sensitive land preservation area. This area will not permit any grading or access.

After staff discussions with the City Hydrologist, staff requested that the applicant show evidence of contact with the US Army Corps of Engineers (USACE) regarding Waters of the US. The applicant provides an appointment confirmation of a meeting with the USACE that occurred November 15, 2018, and this may be sufficient. If approved by the EPC, the Site Plan will proceed to DRB for technical review and the USACE and the City Hydrologist will confirm that no fill will be entering Waters of the US and all necessary permits are acquired.

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

A geotechnical analysis and report will be prepared analyzing the soils prior to construction. It is not anticipated to be prohibitive to home construction and are likely similar to the soils in the adjacent subdivisions.

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

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

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

The property does not include arroyos, rock outcroppings, or archeological sites (see the attached certificate of no effect).

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

While we realize that the Cypress trees are existing and were planted prior to the adoption of the pollen ordinance, it does not seem appropriate to modify the layout to preserve trees that are prohibited. Since these trees do not constitute a large stand of mature trees, and the IDO specifically references both the City of Albuquerque Plant Palette and Sizing List and the Pollen Ordinance, which prohibit all members of the Cypress family, we propose to remove them.

The City Forester performed a survey and evaluation of the property and submitted a letter for the record (attached under Supplemental from Staff in the previous Supplemental Staff Report dated February 14, 2019). The City Forester identified a few areas where the trees are in good condition. The applicant would like to preserve the Piñon stand at the center of the Cluster A common open space.

Staff also recommends adjustment of the entrance drive to preserve the stand of trees adjacent to the Namaste cul-de-sac. The applicant cites the Pollen Ordinance as the reason the entrance trees should not be preserved. IDO regulation 5-2(C)(1)(i) is for large stands of mature trees; therefore the intent is to preserve the stand of trees including some existing Desert Willow at the entrance. In addition, the intent of the Pollen Ordinance is to prevent the “growing, sale, importation, or planting” of prohibited trees in the context of newly planted trees by the landscaping industry. The Pollen Ordinance does not state that existing trees should be removed.

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

There are no street crossings of irrigation ditches.

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

The applicant’s updated Site Plan minimizes street crossings by eliminating another internal north-south street, and instead uses this area as a pedestrian trail and common open space. The cul de sac extends farther to the east than seems necessary.

5-2(C)(4) If avoidance of sensitive lands... results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

The subdivision has been redesigned to move the lots to the west and northwest away from the sensitive lands. The redesign expanded the eastern buffer area significantly to approximately 5 and a half acres. The two small pocket parks are associated with the smaller cluster portions of the project.

The use of the cluster provisions of the IDO allow for the avoidance of these sensitive lands and provides for the reduction of lot size. The overall density for the proposed subdivision is 3.2 du’s per gross acre overall. The average lot size proposed is almost 7,000 square feet. The resulting number of lots is consistent with the IDO cluster housing provisions. As demonstrated in the response to item 1 above, a portion of the open space required as part of two of the cluster portions of the project was designed to allow the development area to avoid those sensitive lands.

This provision would apply if the project was to develop under the standard lot size for the R-A zone, 10,890 square feet. This provision does not supersede the right to develop the property as a cluster development since more than one provision may apply to the same property as long as all regulations that apply to the provision are met per the IDO and as determined by the City's ZEO (Zoning Enforcement Officer). Since the applicant is proposing a cluster development and the sensitive lands are part of the designated common open space, applying this provision on top of the cluster development would not provide extra protection for sensitive lands.

5-2(H) Major Public Open Space Edges

5-2(H)(1) Properties within 330 feet of Major Public Open Space. These standards apply to development within 330 feet of Major Public Open Space in order to enhance and protect Major Public Open Space.

5-2(H)(1)(a) Limit the colors of exterior surfaces of structures, including but not limited to mechanical devices, roof vents, and screening materials, to those with light reflective value (LRV) rating between 20 percent and 50 percent.

Exterior surfaces of structures within the project will be a color that is within 20 to 50 percent light reflective value and will be a range of browns and greens. Naturalized vegetation will be used for landscaping materials. Mechanical equipment will be screened;

Staff recommends that a note be added to the Site Plan that all provisions of 5-2(H) Major Public Open Space Edges will be applied to new construction.

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

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

The Landscape Plan shows primarily naturalized vegetation for landscaping materials. Staff recommends that a note be added to the Site Plan that states Buildings and Landscapes will comply with 5-2(H)(1).

5-2(H)(1)(c) Screen mechanical equipment pursuant to Subsection 14-16-56(G) (Screening of Mechanical Equipment and Support Areas).

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

The Site Plan does not show outdoor lighting.

5-2(H)(1)(e) locate signs to minimize visibility from Major Public Open Space.

The proposed sign is located and sized appropriately to minimize visibility from the Major Public Open Space.

The sign is located at the corner of Namaste Road NW and Tres Gracias Road NW to minimize visibility from Major Public Open Space.

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

Pedestrian and bicycle access to the Major Public Open Space is restricted per the City Open Space trailhead. No access to the City Open Space is permitted from the property. In addition, as requested by City Open Space, no direct access from individual lot rear yards shall be permitted to the private open space buffer as stated on the Site Plan (will also be included in the subdivision's covenants).

The Open Space Division requested that access not be permitted between the development and the adjacent Major Public Open Space. The proposed trail is internal and the development will be gated. Residents could use the trail connections for pedestrians and bicyclists to access exterior trails and streets. The public would not be able to use the interior private trail.

5-2(H)(2)(a)1 Development adjacent to Major Public Open Space shall be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally not allowed unless approved by the Open Space Division (OSD) of the City Parks and Recreation Department. Where a single-loaded street is not desired by the Open Space Division of the City Parks and Recreation Department, a landscape buffer with a minimum width of 20 feet may be substituted as approved by the Open Space Superintendent.

A landscape buffer with a minimum width of 20 feet between the Major Public Open Space and development as approved by the Open Space Division of the City Parks and Recreation Department;

The Open Space Division provided a letter, which exempts the project from a single-loaded street between the MPOS and the development in lieu of a wider landscape buffer that will better protect the MPOS. The OSD recommends that the developer ensure adequate setback from the steep slope area in order to prevent potential erosion caused by proximity to the sandy bluff. The OSD states that a buffer would be more advantageous than a single-loaded street, leaving native land contiguous with MPOS.

5-2(H)(2)(a)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.

On-site open space is contiguous with the Major Public Open Space;

All three of the County lots are adjacent to the City's MPOS and are therefore subject to this regulation. The ZEO determined that the common open space is contiguous if linked through a continuous trail system with minor crossings of the private internal roadway. The revised Site Plan is improved with regard to this provision.

OSD states: "Development, in the form of structures and buildings, should be located as far away as possible from the MPOS and any adjacent slopes to provide buffer to the wildlife habitat below the bluff and to prevent erosion and subsidence of the land above the MPOS."

5-2(H)(2)(a)4. Include a landscaped strip between off-street parking and the Major Public Open Space with a minimum width of 6 feet that varies in width to avoid the appearance of a hard, straight line.

This is provided.

5-2(H)(2)(a)5. Limit height of site lighting luminaires to 20 feet.

Site lighting is limited to 20 feet.

5-2(H)(2)(a)6. Incorporate Crime Prevention through Environmental Design (CPTED) principles to deter crime and to facilitate security measures.

Crime Prevention through Environmental Design principals.

The City's police department did not comment on the development. Since the project is expected to be gated, property crime may be less of an issue than otherwise.

5-2(H)(2)(a)10. Locate and design all walls, fences, retaining walls, and combinations of those site features facing the Major Public Open Space in compliance with all applicable standards in Section 14-16-5-7(E)(4) (Walls Adjacent to Major Arroyos or Major Public Open Space).

The applicant intends to keep existing walls except where the roadway must be widened for fire access.

The remainder provisions in this section regard technical issues such as stormwater, grading, vehicle access circulation and parking, and construction impact, which must all be per the Development Process Manual (DPM).

Therefore, staff recommends the Site Plan be reviewed and approved by the DRB prior to final approval.

5-2(H)(2)(b) Development on properties 5 acres or greater adjacent to Major Public Open Space shall not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.

- *Development will not create any negative impacts on the visual, recreational, or habitat values of the Major Public Open Space by the creation of a buffer;*
- *Vehicle access, circulation, and parking is designed to minimize impact to Major Public Open Space by locating it outside of and significantly setback from the on-site and off-site open space (see cul-de-sac variance justification);*
- *Grading and stormwater management is designed to minimize impact to Major Public Open Space through ponding and stormwater management;*
- *Site lighting is limited to 20 feet;*

- Walls will blend with the natural environment with the protection of and reconstruction of the existing perimeter wall, which is appropriate for safety and visual screening;
- Signage is located at the southwest corner of the project and designed to minimize the impact to the MPOS and other neighbors in accordance with the free-standing sign IDO requirements; and
- The site plan being submitted for review by the EPC.

The Open Space Division has not determined that material negative visual, recreational, or habitat values environmental impacts would be caused by the development.

Access and Connectivity, 5-3 & Subdivision of Land, 5-4

Note: Regulations are in regular text, *applicant's justifications are in italics*, and *staff's comments are in bold italics*.

5-3(E)(1)(d) Stub Streets and Cul-de-Sacs Stub streets and cul-de-sacs that terminate the road are prohibited, with the following exceptions: Cul-de-sacs are allowed where necessary to avoid those types of sensitive lands listed in Section 5-2(C), or where vehicular safety factors make a connection impractical, including but not limited to size or shape or lots, topography, surrounding development patterns, and physical characteristics.

A Variance EPC is not required for this regulation because there is a "where necessary" exception in the verbiage.

5-3(E)(2) Connections to Adjacent Land, 5-3(E)(2)(a) Where adjacent land has been subdivided with stub streets ending adjacent to a new subdivision, or with a local street ending at a street dividing the new subdivision, the new subdivision streets shall be designed to align the streets in the adjacent subdivision to allow through circulation between the 2 adjacent subdivisions.

We have submitted a variance request to the DRB to address the IDO connectivity requirement.

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.

Landscaping, Buffering, and Screening

Note: Regulations are in regular text, *applicant's justifications are in italics*, and *staff's comments are in bold italics*.

3-4(C)(5)(b) Site Plans shall retain the sense of the natural features and vegetation. Reconstruction and revegetation to a natural setting shall be pursued to the maximum extent practicable.

Native vegetation would more closely meet the intent of Comprehensive Plan policies regarding preservation of the adjacent native open space as well as more closely adhere to the Open Space Division (OSD) recommendations for native species. The updated Landscape Plan includes a majority of native materials including the buffalo and blue gramma grass. A few of the larger trees are non-native but somewhat drought tolerant. Staff recommends approval of the plant palette.

IV. Agency & Neighborhood Concerns

Reviewing Agencies

Full Agency Comments are included at the end of this report.

Comments from the City Hydrology Division are noteworthy because it is stated “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.” In addition Hydrology states in in bullet 5 that US Army Corps of Engineers (USACE) will need to be consulted to determine if Waters of the US are located on the subject site, and if so, a Federal Permit will be required. Hydrology requests that subsequent to EPC, the project be reviewed by the DRB of which the City Hydrologist is a member as many grading and issues will need to be solved subsequent to the EPC hearing.

Neighborhood/Public

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. Transcripts to the meetings are attached to this report under the Application heading.

For the previously scheduled December 13, 2019 EPC public hearing staff received individual letters from approximately 55 individuals and organizations, one of which included a petition of approximately 32 names. In addition, staff received a form letter from 131 individuals. All of the comments were in opposition to the request and are available as an attachment under the Public Comments heading under the staff report posted for the December 13, 2019 EPC hearing. Many of the letters express opposition but do not explain how the submittal does not address or meet applicable IDO regulations. Staff did not receive any comments in support of the project.

For the previously scheduled February 14, 2019 EPC public hearing, staff received approximately 16 letters attached under the Public Comments heading. Staff received an additional approximately 10 letters within the 48-hour period. All public comment was in opposition to the request.

For the current March 14, 2019 public hearing, staff received one phone call, three emails from individuals who have not previously commented, and four emails and letters from entities who have previously commented to express opposition to the development.

Subsequent to the original application for the EPC-Site Plan, staff has received a multitude of comments (as described above) in opposition to development on the subject site. However, since the subject project is on private property, currently in contract with the applicant, by law it may be developed according to the City assigned R-A zoning as regulated by the IDO standards. Therefore, the use of the property as a residential subdivision with R-A density per single-family lots or cluster development was previously established by law and is not for consideration by the EPC. The EPC may only consider Site Plan issues not regulated by the IDO such as the placement of the lots, circulation, trails, amenities, landscaping, buffers, etc.

Therefore, public questions/comments related to the use of the property as residential development will not be analyzed in this report. Public questions/comments related to the Site Plan are responded to below:

Recurrent public comments related to the Site Plan:

- *In opposition to cluster development instead of single-family in the R-A zone:* Cluster development is a permitted use in the R-A zone pursuant to the Allowable Uses Table 4-2-1. Typically, the R-A zoning permits a minimum lot size of 10,890 square feet for a single-family subdivision. It can be reasonably assumed that 15% of unsubdivided land in any given residential subdivision will have to accommodate streets. The project site's 23 acres minus 15% for streets leaves a buildable area of 19.55 acres, which results in 78 lots. The subject request is currently for 76 lots as part of the cluster development.
- *In opposition to two cluster developments adjacent to each other on one project site:* There is no statement in the IDO that prohibits cluster developments from being adjacent to each other. The ZEO determined that as long as each cluster meets all cluster provisions, multiple clusters may be on adjacent lots. Since the number of lots for cluster development is determined by dividing the lot square footage by the minimum lot size permitted in the zone, the primary difference between single-family lots and cluster development is that clusters preserve *common open space* for the benefit of the residents, and there is no reason these types of developments cannot be adjacent in a residential zone. The ZEO has determined that cluster developments may be developed adjacent to each other as if there were two separate property owners with the same zone. There is nothing in the IDO that states otherwise.

Additional comments from the Taylor Ranch NA:

- The arborist report identified clusters of trees in good conditions, are these all protected by the IDO Section 5-2(C)(1)(i) Sensitive Lands. It is within EPC purview to determine if preservation is required or if more information is needed. Based on information from the City Forester and the applicant, staff recommends preservation of the trees at the entrance and in the open space.
- *IDO Section 5-2(C)(4) should supersede cluster development:* IDO Section 5-2(C)(4) states: “If avoidance of sensitive lands, other than floodways results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.” This section allows traditional single-family lot development on sensitive lands to decrease lot sizes. The cluster development essentially accomplishes the same thing by permitting lot reduction so that 30% of the total area is retained as common open space. One of the purposes of the cluster development is to preserve areas that are unsuitable for development as common open space. There is nothing written in the Site Design and Sensitive Lands Section 5-2 that prohibits cluster development on lands adjacent to Major Public Open Space.

Additional comments from the legal letter dated February 4, 2019:

- *Response to comments that the DRB case for the Variance to connectivity to the adjacent subdivisions is currently under appeal.* Staff has consulted with the City’s legal department who verbally stated that the DRB and EPC cases are separate considerations and are not reliant on each other. If the applicant is denied the DRB Variance, the applicant may be required to re-design with another point to the public right-of-way or may reapply for the same or another Variance. If this results in a significant change, the Site Plan may return to the EPC for review and approval.
- *The applicant has not submitted an analysis of site constraints:* The applicant submitted an updated analysis diagram and response to criteria in Section 5-2 as described under that section above. It is an EPC decision as to whether the applicant’s analysis is sufficient for their decision or if additional information/analysis is needed.
- *The subject site is within an Area of Consistency:* The Site Plan is consistent with Area of Consistency Policies in the Comprehensive Plan as shown above in Section II. Contextual Standards in the IDO do not apply to the subject project because it is a cluster development that does not face the same street as any existing residential developments. Contextual regulations in Areas of Consistency do not apply to cluster developments per 5-1(C)(2)(a) and 5-1(C)(2)(c).

V. Conclusion

This is a request is for a Site Plan-EPC a 23 acre property addressed 5001 Namaste Road NW at the end of the cul-de-sac and between La Bienvenida Place NW and the City of Albuquerque Oxbow Open Space. The applicant proposes the development of approximately 76 single-family lots under the existing R-A zone. Staff finds that the existing R-A zone permits single family residential development with minimum lot size of 10,890 square feet, as well as cluster development, meaning that the property has the correct zoning for the proposed use.

Because the subject site is adjacent to MPOS, additional IDO regulations requiring further analysis apply to the subject site than what is typically for Site Plan approval. Staff finds that the applicant has addressed relevant IDO regulations related to cluster development and adjacency to MPOS as well as Comprehensive Plan policies. Therefore, staff recommends Conditions of Approval to meet regulation and policy as outlined in this report.

Findings

Project #: 2018-001402, SI 2018-00171

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).
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 for a site zoned R-A 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.
- 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.
- 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.

Recommendation

APPROVAL of Project #: 2018-001402, SI #: 2018-00171, for Site Plan-EPC, based on the preceding Findings and subject to the following Conditions of Approval.

Conditions of Approval

Project #: 2018-001402, SI 2018-00171

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. The site entrance shall be adjusted to preserve the existing trees near the entrance.
3. Even after adjustments to the lot sizes, the common open space must remain a minimum of 35-foot wide between the houses per
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.
 - 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.
 - The land containing the AMAFCA facilities in the northeast corner of the site will have to be platted as separate tracts and conveyed to AMAFCA by deed.
 - 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.
- 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.

***Cheryl Somerfeldt
Planner***

Notice of Decision cc list:

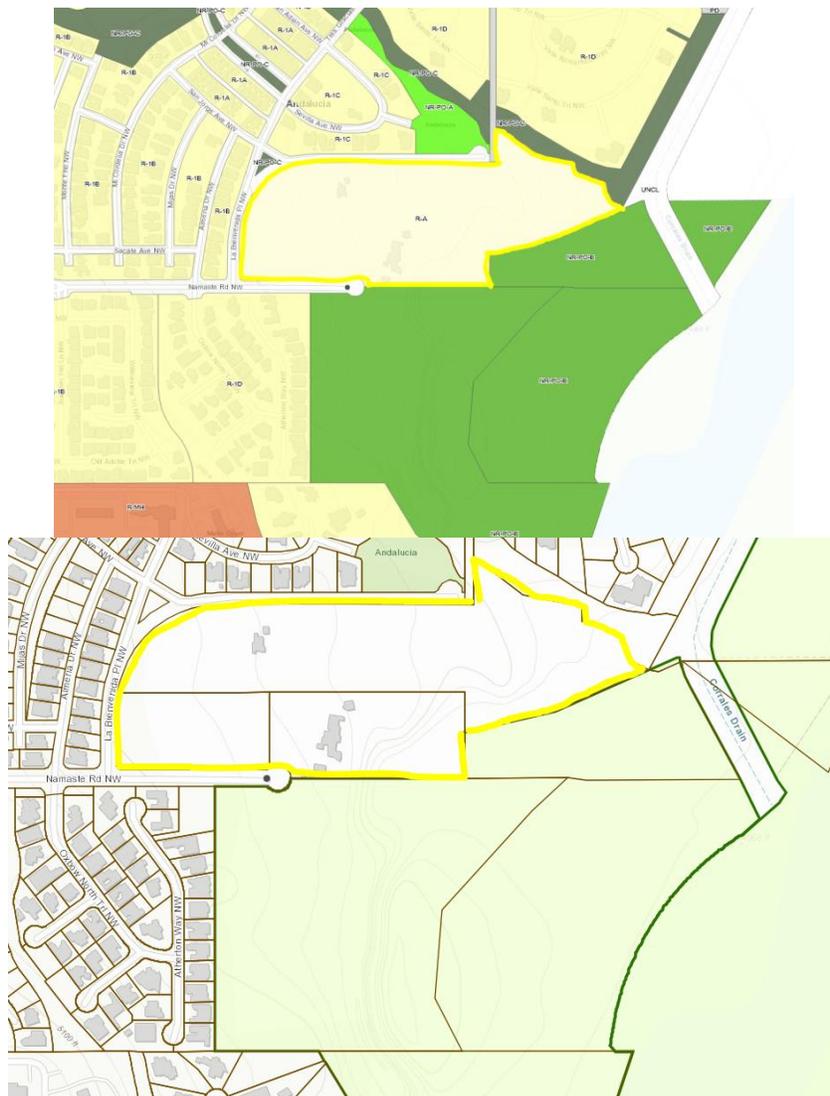
List will be finalized subsequent to the EPC hearing on March 14, 2019.

Agency Comments

PLANNING DEPARTMENT

Long Range Planning

This subject site is approximately 25 acres of R-A surrounded by NR-PO-B (City-owned or City-managed Major Public Open Space) to the east and south and by R-1C and R-1D to the west and north. There are also two smaller properties zoned NR-PO-A and NR-PO-C abutting the northern edge of the site.

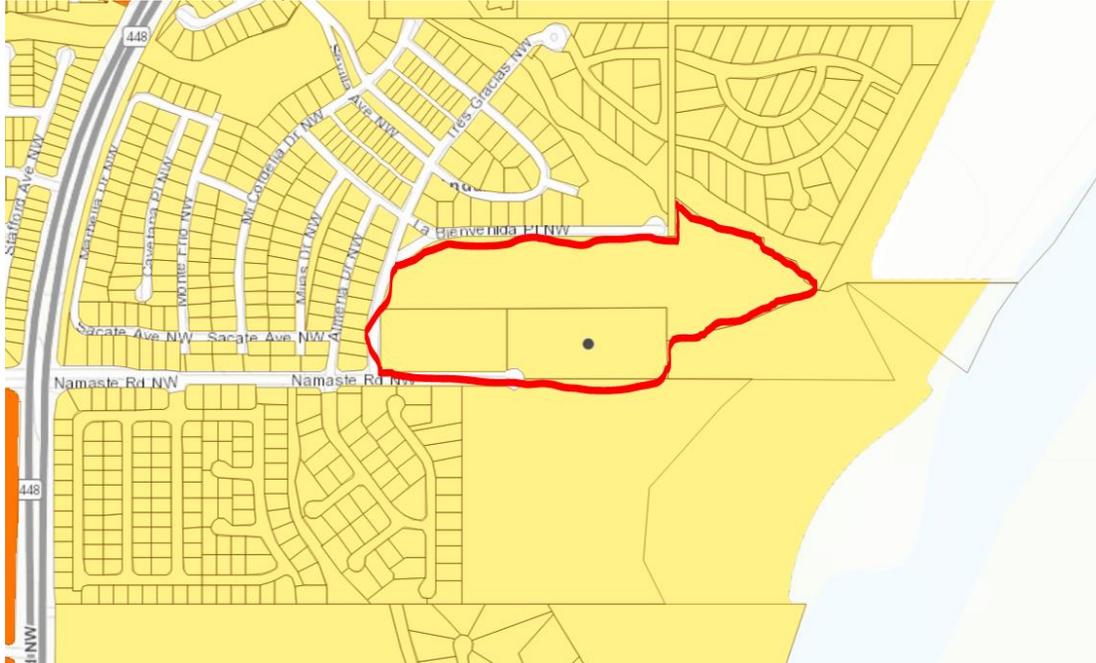


The site is located in an Area of Consistency. Single-family residential development is a permissive use in the R-A zone district and is consistent with the surrounding area. A portion of the development will include cluster development in order to preserve open space and provide access to adjacent Major Public Open Space.

ABC Comprehensive Plan Policy 5.3.3 Compact Development: Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas

and courtyards.

ABC Comprehensive Plan Policy 5.3.4(c) Use cluster development to concentrate buildings on a portion of the site, in particular near floodplains or other natural features, to allow the remaining land to be used for recreation, open space, agriculture, or preservation of sensitive land areas.



The agent has also indicated that the property owner intends to offer portions of the Oxbow to the City as permanent open space.

ABC Comprehensive Plan Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

The latest trends show that more people are choosing to live in rural areas, so housing options are needed that can accommodate more people while still respecting and enhancing the rural feel of the area. The developer expects a mix of housing types that will include homes at various price points from average to high. The cluster development portion will provide smaller lot sizes and therefore more affordable compared to the homes that will be built on typical R-A sized lots.

ABC Comprehensive Plan Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

The Integrated Development Ordinance (IDO) provides several tools to ensure appropriate development near Major Public Open Space and to protect existing character of established neighborhoods and views of the Sandia Mountains.

First, sites 5 acres and greater adjacent to Major Public Open Space must get an approved site plan from the Environmental Planning Commission (EPC) before any development can occur on the site, including grading. This process ensures that the

applicant has met the required standards for site design to minimize negative impacts of development on adjacent Major Public Open Space.

Second, the site is located within the Coors Character Protection Overlay (CPO-2) and Coors View Protection Overlay (VPO-1). The proposed site plan indicates that several proposed residential buildings will be 1-story in order to preserve views. The entire development will need to meet all requirements of CPO-2 and VPO-1.

Third, the IDO establishes considerations for avoiding sensitive lands in site design in Subsection 5-2(c) and design requirements for development adjacent to and within 300 feet of Major Public Open Space in Subsection 5-2(H). The entire development will need to meet all requirements of these Subsections.

The IDO also establishes requirements for access and connectivity. The entire development will need to meet all requirements of Subsection 5-3.

Hydrology

1. An approved Grading and Drainage Plan & Drainage Report is required prior to approval of Preliminary Plat or Site Plan. A separate submittal is required to hydrology to include sufficient engineering analysis and calculations to determine the feasibility and adequacy of the proposed improvements.
2. All floodplains need to be shown on the plat and site plan.
3. LOMR will be required to remove the floodplain from the lots that have the floodplain.
4. AMAFCA approval will be required for connection to their Channel and grading adjacent to their right of way.
5. USACE approval will be required for any fill proposed in Waters of the US.
6. An infrastructure list will be needed for Preliminary Plat.
7. A recorded IIA is required prior to Final Plat.
8. A prudent setback from the Rio Grande is recommended because the slope on City Open Space is not stable and subject to lateral migration of the river. The City has no plans to stabilize the slope and does not want to be burdened with the cost of such improvements. Bank Protection may be constructed to prevent lateral migration of the river, and erosion of the slope.
9. The land containing the AMAFCA facilities in the northeast corner of the site will have to be plated as separate tracts and conveyed to AMAFCA by deed.
10. Management onsite will be required for the SWQV unless a waiver is demonstrated on the G&D Plan and accepted by Hydrology

Transportation Development Services

1. 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)
2. Infrastructure and/or ROW dedications may be required at DRB.
3. All work within the public ROW must be constructed under a COA Work Order.
4. The following comments need to be addressed prior to DRB:
5. 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.

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.

POLICE DEPARTMENT/PLANNING

Regarding the above referenced EPC case, I respectfully submit the following comments:

- Ensure adequate lighting throughout the project – exterior lighting on the house and any future building(s).
- Ensure natural surveillance and clear lines of sight throughout the project. Natural surveillance requires a space free from natural and physical barrier. Establish a clear line of sight from the house to the street and the street to the house. Also maintain natural surveillance between the house and any future building(s).
- Ensure that landscaping is installed so as not to obstruct windows, doors, or entryways.
- Ensure adequate locking devices on exterior doors (deadbolt lock with a 1” throw) and windows.
- Consider providing anti-lift protection on windows and sliding glass doors.
- Ensure that all exterior doors are of solid-core or metal construction.
- Ensure that addresses are posted and clearly visible.
- Create a clear transition from public to semi-public to semi-private to private space throughout the project.

If you have any questions regarding these CPTED recommendations, please call me at 768-2006. I am also available to do an on-site security survey after the project is complete.

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.

TRANSIT DEPARTMENT

Case Number	Brief Description of Request	Transit Corridor?*	Transit Route?	Current Service/Stops	Comments/Support/Requests
Project #2018-001402 SI-2018-00171, a Site Plan	Site Development Plan for a residential cluster development on 22.75 acres at the eastern extremity of Namaste Road	Proximate to the Coors Boulevard Major Transit Corridor	Not on a route	Fixed Route 155 and Commuter Route 96 are served by a stop pair either side of the Namaste Road/ Coors Boulevard intersection, approximately 2500 feet west of the property centroid. This fact is noted on Sheet 1 of the proposed site plan.	No comment

PARKS & RECREATION DEPARTMENT

Parks and Recreation defers to the Open Space Division's comments.

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

ALBUQUERQUE PUBLIC SCHOOLS

- APS Case Comments: The construction of a residential development, has the potential to directly impact the Albuquerque Public Schools. This residential development will have impacts on Susie Rayos Marmon Elementary School, John Adams Middle School, and West Mesa High School.

- Residential Units: 73
- Est. Elementary School Students: 19
- Est. Middle School Students: 8
- Est. High School Students: 8
- Est. Total # of Students from Project: 35

*The estimated number of students from the proposed project is based on an average student generation rate for the entire APS district.

School Capacity

School	2017-2018 40 th Day Enrollment	Facility Capacity	Space Available
Susie Rayos Marmon Elementary School	618	660	42
John Adams Middle School	517	650	133
West Mesa High School	1704	1800	96

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.

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.
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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.

STAFF INFORMATION

CITY OF ALBUQUERQUE



Parks and Recreation Department

March 1, 2019

TO: Mr. Serrano, EPC Chairman
FROM: Colleen McRoberts, Superintendent, Open Space Division
RE: Comments on Proposed "Overlook at Oxbow" Subdivision

The Parks and Recreation Department (PRD) respectfully provides the following comments to the EPC regarding a proposed development adjacent to the San Antonio Oxbow Major Public Open Space (MPOS). The property proposed for development is legally described as:

- Lots 1 through 3 Block 1 Plat of West Bank Estates Together with Tract A1 Lands of Suzanne H Poole Containing 14.1326 Acres;
- Tract C-1 Plat of Tracts C-1, C2 & Lot 4-A Lands of Suzanne H Poole Being a Replat of Tract C Lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11N R2E Lot 4 Block 1 West; and
- Lot 4-A Plat of Tracts C-1, C-2 & Lot 4-A Lands of Suzanne H Poole Being a Replat of Tract C Lands of Suzanne H Poole Tract C Annexation Plat Land in Section 25 & 36 T11N R2E Lot 4 Block 1 West

General Comments

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

The Open Space Division (OSD) of the PRD works to acquire and protect the natural character of land designated as Major Public Open Space (MPOS) as stated in the 2017 ABC Comprehensive Plan. The subject property (known as the "Poole property") is adjacent to the San Antonio Oxbow MPOS. The San Antonio Oxbow is an important and sensitive element of the MPOS system that requires careful and thoughtful treatment from adjacent development.

OSD would prefer that the entire property remain undeveloped and welcomes a donation of the property in order to protect the existing private parcel as Major Public Open Space. However, the parcel is privately owned, and in order to protect the adjacent MPOS, OSD thoroughly reviewed and studied the site plan. OSD offered numerous suggested revisions to the site plan over a six month period. These revisions provide better protection of the San Antonio Oxbow MPOS. PRD and OSD negotiated to provide more private open space in the eastern and some southern sections of the parcel, which is adjacent to the San Antonio Oxbow. Originally, the owners/developers were offering to keep about 2.8 acres of the parcel in a natural state. The revised plan provides approximately 5.40 acres as natural undisturbed private open space along the edges of where MPOS abuts the private parcel. The additional private open space allows for the majority of the proposed homes on the southern boundary (closest to the MPOS) to be platted further away from the MPOS boundary. This creates a wider buffer between the development and the adjacent MPOS. However, an even wider buffer is desired by OSD along the southern edge to maximize the protection of the sandy Oxbow bluffs. Also, the eastern area has been redesigned so there is more natural private open space and wider buffer zone protection to the adjacent MPOS along the east boundary.

Development Buffer

Pursuant to Section 14-16-5-2(H)(2)(a), the Integrated Development Ordinance (IDO) requires a single-loaded street adjacent to MPOS; however the IDO also allows for an applicant to substitute an Open Space buffer (with a minimum depth of 20 feet) if approved by the Open Space Superintendent.

After review of the buffer proposal and a revision to widen the buffer, the OSD staff agrees that if development in this area is to occur, a buffer of more than 20 feet of private open space rather than a single-loaded street would be strategically and critically advantageous to the environmental health and conservation of the abutting sensitive San Antonio Oxbow MPOS. Leaving native land contiguous with the San Antonio Oxbow furthers the comprehensive plan and the IDO and will do more to preserve the MPOS than an impervious street directly abutting it, which would add weight to its slopes and edges and possible runoff from storm water. Though we have made strides to widen the buffer along this edge, a larger buffer, or leaving as much land undeveloped as possible as a set-back from the bluff, is even more desirable.

If development occurs on the eastern portion of the property, OSD recommends that the developer ensure adequate setback from the steep slope area to the proposed rear yard walls in order to prevent potential erosion caused by proximity to the sandy bluff. This is one reason PRD OSD proposes the buffer be private open space and to be maintained as private open space by the HOA or homeowners themselves. OSD also recommends that EPC apply a condition that the City's Hydrology Division closely evaluates and studies the grading and drainage plan and provide conditions which would lessen the potential for erosion issues near and on the San Antonio Oxbow MPOS. Significant erosion is currently an issue along the bluff and the problem will be exacerbated by "developed flows."

Based on additional concerns expressed by OSD, the developer has agreed to:

- Coordinate with the OSD to make improvements to the small parking lot and trailhead access at the existing cul-de-sac terminus of Namaste Road, and donate appropriate lands associated with the parking lot/trailhead to OSD. The developer should also ensure that storm water and other drainage will not erode the San Antonio Oxbow MPOS embankments from this area of Namaste Road.
- Maintain a wall between the houses and Open Space, and include a note on the site plan and a restriction in the CC&R stating that direct private access to the MPOS from rear or side yards is prohibited in perpetuity. The City should have a right to close off any private gates that may be built in the future.

The developer has offered to keep approximately 5.40 acres of natural land running along sections of the southern, eastern, and northern edge of the Poole property that is adjacent to the MPOS. This natural land should be kept in a natural state and be considered as private open space. Private open space is open space that is maintained by the HOA and not by the City's Open Space Division or Parks and Recreation Dept.

Another condition OSD would like the EPC to consider is that prior to any construction on the property, a study be done to ensure the bluff or Oxbow itself won't be negatively

or adversely impacted by development of the proposed homes along the southern edge. In more specific terms, OSD would like to see a satisfactory erosion mitigation plan be developed and ensure that the City and OSD are not held responsible for mitigating any future erosion issues that may result from development near the bluff, and that any erosion mitigation or bank stabilization efforts on the private parcel not have an impact on the abutting MPOS.

The IDO requires that EPC Site Plan applications be consistent with the ABC Comp Plan (14-16-6-6(H)(3)(a)). Applicable Goals and Policies that need to be addressed by this submittal and some initial PRD issues and comments include:

Goal 10.1 Facilities and Access: Provide parks, Open Space, and recreation facilities that meet the needs of all residents and use natural resources responsibly.

PRD wants the best buffer/transition possible from the proposed development to the San Antonio Oxbow MPOS to ensure responsible use and preservation of this natural resource. Landscape treatment within the development should be as naturalized as possible and use native species to prevent any incursion of invasive and non-native species into the MPOS.

Policy 10.1.1 Distribution: Improve the community's access to recreational opportunities by balancing the City and County's parks and Open Space systems within the built environment.

The Open Space Division would be interested in the Namaste cul-de-sac be developed to include a parking area for people wanting to use the San Antonio Oxbow trailhead. OSD would need further coordination with the developer, per acceptable design and conditions.

Policy 10.1.4 Water Conservation: Employ low-water use and reclamation strategies to conserve water.

PRD strongly recommends the use of native vegetation throughout the proposed development, especially near and adjacent to the MPOS. The San Antonio Arroyo drains directly into the Oxbow, which serves unique ecological and drainage purposes that require unique protections and treatments on adjacent properties that drain into it.

Both surface and groundwater on the Poole property contribute to the water quantity and water quality entering the San Antonio Oxbow MPOS. Percolating groundwater through the property that enters the river aquifer is released slowly and is cleaned during its migration. Any development on the property should emphasize protection of groundwater infiltration by mandated use of permeable surfaces.

Goal 10.3 Open Space: Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

The Open Space Division works to acquire and protect the natural character of land designated as MPOS in the 2017 ABC Comprehensive Plan. The San Antonio Oxbow is an important element of the MPOS system that requires careful and thoughtful treatment from adjacent development. The IDO's new requirements and standards for development near sensitive lands (14-16-5-2) provide some basic measures to implement, but special care shall be applied to development next to the Oxbow because it serves as prime riparian habitat for waterfowl, aquatic mammals, amphibians and fish species.

The Open Space Division had requested that the development design consolidate all private open space into one cohesive unit and OSD believes this has been accomplished per the latest and revised proposed plat. OSD believes this will further the standards for development near sensitive lands per 14-16-5-2 of the IDO. Therefore, any private open space would be contiguous to the MPOS that abuts it.

Policy 10.3.1 Open Space Acquisition: Acquire significant lands throughout the community to shape the urban form, conserve natural and cultural resources, and protect agricultural land.

The San Antonio Oxbow was acquired by the City in 1999 in two separate real property transactions resulting in a total acquisition of 58.9 acres. In 2006 the trailhead, trail, and wooden fencing was developed by the OSD with the intention to allow the public to overlook this important part of the Rio Grande State Park (river *bosque*). Private buffer land in the form of private open space adjacent to the existing MPOS is desirable if it adds appreciably to the habitat and environmental qualities of the MPOS.

Policy 10.3.2 Preservation: Identity and manage sensitive lands within the Open Space network to protect their ecological function.

The San Antonio Oxbow MPOS is one of the most significant and fragile components of the City's Open Space network, and a gem of protected habitat along the Rio Grande. Significant local and federal funds have been invested in the Oxbow project to protect and enhance the area's ecological values and functions.

The southeastern portion of the Poole property, in particular, sits on the bluff adjacent to valuable and sensitive *bosque* habitat. Development in this area will negatively affect wildlife habitat, especially for birds, small mammals, amphibians and reptiles. OSD has worked with the developer in creating a revised plat where private common open space would be consolidated into a single large area and should remain in a natural state with only native species to prevent any incursion of invasive and non-native species into the MPOS. Development, in the form of structures and buildings, should be located as far away as possible from the MPOS and any adjacent slopes to provide buffer to the wildlife habitat below the bluff and to prevent erosion and subsidence of the land above the MPOS.

Policy 10.3.3 Use: Provide low-impact recreational and educational opportunities consistent with the carrying capacity of the Open Space resources.

Due to the sensitivity of the San Antonio Oxbow and the habitat it creates for a variety of flora and fauna, the Oxbow is closed to the public. In order to provide opportunities to the public to see the Oxbow without disturbing it, the trailhead, trail, and wooden fencing was installed by OSD to allow a “bird’s eye view” of the oxbow from the top of the bluff just south of the terminus of Namaste Road. In addition, an OSD trail runs below the bluff to the northern edge of the Oxbow, where it terminates. No additional access will be allowed due to the Oxbow’s sensitivity and the development must accommodate this request.

Policy 10.3.4 Bosque and Rio Grande: Carefully design access to the Rio Grande, the Bosque, and surrounding river lands to provide entry to those portions suitable for recreational, scientific, and educational purposes, while controlling access in other more sensitive areas to preserve the natural wildlife habitat and maintain essential watershed management and drainage functions.

There shall be no access to the San Antonio Oxbow MPOS directly from the proposed development. Any private common open space in the proposed development should be consolidated into a single large area and remain in a natural state with only native species to prevent any incursion of invasive and non-native species into the MPOS. Development, in the form of structures and buildings, should be located as far away as possible from the MPOS and any adjacent slopes to provide buffer to the wildlife habitat below the bluff and to prevent erosion and subsidence of the land above the MPOS.

Goal 10.4 Coordination: Coordinate across disciplines, jurisdictions, and geographies to leverage limited resources, maximize efficiencies, and best serve the public’s need for parks and recreation facilities.

Policy 10.4.2 System Planning: Coordinate among departments and across jurisdictional boundaries to plan interconnected networks, manage natural resources, leverage public investment, eliminate gaps in service, and avoid duplication of effort.

Policy 10.4.4 Arroyos and Drainage: Work with MRGCD and AMAFCA to protect arroyos, drains, and acequias as part of Community Green Space.

The San Antonio Oxbow MPOS area serves as riparian habitat, drainage, and a passive recreation viewing area. This requires coordination between the City’s Open Space Division (OSD), the Bureau of Reclamation, New Mexico State Parks (Rio Grande State Park), Army Corps of Engineers, MRGCD and AMAFCA. Development on the site application above the Oxbow shall minimize any impacts on these coordinated functions shared by multiple jurisdictions.

Goal 11.3 Cultural Landscapes: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

Policy 11.3.1 Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

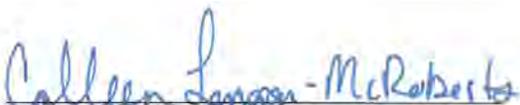
Policy 11.3.2 Arroyos: Preserve and enhance arroyos identified in the Rank 2 Facility Plan for Arroyos as important cultural landscapes.

The San Antonio Oxbow and the San Antonio Arroyo represent and reflect the identity of the West Side, the Rio Grande *bosque*, its residents, and the surrounding areas. Special care should be taken in the design of any adjacent development to protect this sensitive, cultural landscape (see public/private common open space area comments from above).

Policy 11.3.3 Bosque: Regulate development on adjacent lands to preserve and enhance the Bosque as an important cultural landscape that contributes to the history and distinct identity of the region, as well as nearby neighborhoods.

The 5.40 acres being proposed as private open space along the eastern side of the property helps further policy 11.3.3 as this area is primarily *bosque* ecosystem land and by not developing this land will protect this ecosystem and the adjacent *bosque* Open Space for present and future generations.

The Parks and Recreation Department, Open Space Division appreciates this opportunity to provide comments and suggestions to the EPC in the review and decision-making process for this proposed development adjacent to the sensitive lands of the San Antonio Oxbow MPOS. My staff and I are available to provide clarifications and to answer any questions you may have.



Colleen Langan-McRoberts
Open Space Superintendent
Parks and Recreation Department

cc: David Simon, Director, Parks and Recreation Department
David Campbell, Director, Planning Department
Brandon Gibson, Associate Director, Parks and Recreation Dept.
James Lewis, Assistant Superintendent, Open Space Division
Christina Sandoval, Principal Planner, Parks and Recreation Dept.
Russell Brito, Planner Manager, Planning Department
Cheryl Somerfeldt, Case Planner, Planning Department



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.

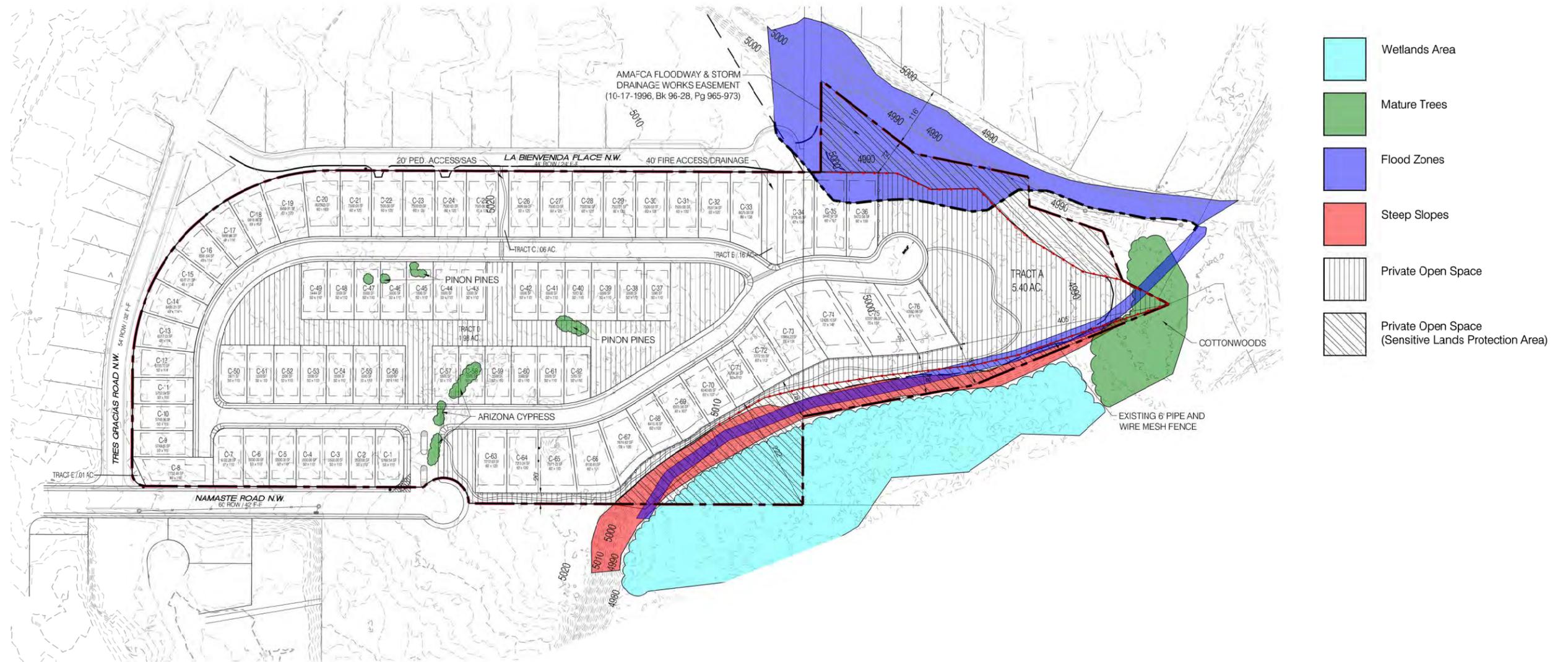
Even with that, the demolition and subsequent construction of new homes will strongly and negatively impact the future viability of trees growing near either of the existing houses on the site. I would not consider it worthwhile to try to save any of the cottonwood trees or assorted other smaller broad-leaf 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.

A handwritten signature in black ink, appearing to read "Joran Viers", is written over a light blue circular stamp.

JORAN VIERS
city forester
park management division
p.o. box 21037
albquerque, nm 87154
o: 505-768-5196
javiors@cabq.gov

APPLICANT INFORMATION



- Wetlands Area
- Mature Trees
- Flood Zones
- Steep Slopes
- Private Open Space
- Private Open Space (Sensitive Lands Protection Area)

SENSITIVE LANDS ANALYSIS

PURSUANT TO SECTION 17-1-100 SECTION 5-2 SITE DESIGN AND SENSITIVE LANDS, THE FOLLOWING ANALYSIS PROVIDED GUIDANCE TO THE SITE PLAN FOR THE OVERLOOK AT OXBOW. THE ANALYSIS WAS CONDUCTED USING UPDATED TOPOGRAPHIC SURVEY DATA, SITE ANALYSIS, REVIEW OF EXISTING EASEMENT DOCUMENTS, AERIAL PHOTOGRAPHY, AND THE CITY'S AGIS SYSTEM.

WETLANDS:

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

MATURE TREE CANOPY:

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

FLOOD ZONE/ARROYO:

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

STEEP SLOPES

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

PRIVATE OPEN SPACE:

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

OVERLOOK at OXBOW

SENSITIVE AREAS

Prepared For:

Gamma Development, LLC

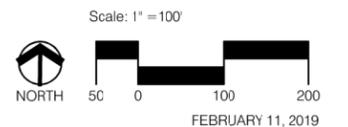
Prepared By:

Consensus Planning, Inc.
Bohannon Huston, Inc.

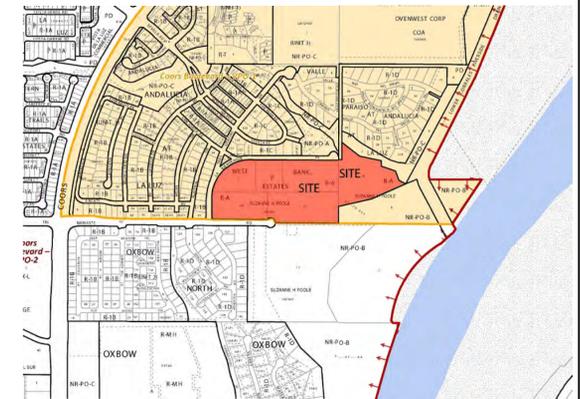
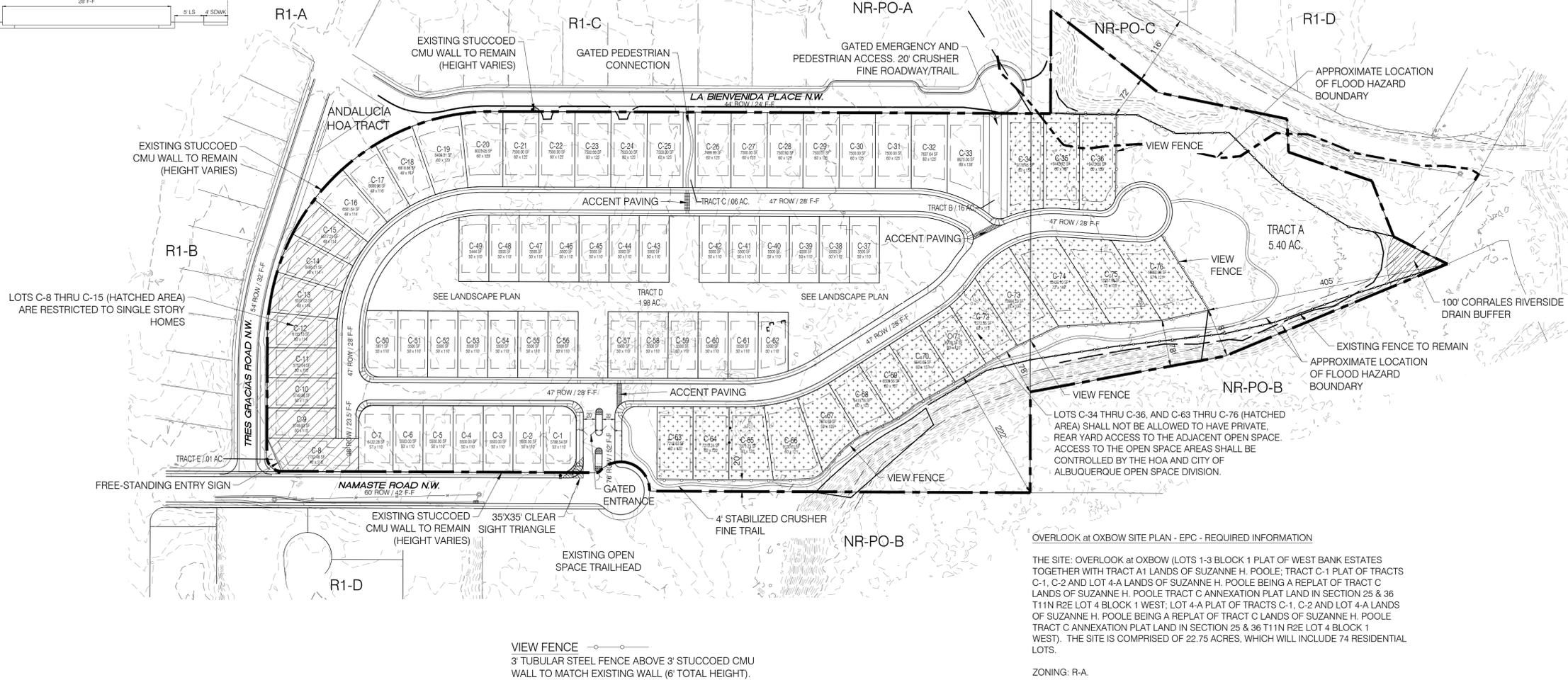
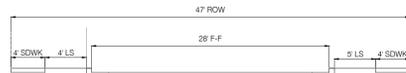


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TYPICAL STREET SECTION
SCALE: 1" = 10'



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

PROJECT NUMBER: PR-2018-001402
Application Number: SI-2018-00171
This plan is consistent with the specific Site Development Plan approved by the Environmental Planning Commission (EPC) dated _____, 2018 and the Findings and Conditions in the Official Notification of Decision are satisfied.

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

DRB SITE DEVELOPMENT PLAN APPROVAL:

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

OVERLOOK at OXBOW SITE PLAN - EPC - REQUIRED INFORMATION
THE SITE: OVERLOOK at OXBOW (LOTS 1-3 BLOCK 1 PLAT OF WEST BANK ESTATES TOGETHER WITH TRACT A1 LANDS OF SUZANNE H. POOLE; TRACT C-1 PLAT OF TRACTS C-1, C-2 AND LOT 4-A LANDS OF SUZANNE H. POOLE BEING A REPLAT OF TRACT C LANDS OF SUZANNE H. POOLE TRACT C ANNEXATION PLAT LAND IN SECTION 25 & 36 T11N R2E LOT 4 BLOCK 1 WEST; LOT 4-A PLAT OF TRACTS C-1, C-2 AND LOT 4-A LANDS OF SUZANNE H. POOLE BEING A REPLAT OF TRACT C LANDS OF SUZANNE H. POOLE TRACT C ANNEXATION PLAT LAND IN SECTION 25 & 36 T11N R2E LOT 4 BLOCK 1 WEST). THE SITE IS COMPRISED OF 22.75 ACRES, WHICH WILL INCLUDE 74 RESIDENTIAL LOTS.
ZONING: R-A.
LAND USE: SINGLE FAMILY RESIDENTIAL SUBDIVISION WITH PRIVATE OPEN SPACE AREAS AND TRAILS. NO COMMERCIAL USE IS ALLOWED.

PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS

- PRIMARY VEHICULAR ACCESS IS FROM NAMASTE ROAD, AN EXISTING URBAN LOCAL STREET. THE SUBDIVISION SHALL BE GATED.
- PEDESTRIAN ACCESS WILL BE PRIVATE, GATED ACCESS OFF BOTH NAMASTE ROAD AND LA BIENVENIDA PLACE. INTERNAL PEDESTRIAN CIRCULATION IS PROVIDED IN THE SIDEWALKS PLANNED ALONG THE PROPOSED LOCAL ROADWAYS AND TRAILS WITHIN THE OPEN SPACE TRACTS.
- TRAILS SHALL BE SOFT SURFACED, CRUSHER FINES, AND DESIGNED TO ACCOMMODATE PEDESTRIANS.
- TRANSIT ACCESS: TRANSIT ACCESS IS AVAILABLE ON COORS BOULEVARD, APPROXIMATELY 2000 FEET TO THE WEST.
- A GATED EMERGENCY AND PEDESTRIAN ACCESS IS PROVIDED TO LA BIENVENIDA PLACE.
- NAMASTE ROAD AND LA BIENVENIDA PLACE ARE PROPOSED BICYCLE ROUTES PER THE 2040 LONG RANGE BIKEWAY SYSTEM MAP.

BUILDING HEIGHTS:
26' PER THE RA ZONE.
SETBACKS:
LOTS C-1 THRU C-72

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

LOTS C-73 THRU C-76

- MINIMUM FRONT YARD SETBACKS: 20 FEET.
- MINIMUM REAR YARD SETBACKS: 25 FEET.
- MINIMUM SIDE YARD SETBACKS: 10 FEET.

DENSITY:
THE OVERALL DENSITY IS 3.2 DWELLING UNITS PER ACRE.

ARCHITECTURE:

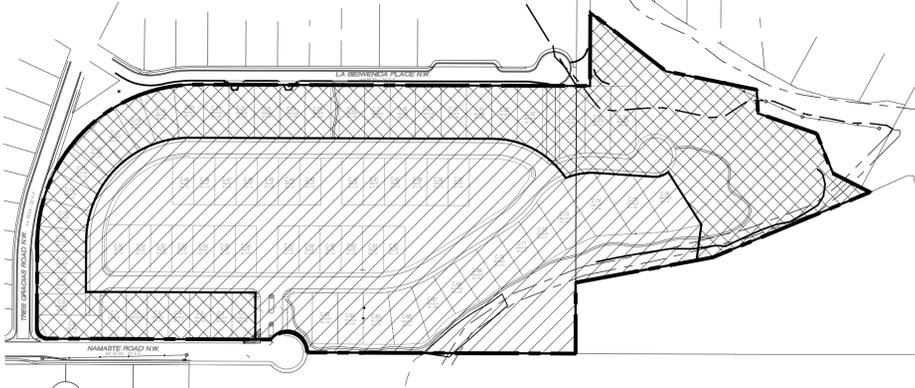
- ACCENT COLORS ON DWELLING UNITS WILL NOT CONTRAST THE PREDOMINANT COLOR OF THE BUILDING MORE THAN 10 PERCENT OF EACH FAÇADE
- MECHANICAL EQUIPMENT WILL BE SCREENED FROM PUBLIC VIEW FROM STREETS.

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

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



DELINEATION BETWEEN CLUSTER PROJECT AREAS



Per IDO section 4-3(B)(2)(d)(1), The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.

Open space calculations by cluster are as follows:

Cluster A	Size: 10.80 ac. (36 Lots)	30% Rule: OS Req. = 3.24 ac.
	Lot Red. Rule: OS Req. = 3.17 ac.	OS Prov. = 3.31 ac.
Cluster B	Size: 12.95 ac. (40 Lots)	30% Rule: OS Req. = 3.89 ac.
	Lot Red. Rule: OS Req. = 4.05 ac.	OS Prov. = 4.07 ac.
Total Project Area:		23.75 ac.
Open Space Required:		7.29 ac.
Open Space Provided:		7.38 ac.
Total Lots:		76

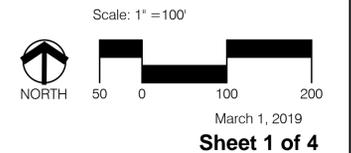
OVERLOOK at OXBOW

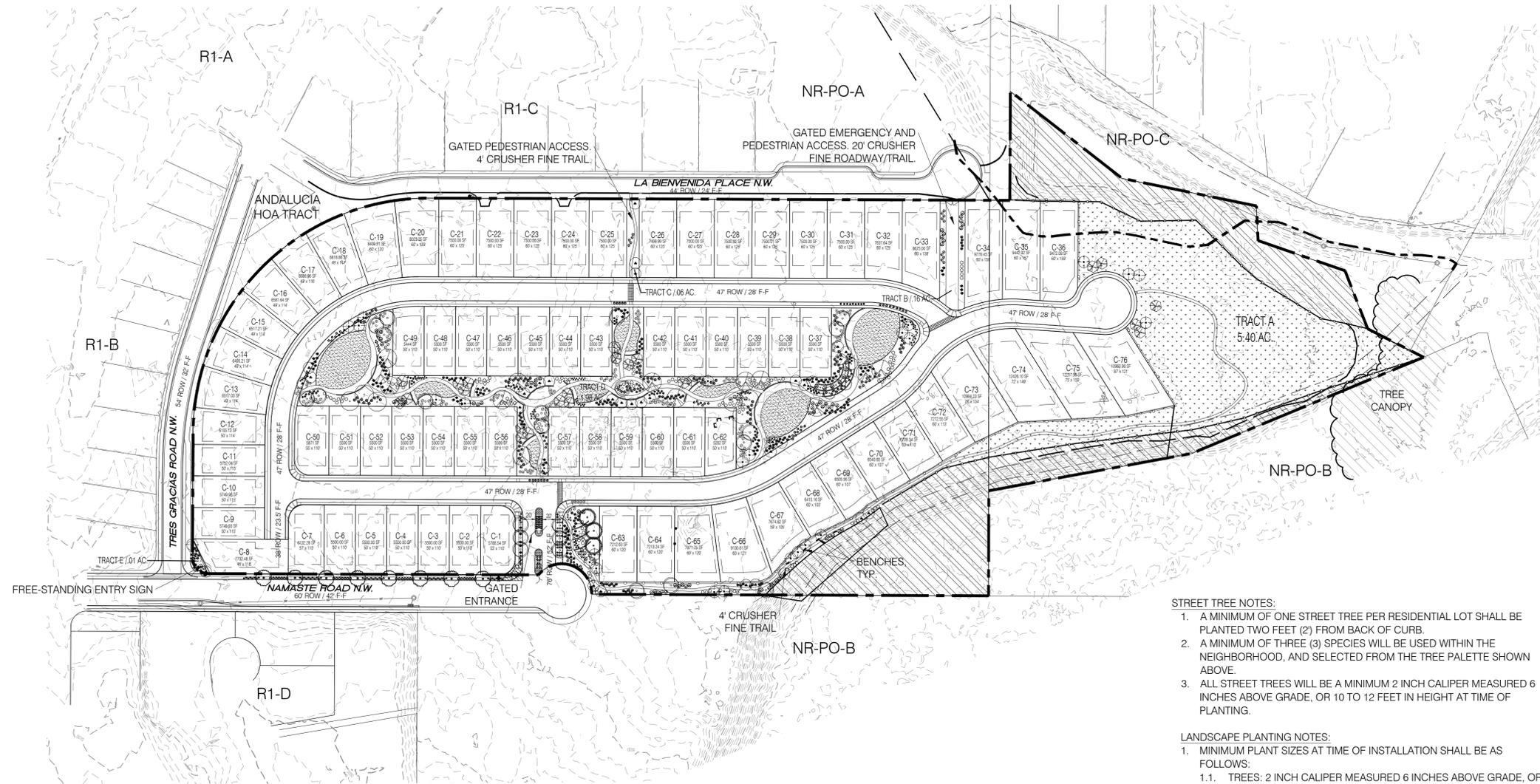
SITE PLAN

Prepared For: **Gamma Development, LLC**
Prepared By: **Consensus Planning, Inc. Bohannon Huston, Inc.**

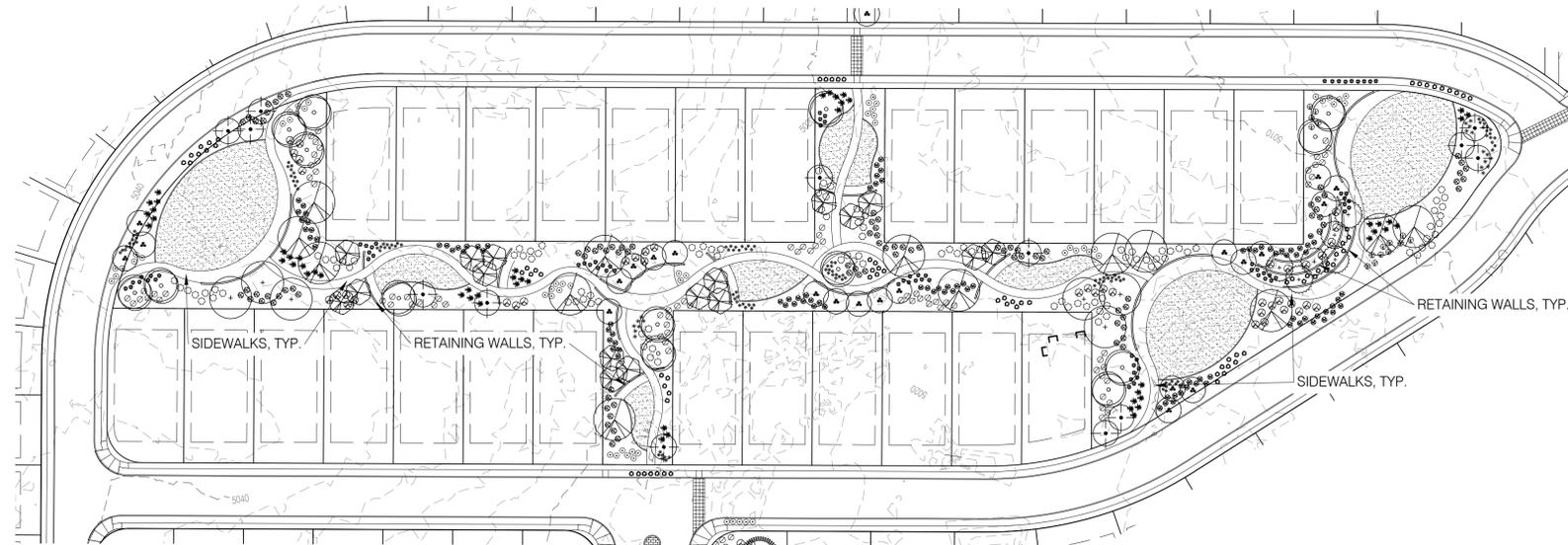
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TRACT D SITE/LANDSCAPE PLAN
SCALE: 1" = 60'



LANDSCAPE CONCEPT

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

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

PLANT PALETTE

- TREES (WATER USE)**
- ACER NEGUNDO / SENSATION / SENSATION BOX ELDER (M)
 - CHILOPSIS LINEARIS 'BUBBA' / DESERT WILLOW (L)
 - FORESTIERA NEOMEXICANA / NEW MEXICO OLIVE
 - GLEDITSIA TRIACANTHOS / HONEYLOCUST (M+)
 - KOELREUTERIA PANICULATA / GOLDEN RAINTREE (M)
 - PINUS NIGRA / AUSTRIAN PINE (M)
 - PISTACHIA CHINENSIS / CHINESE PISTACHE (M+)
 - PYRUS CALLERYANA / FLOWERING PEAR (M+)
 - VITEX AGNUS CASTUS / CHASTE TREE (M+)
- SHRUBS AND GROUNDCOVERS**
- SILVER SPREADER (L), SHADSCALE (L), DWARF BUTTERFLY BUSH (M), BLUE MIST (M), CLIFFROSE (L), WINTERFAT (L), APACHE PLUME (L), SAND PENSTEMON (M), SHRUBBY CINQUEFOIL (M+), BROOM DALEA (L), THREE-LEAF SUMAC (L+), CHERRY SAGE (M), MOONSHINE YARROW (M), TURPENTINE BUSH (L), DWARF MUGO PINE (M), SPREADING JUNIPER (M), FERN BUSH (L), LICORICE MINT (L)
- ORNAMENTAL GRASSES / DESERT ACCENTS**
- PURPLE THREEAWN (M), BEAR GRASS (L), KARL FOERSTER FEATHER REED GRASS (L), MUHLI GRASS (M), HARVARD'S CENTURY PLANT (L), DESERT SPOON (L), RED YUCCA (L)
- MOSS ROCK BOULDERS 3' X 3' MIN.**
- BUFFALO GRASS / BLUE GRAMA GRASS MIX**
- NATURAL AREA TO BE REMAIN UNDISTURBED DURING CONSTRUCTION TO THE EXTENT POSSIBLE. DISTURBED AREAS SHALL BE REVEGETATED CONSISTENT WITH THE EXISTING CONDITIONS.**
- SENSITIVE LAND PROTECTION AREA - NO CONSTRUCTION OR DISTURBANCE SHALL BE PERMITTED IN THIS AREA ACCEPT AS REQUIRED FOR BANK STABILIZATION.**

STREET TREE NOTES:

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

LANDSCAPE PLANTING NOTES:

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

PRIVATE YARD LANDSCAPE NOTES:

1. FRONT YARD LANDSCAPES SHALL INCLUDE (2) TWO-INCH CALIPER SHADE TREES; (1) 15-GALLON EVERGREEN TREE; (1) 5-GALLON SHRUB; (3) 5-GALLON ACCENT PLANTS; (6) 5-GALLON SHRUB/GRASSES; AND (5) 1-GALLON GROUNDCOVERS.
2. THERE ARE NO PLANTING RESTRICTIONS FOR THE REAR YARDS OF SINGLE-FAMILY RESIDENTIAL DEVELOPMENT.

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

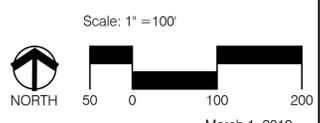
OVERLOOK at OXBOW

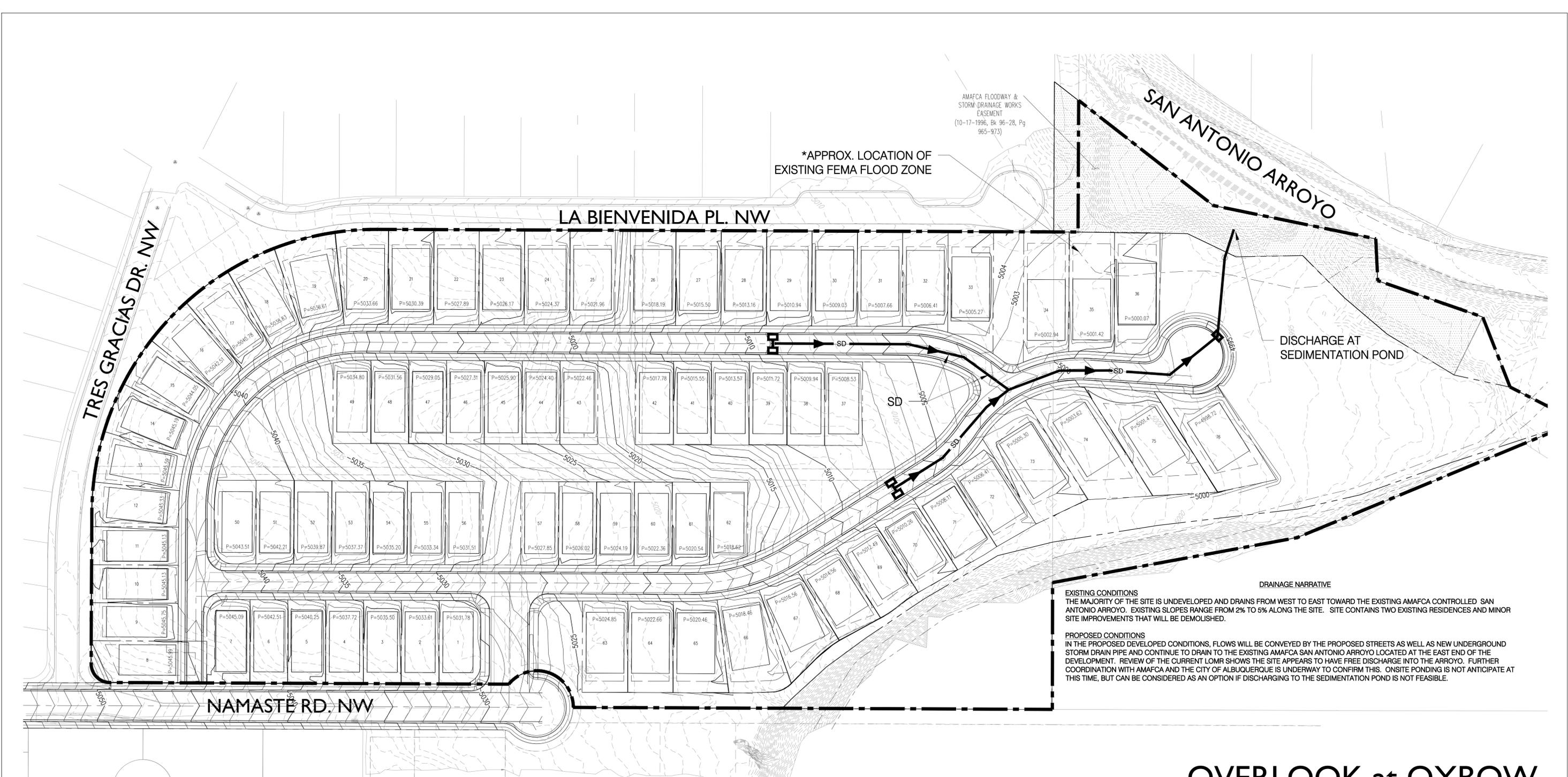
LANDSCAPE PLAN

Prepared For: **Gamma Development, LLC** Prepared By: **Consensus Planning, Inc. Bohannon Huston, Inc.**

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DRAINAGE NARRATIVE

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

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

LEGEND

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

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

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

OVERLOOK at OXBOW

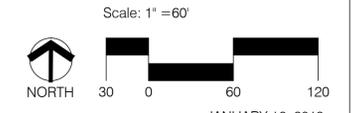
CONCEPTUAL GRADING AND DRAINAGE PLAN

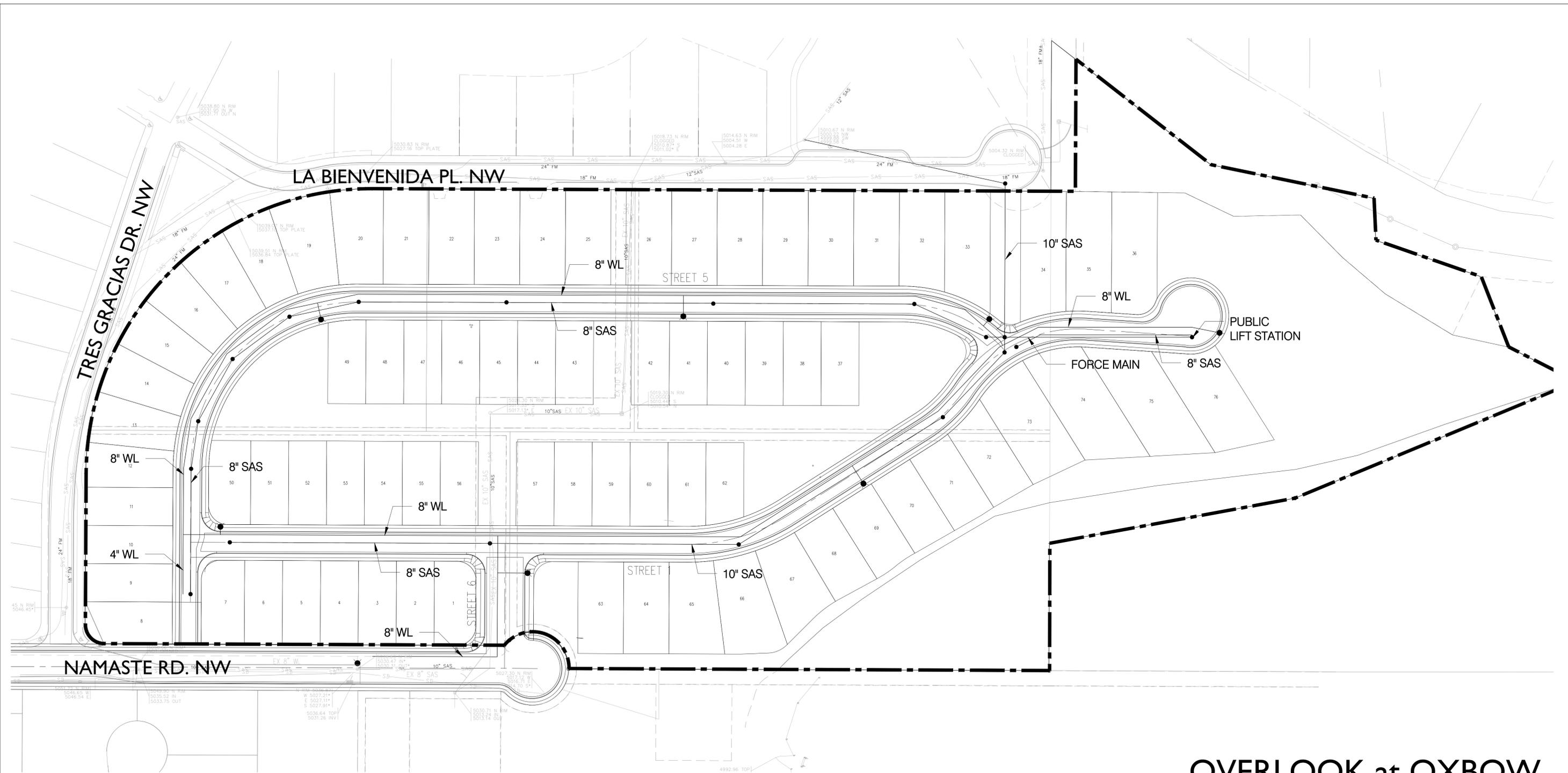
Prepared For: **Gamma Development, LLC**

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OVERLOOK at OXBOW

CONCEPTUAL UTILITY PLAN

Prepared For:

Gamma Development, LLC

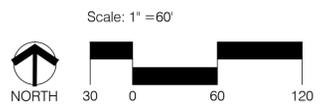
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September 27, 2018
Sheet 4 of 4

NOTES

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

LEGEND

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

DRY UTILITY NOTES

1. AN EXISTING UNDERGROUND DISTRIBUTION LINE IS LOCATED ON THE SITE TO THE EXISTING STRUCTURE TO BE REMOVED. THE DEVELOPER IS OBLIGATED TO ABIDE BY ANY CONDITIONS OR TERMS OF THESE EASEMENT.
2. THE DEVELOPER SHALL CONTACT PNM NEW SERVICE DELIVERY DEPARTMENT TO COORDINATE ELECTRIC SERVICE TO THE SITE.
3. GROUND-MOUNTED EQUIPMENT SCREENING WILL BE DESIGNED TO ALLOW FOR ACCESS TO THE UTILITY FACILITIES. ALL SCREENING AND VEGETATION SURROUNDING THE GROUND-MOUNTED TRANSFORMERS AND UTILITY PADS ARE TO ALLOW 10 FEET OF CLEARANCE IN FRONT OF THE EQUIPMENT DOOR, AND 5-6 FEET OF CLEARANCE ON THE REMAINING SIDES FOR SAFE OPERATIONS, MAINTENANCE, AND REPAIR PURPOSES.



Memorandum

To: Cheryl Somerfeldt, Case Planner
From: Jim Strozier, Consensus Planning, Inc.
Date: March 1, 2019
Re: Existing Mature Trees

The purpose of this memo is to respond to the February 6th letter from Mr. Joran Viers, City Forester and his evaluation of the existing trees on the Suzie Poole property. On behalf of Gamma Development, we want to thank Mr. Viers for his time and expertise reviewing the health of the existing trees on the property.

We agree with his assessment that there are many trees that are healthy, but also many that are not. We also agree that the existing trees adjacent to the building that are proposed for demolition and areas where significant grading is required will be significantly impacted and will likely not survive. Due to these concerns, these trees are not proposed to be saved.

Mr. Viers specifically noted a small stand of 6 to 7 healthy Pinon Pine that are currently located within the proposed interior open space network. The developer is committed to see if the proposed grading of this area can be modified to save as many of these trees as feasible. These mature trees would add to the quality of the interior open space and trail system as proposed.

The existing Arizona Cypress along the proposed entry drive were also identified as being in good health, to which we also agree. Unfortunately, these trees are located within the area where the main access will be constructed. It is our feeling that the entry would need to be relocated to avoid these trees. In addition, Arizona Cypress are on the City's prohibited list due to pollen. Based on these two reasons, we are not proposing to save these trees.

We look forward to working with City staff to try and save the small stand of mature Pinon Pines that are centrally located and within the proposed open space network. No changes will be needed to the Site Plan and layout at this time. We will work with City staff at the DRB to refine the grading in that area.



Memorandum

To: Cheryl Somerfeldt, City Planning

From: Jim Strozier, Consensus Planning, Inc.

Date: December 3, 2018

Re: Project #2018-00135, SI-2018-00123 – Gamma Development

Via separate email, we are transmitting updated site plan, landscape plan, grading and drainage plan, and utility plan. We will provide 10 hard copies for distribution to the EPC and your project file tomorrow.

The following responses are provided to your comments as articulated in your review memo and subsequent emails. Our responses are in **red**.

Site Design and Sensitive Lands, 5-2

1. Evidence, analysis, and supporting documentation needs to be included in the application regarding the following:

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

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

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

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

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

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

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

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

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

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

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

See attached Sensitive Land Analysis Exhibit

The project has been designed to utilize the on-site open space being created as a part of two of the cluster development portions of the project to avoid the floodplain at the northeast corner of the property, the steep slopes that transition from the property to the Oxbow and Bosque and wetland areas are incorporated into the open space; the existing wetland area that is part of the Oxbow itself is part of the proposed on-site open space; and the existing mature trees (this would not be considered a large stand of trees, most of the trees in this area are on MPOS land) that are located right along the edge of the Oxbow Major Public Open Space (MPOS) are incorporated into the open space and will be maintained. The property does not include arroyos, rock outcroppings, or archeological sites (see the attached certificate of no effect). A geotechnical analysis and report will be prepared analyzing the soils prior to construction. It is not anticipated to be prohibitive to home construction and are likely similar to the soils in the adjacent subdivisions.

The sensitive land analysis resulted in the designation of the property outside of the existing pipe and wire mesh fence as a sensitive land preservation area. This area will not permit any grading or access.

2. Please provide survey of existing mature trees on the subject property and how each one is proposed to be retained, preserved, or the reason why not.

The existing mature trees that are located right along the edge of the MPOS are incorporated into the on-site open space and will be maintained. The trees that are associated with the two existing residences have not been irrigated or maintained over the past 12 years and are proposed to be removed. New trees are proposed as part of the project development.

3. Provide a narrative that responds to IDO Section 5-2(C)(4) (e.g. what has been considered in order to move lots toward the west or not?)

The subdivision has been redesigned to move the lots to the west and northwest away from the sensitive lands. The redesign expanded the eastern buffer area significantly to approximately 5 and a half acres. The two small pocket parks are associated with the smaller cluster portions of the project.

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

The use of the cluster provisions of the IDO allow for the avoidance of these sensitive lands and provides for the reduction of lot size. The overall density for the proposed subdivision is 3.2 du's per gross acre overall. The average lot size proposed is almost 7,000 square feet. The resulting number of lots is consistent with the IDO cluster housing provisions. As

demonstrated in the response to item 1 above, a portion of the open space required as part of two of the cluster portions of the project was designed to allow the development area to avoid those sensitive lands.

4. Explain why all private open space is not contiguous with the Major Public Open Space per: 5-2(H)(2)(a) Development on properties of any size adjacent to Major Public Open Space shall:

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.

Only two of the existing lots being developed are adjacent to the MPOS. The above language does not prohibit open space that is not contiguous with the MPOS, but rather a significant portion of the open space is adjacent to the MPOS.

5. Please provide evidence on how the development will not create any material negative impacts on the visual, recreational, or **habitat** values of the adjacent MPOS:

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

2. Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.

The subject property is adjacent to the MPOS but has not ever been identified as a priority for acquisition by the City. The City Parks and Recreation Department's Open Space division currently manages the MPOS and we have met several times with them to discuss the project and the relationship to the MPOS. As stated above in response to the sensitive lands, we have utilized a portion of the on-site open space to create buffers to and maintain the integrity of the visual, recreational, and habitat values the adjacent MPOS. The Open Space division has requested a note on the site plan prohibiting private access into the adjacent on-site open space from rear yards. Access to the MPOS is currently limited; it is not anticipated that additional public access will be allowed; and we are in agreement with that and have included that restriction on the site plan.

6. Show sensitive lands elements (floodplains and flood hazard areas, steep slopes, unstable soils, wetlands, arroyos, irrigation facilities (acequias), escarpments, rock outcroppings, large stands of mature trees, archaeological sites) on the site plan in some manner; and provide analysis about the visual, recreational, and habitat values of these elements.

We have prepared an exhibit showing these constraints and how they are addressed in the project design. See Attached.

Access and Connectivity, 5-3

7. The site plan submittal appears to need DRB Variances to Access and Connectivity and Subdivision of Land. These Variances should be completed prior to a staff recommendation

to the EPC; because the EPC needs the most accurate Site Plan possible subsequent to Planning staff analysis.

We have submitted a variance request to the DRB to address the IDO connectivity requirement. It is currently scheduled to be heard on December 5, 2018.

8. A Variance EPC is not required for this section below because there is an exception “where necessary”; therefore it does not need to be justified per section 6-6(M). However, the applicant must justify in the letter by describing how the land is a sensitive land or what factors, beyond those that are self-imposed, make a connection impractical:

Per IDO Section 5-3(E)(1)(d) Stub Streets and Cul-de-Sacs Stub streets and cul-de-sacs that terminate the road are prohibited, with the following exceptions: Cul-de-sacs are allowed where necessary to avoid those types of sensitive lands listed in Section 14-16-5-2(C), or where vehicular safety factors make a connection impractical, including but not limited to size or shape or lots, topography, surrounding development patterns, and physical characteristics.

Our letter to the EPC addressed these issues since our understanding at that time was that the EPC would be the body addressing the connectivity variances. As stated above, we have submitted a request to the DRB.

9. How is Section 5-3(E)(2) below being met? If this cannot be met, a Variance DRB is needed prior to the EPC hearing.

Per IDO Section 5-3(E)(2) Connections to Adjacent Land, 5-3(E)(2)(a) Where adjacent land has been subdivided with stub streets ending adjacent to a new subdivision, or with a local street ending at a street dividing the new subdivision, the new subdivision streets shall be designed to align the streets in the adjacent subdivision to allow through circulation between the 2 adjacent subdivisions.

See the response to 8 above.

Subdivision of Land, 5-4

10. Per Table 5-4-1 of the IDO, block length should be less than 600-ft. If this cannot be met, a Variance DRB is needed prior to the EPC hearing.

None of the block length are over 600 feet. The cul-de-sac is also less than 600 feet in length. Please provide clarification regarding the need for this variance.

Cluster Development under Residential Uses, 4-3(B)

Definitions:

Cluster Development Design:

A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands.

The proposed cluster development provides for passive recreation, open space, and preservation of sensitive lands.

Dwelling, Cluster Development:

A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement.

The proposed cluster layout creates smaller lots than would otherwise be allowed in the zone district. Three separate open space areas are also proposed as separate tracts, to be either maintained by the HOA or, in the case of the land adjacent to the MPOS, be owned and maintained by the City (if dedication is requested).

Common Open Space:

The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate **lot** or easement on the subdivision plat of the cluster development. [emphasis added to this singular form of the noun]

City staff has previously stated that cluster projects can be separate and side by side. As stated above, the project proposes separate cluster projects with their own open space areas that provide for different aspects of the “Cluster Development Design” statement above.

11. The City’s ZEO has determined that the above description of “a common open space” means that the open space shall be a single common space not separated into small pieces. Given the other regulations and policies pertaining to this development, it seems logical that the private, common open space occupies the eastern portion of the project.

See the response above. The definition of cluster design recognizes the need to meet separate purposes with the open space. Preserving sensitive lands is not the only purpose. Since this property has never been identified as a priority open space acquisition, it is illogical to assume that the only place for on-site open space is the eastern portion of the property. Our updated plan shows four separate cluster projects with their own associated open space tracts.

12. Structures are not permitted in the common open space – including shade structures.

4-3(B)(2)(d) The cluster development project site shall include **a common open** space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.

3. The common open space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.

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

Statement #1 above, and the use of the term “outdoor recreation”, contradict this restriction. Anything that is attached to the ground and above the ground qualifies as a structure, this would include benches, picnic tables, lights, etc., not just shade structures. This contradiction should be addressed in the IDO clean up exercise. It is important to note that other MPOS properties include many different types of structures from information kiosks, benches, tables, shade and picnic structures, etc. The idea that open space is only to look at and walk across is not consistent with the purpose of the open space.

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

Landscape

13. Per sections 6-6(H)(3)(a) 6-6(H)(3)(e) below, the Site Plan should be consistent with ABC Comp Plan Policies and should mitigate significant impacts on the surrounding area to the maximum extent practicable. Please describe how landscape design (layout and plant palette) in the Site Plan submittal meets these criteria.

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

6-6(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.

6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

To date, Open Space staff members have not indicated or requested any restrictions to plant materials allowed within the private residential lots. It is important to note that there are not currently restrictions on the plant materials in the City Park immediately adjacent to the subject site and is also close to both private and public open space. There are also no restrictions on the lots to the north, also as close, if not closer to the Bosque.

14. Below are some policies that apply to the project. In order to meet these policies and not mix with the adjacent native open space, the eastern portion of the property should be protected during construction, and the landscape palette should be revised to be of exclusively native species. In addition, design standards should be included on the Site Plan that will limit residential lots to native plantings. Traditional turf mowing should be prohibited (similar to

developments in the High Desert area.). These requirements should be monitored by the HOA, but enforceable by the City.

Goal 10.3 Open Space: Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

As stated above, it appears that the “no structures” requirement prohibits most outdoor recreation – even passive recreation such as sitting on a bench. Trails would be allowed, but that is the only recreation use permitted. I would say that the IDO is inconsistent with this policy as it is being interpreted.

As stated previously, the eastern portion of the open space is located to protect those existing sensitive land features and provide a buffer to the adjacent MPOS and other habitat areas.

Policy 10.3.4 Bosque and Rio Grande: Carefully design access to the Rio Grande, the Bosque, and surrounding river lands to provide entry to those portions suitable for recreational, scientific, and educational purposes, while controlling access in other more sensitive areas to preserve the natural wildlife habitat and maintain essential watershed management and drainage functions.

The City Open Space staff have indicated that they do not want any additional access from this property into the MPOS. The design accommodates no access to the MPOS and the site plan restricts access.

Policy 11.3.1 Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

The preservation of the natural features and sensitive lands has been discussed above. The on-site open space areas are also consistent with the Andalucia community, where the central focus is the village green. In large part the identity of the surrounding community and neighborhood is based on a wide variety of lot sizes, open space areas, buffers to the arroyo, open space areas, etc. These same features are imbedded in the proposed design.

Policy 11.3.2 Arroyos: Preserve and enhance arroyos identified in the Rank 2 Facility Plan for Arroyos as important cultural landscapes.

The only arroyo is off site to the north of the project. An open space buffer and view fencing is incorporated into the project design.

Policy 11.3.3 Bosque: Regulate development on adjacent lands to preserve and enhance the Bosque as an important cultural landscape that contributes to the history and distinct identity of the region, as well as nearby neighborhoods.

The proposed on-site open space buffer is included to preserve and enhance the Bosque as an important cultural landscape. The Open Space division has strictly controlled public access to this portion of the Bosque and that is anticipated to continue with this project.

15. Given the pertaining policies, the cluster development open space requirements, and the sensitive lands requirements. Staff is considering a condition that the common open space be contiguous and to the east of all proposed housing lots and designed to avoid existing wetlands.

We believe that all of the policies related to the adjacency to MPOS are addressed and furthered by the proposed design. As mentioned previously, based on the determination that there can only be one open space parcel per cluster development, we created four separate and adjacent cluster projects. Staff has indicated previously that adjacent cluster projects are permitted in the RA zone.

c: Project Team

PUBLIC COMMENTS

Somerfeldt, Cheryl

From: K K DAVIES <KDAVIES94@msn.com>
Sent: Tuesday, February 19, 2019 7:41 AM
To: Somerfeldt, Cheryl
Subject: Re: PR-2018-001402

I am concerned about the proposed 23-acre development including the Suzanne Poole Oxbow Property as the proposed setback of this important piece of wetland habitat isn't adequate.

As a Naturalist Educator, who leads school groups on bosque hikes, I can report that bird populations are plummeting and more disturbance will add challenges.

As an IBA city, I hope Albuquerque will continue to help protect birds and other wildlife by protecting habitat.

Thank you,

Kathleen Davies
2328 Milton Rd. NW
Albuquerque, NM 87104

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This message has been analyzed by Deep Discovery Email Inspector.

Somerfeldt, Cheryl

From: susan selbin <sselbin@hotmail.com>
Sent: Wednesday, February 27, 2019 3:57 PM
To: Somerfeldt, Cheryl
Subject: Please provide more info on 3/14 Oxbow Development hearing

Thank you.
Susan Selbin

There is a proposal to develop 23 acres including the former Suzanne Poole property above the Oxbow on the west side. Most of you probably know that the Oxbow is one of the few wetlands left along the Rio Grande in the middle valley and that it provides some of the best habitat in the region. The current proposal for the development does not have an adequate setback from the Oxbow to prevent the disturbance of wildlife. The matter has been rescheduled and will now be heard by the Environmental Planning Commission on March 14. You can submit comments to csomerfeldt@cabq.gov, reference PR-2018-001402. Reply to this email for more information.

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

Somerfeldt, Cheryl

Subject: FW: Request for Zoning Determinations Regarding the Poole Property/Overlook at Oxbow Proposed Site Plan
Attachments: IDOZoningDeterminationsJan2019.pdf; TaxAssessorRecordsPooleProperty2019.pdf

From: Jolene Wolfley [<mailto:sagehome@live.com>]

Sent: Thursday, February 28, 2019 10:05 AM

To: Brito, Russell D.; Somerfeldt, Cheryl; Renz-Whitmore, Mikaela J.

Cc: Hessel E. Yntema III; Rene Horvath

Subject: Fw: Request for Zoning Determinations Regarding the Poole Property/Overlook at Oxbow Proposed Site Plan

Mr. Brito and Ms. Somerfeldt,

Thank you for all your work on our behalf.

I submitted a request for Zoning Determinations on February 1st (see attachments). Today is February 28th and I have yet to receive any acknowledgement that this request has been received or when you will respond. I assumed that you would have consulted with the Zoning Enforcement Officer on this request. (I cannot identify the ZEO on your website.) As this case is set for hearing with the EPC on March 14th, could I please have a response by March 4, 2019?

I also told Ms. Somerfeldt in a follow up email that I would be happy to explain any of the items if they are not clear. I would also be happy to meet with you to discuss.

I am including Ms. Renz-Whitmore on this email. I am hoping that since Ms. Renz-Whitmore was the staff member most familiar with the IDO creation, she could provide some sense of what was intended regarding the zoning questions I have raised.

Thanks so much for your hard work and I look forward to your reply as quickly as you can get it to me.

On another note, I am aware that the public has done much research and letter writing on the EPC case for the Overlook at Oxbow/Poole Property. I do not have the sense that all this information is being read by staff and considered in how you are processing your analysis, your findings, your recommendation, and your proposed conditions. Can you reassure me that the labors of the public to bring you comment on the sensitive lands, zoning considerations, housing density, open space, floodplains, stormwater management, sewer and disadvantages of uphill pumping, traffic flow, oxbow conditions, wildlife in the area, fire safety, etc. is being used in your case analysis?

I would like to also comment on the arborist report. The IDO Sensitive Lands provision identifies mature trees as a sensitive land type. The IDO does not say that the trees are no longer sensitive if a land owner intends to tear down the structure near the trees. The arborist report gives several caveats on saving trees based on whether the home demolition would cause the trees severe harm. Once again, I do not see that this provision of the IDO gives permission to a landowner to harm a sensitive land feature in order to not be accountable for that feature. Therefore, all the mature trees on the site should be part of the sensitive lands analysis.

Once again, thanks for all your hard work to get these new provisions on the IDO on sensitive lands implemented in a way that will preserve our great Albuquerque spaces.

Sincerely,

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



February 1, 2019

Russell Brito, Manager
Cheryl Somerfeldt, Planner
Urban Design & Development Division
Planning Department, City of Albuquerque

The Taylor Ranch Neighborhoods Association requests the following Zoning Determinations regarding the proposed site plan 'Overlook at Oxbow' for the Poole Property:

Question 1: Does the proposed site plan violate the Area of Consistency Regulations of the IDO?

1. The site is in an Area of Consistency on the Comprehensive Plan Map and therefore the site plan is accountable to Area of Consistency Regulations of the IDO.
2. The Poole Property as a whole meets the definition of a block:
 - a. It is bounded by streets and three sides and the Rio Grande (a barrier and unsubdivided area) on the fourth side.
 - b. It is not crossed by other streets.
3. The platting in 1966 was intended to be the final lot layout of the block. The 1966 Covenants for this site show that this was to be a final plat of 4 lots. The covenants required that no lot sizes be reduced. Two homes or 'primary structures' have been built on two of the lots. (relevant portions of 1966 Covenants are on next 2 pages).
4. The Pool Property has three Bernalillo County Tax Assessor lots. Two of these lots contain a primary building and therefore, establish the measure for what the lot size is for the block. (see IDO criteria below). The two lots with primary structures are 5 acre and 14 acre lots. **(The tax parcel records for these lots are attached to this letter.)**
5. The IDO requires that the Tax Assessor Lots be used to establish the minimum and maximum block sizes. Since the block has three Tax Assessor Lots of (3.6 acres, 5 acres and 14 acres). The average size of these lots is (7.5 acres). The IDO requires that subsequent lots be 'consistent' with the average lot size. No future lot can be platted that is 75% less than or 125% more than the established lot size for the block. (see next page for lot size determinations based on Areas of Consistency.)

IDO References for Questions 1:

Area of Consistency

An area designated as an Area of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where development must reinforce the character and intensity of existing development.

Block

An area that is bounded but not crossed by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers. For the purposes of the large retail facility provisions and development in the NR-LM and NR-GM zone districts, drive aisles and private streets also qualify as block boundaries.

Part 14-16-5: Development Standards

5-1(C): Residential Zone Districts

5-1: Dimensional Standards

5-1(C)(2): Contextual Residential Development in Areas of Consistency

- a. Manufactured home communities in the R-MC zone district.
 - b. Cluster development.
 - c. Cottage development.
2. All other development in any Residential zone district on blocks where lots have been platted and at least 1 primary building is constructed shall comply with the standards in Subsections (b) and (c) below.

5-1(C)(2)(b) Lot Size

In any Residential zone district in an Area of Consistency, the minimum and maximum lot sizes for construction of new low-density residential development shall be based on the size of the Bernalillo County Tax Assessor's lot, or a combination of adjacent Tax Assessor's lots, in the block where the new low-density residential development is to be constructed, rather than on the size of the individual subdivision lots shown on the existing subdivision plat.

1. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is smaller than 75 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building, on that block.
2. New low-density residential development shall not be constructed on a Tax Assessor's lot, or combination of abutting Tax Assessor's lots, that is larger than 125 percent of the average of the size of the Tax Assessor's lots, or combinations of adjacent Tax Assessor's lots, that contain a primary building on that block.
3. In making these calculations, the size of any Tax Assessor's lot or combination of adjacent tax assessor's lots containing primary buildings on that block that are not low-density residential development shall be ignored.

5-1(C)(2)(c) Setbacks

In any Residential zone district in an Area of Consistency, the front setback for construction of new low-density residential development shall be based on the existing front setbacks of primary buildings on adjacent lots:

1. If only 1 of the abutting lots facing the same street is a low-density residential development, the front setback of any new dwellings shall be within 3 feet of the front setback of the existing primary dwelling on the adjacent lot or within the front setback required by Table 5-1-1, whichever allows the new buildings to be closer to the street.

Restrictive Covenants for the Poole Property recorded with the Bernalillo County Clerk 1966.
(Excerpts)

DECLARATION OF RESTRICTIVE COVENANTS FOR WEST BANK ESTATES

602

Restrictive covenants for Block One (1) of West Bank Estates in Bernalillo County, New Mexico, as shown on a plat thereof filed on the 5th day of October, 1966, and recorded in Book C 6, Page 139 of the Records of the County Clerk of Bernalillo County, New Mexico.

WHEREAS, the undersigned are the owners of Lots 1, 2, 3 and 4 of Block One of West Bank Estates in Bernalillo County, New Mexico, as shown on a plat thereof, which lots are at the present time a part of land tract which is restricted as to use and occupancy by Restrictive Covenants filed May 15, 1959, recorded in Vol. D-480, page 647 and Restrictive Covenants filed December 24, 1958 and recorded in Vol. D-456, page 601, Records of County Clerk of Bernalillo County, New Mexico.

WHEREAS, the owners (who also own and reside upon lands adjoining said lots) desire for their benefit and enjoyment and the benefit and enjoyment of prospective purchasers of said lots to place further restrictions upon the use and occupancy of said lots and to this end and purpose the following restrictions are hereby imposed:

1. The lots herein described shall be used solely for single-family private residences or dwelling houses. No

15. Each lot herein shall be maintained both as to the size and form shown on the filed plat of said subdivision and shall not be reduced in size by the subdivision thereof or by the sale of a portion thereof. If any said lot is sold or conveyed the same shall be sold or conveyed in its entirety; provided that this covenant shall not prevent sales or conveyances of portions of a lot for required easements or rights of way;

Question 2: Should the application be considered a 23-acre parcel for purposes of applying the IDO to the Site Plan?

The applicant is saying they have 6 separate parcels with regard to certain IDO provisions. Then the applicant is saying they have one 23-acre subdivision for other IDO provisions. The applicant needs to be consistent in their application.

The applicant is submitting a site plan for the entire 23 acres. Therefore, the entire parcel should be considered together for IDO provisions:

- a. The entire subdivision is subject to Sensitive Lands provisions.
- b. The entire subdivision is subject to “Adjacent to MPOS” provisions.
- c. The entire subdivision is subject to “Within 330 feet of MPOS” provisions.

If the applicant wants to use the six parcels as a separated lots; they can apply that way.

Long Range Planning Staff the lead authors of the IDO said in their staff comments that the entire development was required to meet all requirements. The EPC needs to ask the site plan case reviewers to follow this direction from Long Range Planning as stated in the 12/13/18 staff report:

‘Third, the IDO establishes considerations for avoiding sensitive lands in site design in Subsection 5-2(c) and design requirements for development adjacent to and within 300 feet of Major Public Open Space in Subsection 5-2(H). The entire development will need to meet all requirements of these Subsections.’ Page 26

It only makes sense that a subdivision should be reviewed together and follow all IDO provisions together.

Note that the IDO talks about developments of “any size” being subject to the requirements within 330 feet of MPOS.

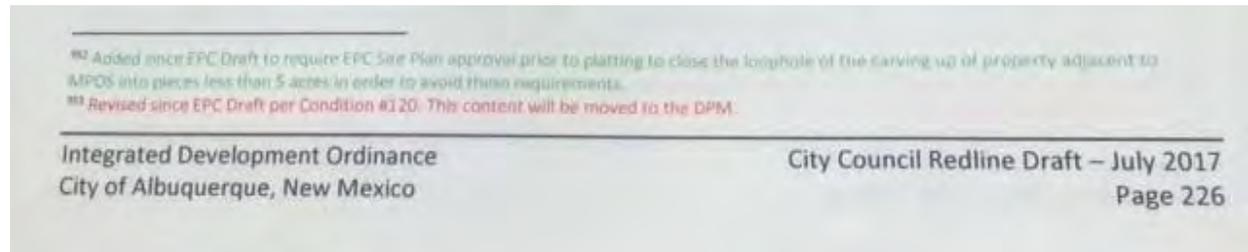
IDO, p. 205

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

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

The intent is that the entire development (entire subdivision with associated parcels) be subject together to the required provisions.

There was also a footnote reference in the Council IDO draft regarding all land adjacent to MPOS which shows there was a clear intent to “close the loophole of the carving up of property adjacent to MPOS into pieces less than 5 acres in order to avoid these requirements.” (see excerpt below from the City Council redline draft.) The footnote uses “these requirements” and refers to the 9 requirements of the section.



Question 3: Is the Site in its Entirety Subject to the Sensitive Lands Provisions regarding lot dimensions? Is the clustering provision, therefore, not applicable to this site plan?

1. The IDO requires that the most restrictive provision of the IDO applies when two potentially conflicting provisions apply.

The IDO states:

“1-8(A) If two or more of the regulations in this IDO conflict with each other, the **more restrictive provision shall prevail**, unless specified otherwise, except that when the provisions of an Overlay zone conflict with any other regulation in this IDO, the provisions of the Overlay zone shall prevail regardless of whether the Overlay zone provisions are less or more restrictive than the other regulations.”¹

The developer is attempting to use cluster provisions (to reduce lot sizes) which apply across zoning categories, while ignoring the sensitive lands provisions which clearly apply to this site. The sensitive land provision is more restrictive than the cluster provision in reducing lot sizes. Therefore, the more restrictive sensitive land provision applies to the site.

The sensitive land provision says the maximum lot size reduction is 25% to total area or width by Planning Director approval.² For RA zoning, the minimum lot size is 10,890 s.f. and 75 feet wide. Therefore, lots may be no less than 8170 s.f. This site plan is proposing lots that violate this IDO provision. And it should be emphasized that the IDO expressly states these are **minimum** standards³ when there is sensitive land.

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

2. The ‘Lot Design and Layout’ section of the IDO (see next page) points out in (b) that the Sensitive Lands provision applies. Then it points out the other alternative (d) where the cluster provision may apply. There is no text that suggests both provisions can be used on the same site or that the cluster provision can be used on sensitive lands. The IDO actually states that the most restrictive provision applies.

¹ IDO, p. 4.

² IDO, p. 198 “Site Design and Sensitive Lands.”

...the Planning Director may adjust the minimum lot size or lot width dimensions by up to 25 percent to allow for additional lots that would have otherwise been possible if sensitive lands had not been avoided.

³ IDO, p.198, “The design standards in this section are minimum standards.”

IDO References for Question 3-2:**Part 14-16-5: Development Standards**

5-4(F): Lot Design and Layout

5-4: Subdivision of Land

5-4(F)(1): Avoidance of Sensitive Lands

5-4(F) LOT DESIGN AND LAYOUT**5-4(F)(1) Avoidance of Sensitive Lands**

- 5-4(F)(1)(a) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Avoidance of Sensitive Lands).
- 5-4(F)(1)(b) Lots within floodplains or other designated flood hazard areas shall comply with Article 14-5 of ROA 1994 (Flood Hazard and Drainage Control), the DPM, and the requirements of the Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA).

5-4(F)(2) Access to Public Streets

- 5-4(F)(2)(a) All lots shall have frontage on a street unless deemed impracticable due to topography or other constraints and a Variance – DRB for an alternative layout and access provisions is approved pursuant to Subsection 14-16-6-6(L).
- 5-4(F)(2)(b) Residential lots shall avoid layouts where the rear lot line is adjacent to an arterial or collector street to the maximum extent practicable. Local frontage roads may be used within a subdivision to avoid locating residential rear yard walls along collector and arterial streets.
- 5-4(F)(2)(c) In the case of cluster or cottage development or manufactured home communities in zone districts where those uses are allowed, the provisions in Subsections (a) and (b) above apply to the entire project site, not to individual lots within the project site.

5-4(F)(3) Lot Dimensions

- 5-4(F)(3)(a) Lot sizes shall comply with all applicable standards in this IDO, including but not limited to Section 14-16-5-1 (Dimensional Standards).
- 5-4(F)(3)(b) The Planning Director is authorized to make those adjustments to required lot dimensions shown in Subsection 14-16-5-2(C) (Avoidance of Sensitive Lands).
- 5-4(F)(3)(c) Through lots shall be avoided to the maximum extent practicable.
- 5-4(F)(3)(d) Cluster developments shall be subdivided pursuant to the standards in Section 14-16-5-1 (Dimensional Standards) and Subsection 14-16-4-3(B)(2) (Dwelling, Cluster Development) and the approval procedures in Subsections 14-16-6-6(I) (Subdivision of Land – Minor) and 14-16-6-6(J)6-6(J) (Subdivision of Land – Major), as applicable.
- 5-4(F)(3)(e) Tracts for open space, drainage, landscaping, or other communal purposes shall have their use, beneficiaries, and maintenance responsibilities clearly noted on the subdivision plat.

3. The Cluster Development provision of the IDO creates what is termed “**common open space**” set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof.” IDO 4-3(B)(2)(d) (see below).

The avoidance of sensitive lands creates “**private open space**” or “areas that will not be disturbed during the development process” because they are unstable soils, large stands of mature trees, steep slopes, etc. IDO 5-2(C)(1).

Therefore, cluster and sensitive lands provisions do not mix on the same subdivision because the nature and function of the open space areas created are different. The sensitive lands provision (which puts a limit of lot size reductions at 25%) is intended to preserve sensitive lands undisturbed **and** to limit the remaining density to lots of at least 75 percent of the lot size of the underlying RA zone (10,890 minimum lot size in the RA Zone reduced no more than to 8170 s.f.).

IDO References for Question 3-3:

Types of Open Space:

Open Space Definitions**Common Open Space**

The area of undeveloped land within a cluster development that is set aside for the use and enjoyment by the owners and occupants of the dwellings in the development and includes agriculture, landscaping, on-site ponding, or outdoor recreation uses. The common open space is a separate lot or easement on the subdivision plat of the cluster development. See also *Dwelling, Cluster Development*.

Private Open Space

Open space for passive or active recreation that is owned, managed, and maintained privately in its natural state and accessible either to the public or to the residents of a subdivision and zoned NR-PO-C. In the case of cluster or cottage development, private open space that is created by clustering dwelling units may count as usable open space.

Usable Open Space

Outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes and are not required to be at ground level. Usable open space may include, but is not limited to, lawns; community gardens; decorative and native plantings; open balconies; rooftop decks; plazas; courtyards; covered patios open on at least 2 sides; walkways; landscaped medians, buffers, or setbacks; active and passive recreational areas; fountains; swimming pools; wooded areas; and water courses. Such space shall be available for entry and use by users of the development. Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space. Usable open space does not include public right-of-way, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms.

Note: Question 4 refers to Cluster Developments. TRNA proposes that the IDO only allows the provisions of the ‘Sensitive Lands’ and not the ‘Cluster Development’ on a site containing Sensitive Lands. TRNA requests this zoning determination question on Cluster Development only because the applicant is asking for a Cluster Development in the proposed site plan.

Question 4: Does the IDO intend that one cluster be allowed per project?

1. The IDO states that the minimum project size for a cluster is 1 acre.
2. The term ‘project’ is associated with a site plan. Note that this application has Project Number PR-2018-001402 which pertains to the entire subdivision.
3. IDO 4-3(B)(2)(b) below refers to the ‘project site as a whole,’ further reinforcing that the ‘project’ is the site plan.
4. IDO 4-3(B)(2)(c) below refers to the ‘site area’ being divided by the minimum lot size in the zone, further reinforcing that the entire site plan is the cluster.
5. IDO 4-3(B)(2)(d) below refers to ‘**the** cluster development project shall include **a** common open space’ all in the singular form. So any project would have one cluster.
6. The proposed development is not an appropriate “cluster” development, under the IDO definition of “cluster development design” (p. 453), because it does not “concentrate” buildings. Proposed “Cluster B” is a cookie-cutter ring design and proposed “Cluster A” is a cookie-cutter design in a roughly oval interior area.
7. The proposed number of dwelling units of 76 exceeds the 50 unit limit for cluster development under IDO Section 4-3(B)(2)(c). The applicant should not be allowed to divide up its proposed cluster development to avoid the 50 unit limit.

IDO References for Question 4:

See ‘Dwelling, Cluster Development’ reference on the preceding page.

Definitions:

Cluster Development Design

A design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, open space, or preservation of sensitive lands. See also *Dwelling Definitions for Cluster Development*.

Dwelling Definitions

Dwelling, Cluster Development

A development type that concentrates single-family or two-family dwellings on smaller lots than would otherwise be allowed in the zone district in return for the preservation of common open space within the same site, on a separate lot, or in an easement. See also *Open Space, Common*.

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

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

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Part 14-16-4: Use Regulations 4-3(B): Residential Uses

4-3: Use-specific Standards

4-3(B)(3): Dwelling, Cottage Development

- 4-3(B)(2)(b) Zone district lot and setback requirements, including contextual standards in Subsection 14-16-5-1(C)(2), shall apply to the project site as a whole, but not to individual dwellings.
- 4-3(B)(2)(c) The number of dwelling units is determined by dividing the site area by the minimum lot size allowed in the zone rounded down to the nearest whole number but shall not exceed 50, except in the Los Duranes – CPO-6, where the number of dwelling units shall not exceed 20.
- 4-3(B)(2)(d) The cluster development project site shall include a common open space set aside for agriculture, landscaping, on-site ponding, outdoor recreation, or any combination thereof allowed in the zone district, and for the use and enjoyment of the residents.
1. The common open space area shall be 30 percent of the gross area of the project site or 100 percent of the area gained through lot size reductions, whichever is greater.
 2. The common open space shall have a minimum length and width of 35 feet.
 3. The common open space may be walled or fenced but shall be partially visible from a public right-of-way through openings in, and/or with trees visible above, the wall or fence.
 4. No structure is allowed in the common open space except if necessary for its operation and maintenance.
 5. Common open space may be dedicated to the City as Major Public Open Space if accepted by the Open Space Division of the City Parks and Recreation Department.
- 4-3(B)(2)(e) The cluster development shall be designated on a Site Plan and plat with each dwelling on an individual subdivided lot and the common open space on a separate subdivided lot or easement.
- 4-3(B)(2)(f) Maintenance for common open space areas is the responsibility of the property owner, unless those areas are dedicated the City. See Section 14-16-5-13(B) (Maintenance Standards).
- 4-3(B)(2)(g) If the zone district allows two-family detached (duplex) dwellings, a cluster development may include that dwelling type.

Question 5: Should 'land unsuitable for subdividing' be excluded from the calculation of open space lands required?
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- a. IDO 5-2(C)(4) states that in determining the buildable parcels on sensitive lands that 'floodways and flood fringe areas' would be excluded from that determination.
- b. IDO 5-4(C)(2) No land shall be subdivided that is unsuitable for subdividing (flooding, adverse geological formations, unsatisfactory topography, lack of access). (see reference on next page)

IDO References for Question 5:

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

5-4(C) COMPLIANCE WITH ZONING REQUIREMENTS

- 5-4(C)(1) All lots and parcels created by a subdivision shall comply with applicable standards in Part 14-16-3 (Overlay Zones); Section 14-16-5-1 (Dimensional Standards), particularly Subsection 14-16-5-1(C)(2) (Contextual Residential Development in Areas of Consistency; Section 14-16-5-3 (Access and Connectivity); and this Section 14-16-5-4.
 - 5-4(C)(1)(a) The City shall take into consideration prior zoning actions and determinations of land use as decided by the appropriate zoning authority.

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Part 14-16-5: Development Standards
5-4: Subdivision of Land

5-4(D): Existing Agreements and Covenants
5-3(E)(4): Bicycle Facilities along Streets

- 5-4(C)(1)(b) Nonconforming property may be replatted without requiring a lot size Variance if the replat meaningfully decreases the degree of already existing nonconformity.
- 5-4(C)(2) No land shall be subdivided that is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography, limitations of water quantity, and/or quality, lack of access or restrictions on accessibility, or other conditions likely to be harmful to the public health, safety, or general welfare, unless such unsuitable conditions are corrected or mitigated to the satisfaction of the city. The Development Review Board (DRB) is responsible for making determinations regarding unsuitability of land for subdivision.
- 5-4(C)(3) The availability of adequate access, fire protection, police protection, refuse service, public schools, public parks and recreation facilities, other elements of public infrastructure or private facilities, and privately provided utilities shall all be weighed in considering proposed subdivisions. They are not all necessarily required.
- 5-4(C)(4) Each subdivision shall comply with the provisions of Subsection 14-16-5-2(C) (Avoidance of Sensitive Lands) unless encroachment into those sensitive lands is corrected or mitigated to the satisfaction of the City.

Question 6: Does the requirement for on-site open space to be contiguous to Major Public Open space preclude a street running through the open space?

The Zoning Enforcement Officer made a determination that the open space parcels on this site must be contiguous to the Open Space. The current site plan shows the open space separated by a street.

Reference 12/13/18 Staff Report:

Recommended Condition of approval #9: “The Site Plan shall locate all 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 Park and Recreation Department (IDO Section 14-16-5-2(H)(2)(a)2).”

As a street is a defining feature of a block, a street implies separation.

From Merriam Webster Dictionary

contiguous

adjective

con·tig·u·ous | \ kən-ˈti-gyə-wəs, -gyü-əs \

Definition of *contiguous*

- 1 : being in actual contact : touching along a boundary or at a point the 48 *contiguous* states
- 2 *of angles* : ADJACENT_SENSE 2
- 3 : next or near in time or sequence The fires were *contiguous* with the earthquake.
- 4 : touching or connected throughout in an unbroken sequence

IDO References for Question 6:

Block

An area that is bounded but not crossed by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers. For the purposes of the large retail facility provisions and development in the NR-LM and NR-GM zone districts, drive aisles and private streets also qualify as block boundaries.

Question 7: Should a residential block be bounded only by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers and not a pedestrian path?

The site plan has a block of homes measuring over 600 feet in length backing onto Tres Gracias/La Bienvenida (local streets). The only features internal to the block are residential lots and a pedestrian path. A pedestrian path is not a boundary feature which defines a block. It is not a barrier, for example. Therefore, the 'block' measures greater than 600 feet.

IDO References for Question 7:

Definitions:

Block

An area that is bounded but not crossed by streets, railroad rights-of-way, waterways, unsubdivided areas, or other barriers. For the purposes of the large retail facility provisions and development in the NR-LM and NR-GM zone districts, drive aisles and private streets also qualify as block boundaries.

IDO 5-4(E)(3) Block Dimensions

5-4(E)(3)(a) Block Lengths Block lengths shall meet the requirements ...
Local Streets ≤ 600 .

We would appreciate the staff taking the time to answer these Zoning Determination questions prior to the EPC hearing on the Site Plan for the Overlook at Oxbow.

Sincerely,

Jolene Wolfley, Director
Government Affairs
Taylor Ranch Neighborhood Association

Somerfeldt, Cheryl

From: gulleyt@aol.com
Sent: Friday, March 01, 2019 2:39 PM
To: Campbell, David S.; Somerfeldt, Cheryl
Cc: Martinez, Jacobo R.; Brito, Russell D.
Subject: Poole Property 2018-001402 Opposition to Multiple Clusters on Site Plan
Attachments: Brito 2-12 email.jpg

Dear David and Cheryl,

It's Tom Gulley, 4701 Valle Bonita Ln NW, which abuts the drainage channel on the north side of the Poole Property. I write only on behalf of myself, although many of my neighbors in El Bosque have signed a petition for the record supporting my opposition to allowing multiple clusters on the site plan.

Cheryl, please add this email to the record before the EPC.

David, I have been trying without success to get an explanation for the ZEO's verbal determination that multiple clusters are allowed on the site plan. I believe that determination is contrary to our Supreme Court's decision in High Ridge Hinkle Joint Venture v. City of Albuquerque, 1998-NMSC-050, para.4, which held that in interpreting the city's zoning ordinance, "[Z]oning regulations should not be extended by construction beyond the fair import of their language and **they cannot be construed to include by implication that which is not clearly within their express terms.**" (Emphasis added). There is no language in the IDO that permits multiple cluster developments on a project site. The ZEO must be reading language into the IDO which is not there in contravention of High Ridge Hinkle. My February 4, 2019 memorandum in which I explain why multiple clusters are not allowed on the site plan and cite High Ridge Hinkle is in the record.</div>

In pursuit of an explanation for the basis of the ZEO's determination, on February 11 I emailed Cheryl asking to meet with the ZEO. She promptly forwarded my email to him. He then promptly forwarded my email to Mr. Brito. Mr. Brito in the attached February 12 email stated to the ZEO that it was not necessary to meet with me if he was prepared to testify in public at the EPC hearing. Mr. Brito in effect denied my request for a meeting.

Also in pursuit of the explanation, I recently submitted an Inspection of Public Records request seeking all documents concerning, relating to or pertaining to the ZEO's verbal determination. In response, I received no documents that explained, discussed or supported that verbal determination. I conclude that there are no documents of any kind or character regarding the basis for that verbal determination. My request also asked for documents pertaining to a determination that multiple clusters are allowed on other properties or properties in general. I received no responsive documents regarding that part of my request either. I conclude there are none.

In my pursuit of an explanation, it is important to mention that the ZEO and others in the Planning Department are surely aware of the IDO Regulation 6-2(B)(1)(c)2 which provides that the ZEO is to make "**formal determinations** as to how the IDO applies to specific situations, proposed development projects, and parcels of land". (Emphasis added). It seems obvious that a verbal determination does not comply with this regulation.

I have three requests:

1. I ask that you require prior to the EPC hearing on March 14 that the ZEO make his formal determination that multiple cluster developments are allowed on the site plan as the IDO requires, that he submit that determination to the record before the EPC, and that he provide a copy to me.
2. I also ask that you require the ZEO to meet with me. I am available for an in person meeting anytime Tuesday March 12 or Wednesday March 13. Although I am traveling the week of March 4, I have considerable availability for a telephone call with the ZEO that week. Please let me know when the ZEO will be available in person or for a telephone call.
3. I also ask that you require the ZEO to attend the March 14 EPC hearing (or future hearings if that one is postponed) to explain for the record the basis for his verbal determination and be subject to questioning about it.

Thank you for your consideration of my requests.

Tom G.

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

Somerfeldt, Cheryl

From: Crawford John Maccallum <mccallum@unm.edu>
Sent: Sunday, March 03, 2019 8:54 PM
To: Somerfeldt, Cheryl
Subject: PR-2018-001402

Dear Environmental Planning Commission,

Please protect the Bosque!!!

Sincerely,
Crawford MacCallum
Tijeras, NM. 87059

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

Somerfeldt, Cheryl

From: Dr. Susan Chaudoir <edu.chaudoir@gmail.com>
Sent: Wednesday, March 06, 2019 2:59 PM
To: Campbell, David S.
Cc: Johnson, Janelle; hessel yntema; Barbara Tegtmeier; Becky C. Davis; Jonathan Abdalla; Kathy Adams; Kevin & Christina Dullea; Linley Moye; Lynley & Scot Moye; Morrow, Kevin A.; DuBois, John E.; Aguilar Jr., Esteban A.; Brito, Russell D.; Somerfeldt, Cheryl; Melendrez, Chris P.; Dicome, Kym
Subject: 2nd Request Re: AC-18-20: Followup DRB Appeal Non Hearing Meeting (Feb 26)

Good afternoon Mr. Campbell,

I am following up on the February 27th and March 1st requests, with intent to satisfy the requests before Monday March 11th.

Kindly complete and/or provide a status on the following:

- 1) address, in writing, mistakes, errors, omissions for AC-18-20
- 2) take personal oversight to investigate public notice communication, document findings, and email findings to appellants (not merely make IPRA request)
- 3) write letter to EPC Chair and appropriate persons requesting to stay EPC proceedings until DRB appeal completely resolved, including request to stay possible issuance of demolition

Look forward to hearing from you.

Susan

On Fri, Mar 1, 2019 at 8:01 AM Dr. Susan Chaudoir <edu.chaudoir@gmail.com> wrote:
Thank you Mr. Campbell for your reply and hard work you put into responding to the situation.

Yes, thank you, I am aware of Mr. Yntema's letter dated February 27, 2019 objecting to the lack of timely notice. Thank you for assuring it will go to appropriate parties, who we trust will enter it into the record.

I've reviewed the video recording from the meeting. It appears that our requests included:

- 1) document all case correspondence between February 14 and February 25
- 2) address, in writing, mistakes, errors, omissions
- 3) investigate public notice communication, document findings, and release findings to appellants
- 4) stay EPC proceedings until DRB appeal resolved completely

Could you kindly respond at your earliest convenience the next steps you will take for each of these requests?

Below, in blue text, is my understanding of the status of each request at time of sending this email.

- 1) document all case correspondence between February 14 and February 25
[On Wednesday afternoon, February 27, Russell Brito kindly phoned me to say he was handling the response to this request. He stated the means to acquire correspondence would be done by way of an online IPRA request.](#)

He opened the IPRA for me, while I was on the phone with him. I have received a confirmation via email. IPRA Request #19-1315. Do date, the request is "published" and the parameters of the search included **"Regarding AC-18-20: A chronological record, between February 14 and February 26, of planning staff and city council staff response to Appellants Feb 14th request to extend hearing date. We will accept A compiled PDF that includes all emails, letters, notes, notices, and the like. We will accept a type-written list which should include dates, senders, recipients, and content. If you compile a type-written list, provide visual examples of each one on the list."**

2) address, in writing, mistakes, errors, omissions

I also made this request in my Wednesday email (#3 in email dated 2/27). Look forward to reply at your earliest convenience.

3) investigate public notice communication, document findings, and release findings to appellants

From my conversation with Mr. Brito on Wednesday, it appears this request may be satisfied by #1 above. Please provide a confirmation or correction.

4) stay EPC proceedings until DRB appeal resolved completely

In my Wednesday email (#2 in email dated 2/27), I requested: Director Campbell to write letter to EPC Chair and appropriate persons requesting to stay EPC proceedings until DRB appeal completely resolved. See attached. ****please include request to stay any and all actions affiliated with this pending site plan, including possible issuance of demolition permits.. This request was made at the February 26th meeting by another public member, and has been requested in writing by our attorney, TRNA, and La Luz neighborhood associations. No reply to date that I know of. Look forward to reply at your earliest convenience.**

Best regards,

On Thu, Feb 28, 2019 at 4:28 PM Campbell, David S. <dscampbell@cabq.gov> wrote:

Dr. Chaudoir: Thank you for your email requesting, among other things, production and inspection of public records. In accordance with New Mexico law and City ordinance, we have filed your demand as an Inspection of Public Records Act (IPRA) request with the City of Albuquerque Clerk. You will be receiving a response in accordance with IPRA.

Today, we received the attached letter from attorney Hess Yntema, who represents you and Appellants with respect to AC-18-20. Accordingly, we have forwarded Mr. Yntema's letter and your email to the City Attorney's office for action on behalf of the City, including the City Council and, if appropriate, the Land Use Hearing Officer (LUHO). This referral to counsel is in accordance with law and the New Mexico Rules of Professional Responsibility.

Best wishes.



DAVID S. CAMPBELL

planning director

o 505.924.3352

m 505.238.3852

e dscampbell@cabq.gov

cabq.gov/planning

From: Dr. Susan Chaudoir [mailto:edu.chaudoir@gmail.com]

Sent: Wednesday, February 27, 2019 8:17 AM

To: Campbell, David S. <dscampbell@cabq.gov>; Johnson, Janelle <JanelleJohnson@cabq.gov>

Cc: hessel yntema <hess@yntema-law.com>; Barbara Tegtmeier <btegtmeier52@gmail.com>; Becky C. Davis <beedee3@lawyer.com>; Jonathan Abdalla <sliceness@gmail.com>; Kathy Adams <kadamscairo@yahoo.com>; Kevin & Christina Dullea <Kdullea@yahoo.com>; Linley Moye <lynleymoye@gmail.com>; Lynley & Scot Moye <swmoye@gmail.com>

Subject: Re: AC-18-20: Followup DRB Appeal Non Hearing Meeting

Attaching 3 examples to stay proceedings. Thank you, Mr. Campbell.

On Wed, Feb 27, 2019 at 8:05 AM Dr. Susan Chaudoir <edu.chaudoir@gmail.com> wrote:

| Good morning Mr. Campbell:

This is to follow up from the gathering yesterday. I intend to followup with our priority requests on Friday, March 1. At that time, I will submit a followup email with our priority requests.

A preliminary summary of requests:

- 1) chronological record, between February 14 and February 26, of planning staff and city council staff response to Appellants Feb 14th request to extend hearing date. We will accept A compiled PDF that includes all emails, letters, notes, notices, and the like. We will accept a type-written list which should include dates, senders, recipients, and content. If you compile a type-written list, provide visual examples of each one on the list.
- 2) request for Director Campbell to write letter to EPC Chair and appropriate persons requesting to stay EPC proceedings until DRB appeal completely resolved. See attached. **please include request to stay any and all actions affiliated with this pending site plan, including possible issuance of demolition permits.
- 3) a formal written response of legal and procedural violations submitted to the DRB record by the due date for new material to be submitted (which should be March 9).

#3 above: we are well aware of your staff/council staff legal and procedural errors; please document them. If appellants and/or appellant's representative have made legal or procedural errors, please let us know immediately by email so we can amend it on good faith and submit it to the record timely and accordingly. Send to me and my counsel, Attorney Hess Yntema, who is copied on this email.

This email communication also sets an example and precedent for the kind of communication I expect from you and your staff. If you or staff cannot meet a promised deadline then please send an email with the status of the task. I will respond to every email you send within 48 hours. If you do not receive a response from me, then please attempt communication again, as it could signify an external technological problem of your email not reaching me.

Every email exchange between us will be submitted to the record on the appropriate due date.

We are paying careful attention to how you, your staff, and the city council are handling this case.

A final word before I close:

Yesterday, you attempted to categorize our issue(s) as being that of "lack of communication" and "proper notice." The truth is, the real issue, Mr. Campbell stems from your approval on September 17 to accept a site

plan that required variances on one of--if the THE--most sensitive property adjacent to bosque, river, wetland, arroyo, MPOS, and sensitive habitat--in the City of Albuquerque for high-density single-family development. That approval was a blatant disregard for the IDO and Comp Plan that already protects that space. Moreover, your approval demonstrated a bias that is so well conditioned in your modus operandi, and did not thoroughly or adequately reflect protecting spaces most valuable to the hard-working well-deserving residents--not neighbors--residents-- of Albuquerque, nor to the spaces that qualify as "signature spaces" in the Comprehensive Plan. The people in that room came from all over the city: Northeast Heights, south valley, north valley, Corrales, Nob Hill, and more, because they want this space free from high-density development. This is far more than a "neighbor concern"; this is not merely a communication issue; this is not simply an issue of proper notice. Please reflect more thoughtfully about **why** residents are engaging in this case--a case that you created, Mr. Campbell--and respond more appropriately.

Your response yesterday demonstrated to me that you have not yet fully ascertained the motivation, the rationale, or the basis on which we are engaged.

Please be more serious, less self protective, about our requests, our concerns with the case, our issues with systemic challenges, and our support for upholding the IDO, the Comprehensive Plan, state statutes, court rulings, and our desire for all signature spaces, of which the Poole Property is an example, in the city we love dearly.

I will send a follow up with requests by close of business Friday, March 1.

Dr. Susan Chaudoir

--

Susan Chaudoir, PhD

MSc, MA, PGCD

Research in Education

edu.chaudoir@gmail.com

[LinkedIn: Susan Chaudoir](#)

985-302-2878 (mobile)

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This message has been analyzed by Deep Discovery Email Inspector.

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This message has been analyzed by Deep Discovery Email Inspector.

Preserve Poole Estate: Oxbow Wetland Protection

edu.chaudoir@gmail.com

edu.chaudoir@gmail.com ♦ 4040 St. Josephs Pl NW Albuquerque NM 87120 ♦ 985-302-2878

Public Amenity Proposal

A community-led initiative to acquire Suzanne Hanson Poole 24 acre estate at Albuquerque's Oxbow Wetlands along Rio Grande Valley State Park

Date: March 4, 2019

To:

Mayor Tim Keller
One Civic Plaza, Albuquerque, NM

From:

Susan Chaudoir, PhD; Ken Churchill; and Willa Pilar, PhD
Organization to Preserve Poole Estate at Oxbow Wetland
4040 St. Joseph's Place NW, MRCC 116
Albuquerque, NM 87120

Subject:

Outcomes from meetings on February 27, 2019 with:
State Senator Antoinette Sedillo-Lopez
Executive Administrative Coordinator Daniel Schlegel, Governor Lujan Grisham

Enclosed: Executive summary provided to meeting attendees

Overall Outcomes:

- we learned that this property has value to our state-level representatives.
- received positive response and 2020 fiscal commitments are being made.
- suggested we pursue capital outlay sponsorship; public-private partnership; private and philanthropic contribution; transitional investment funding; and design strategic plan

Extended Meeting with Senator Sedillo-Lopez:

- took immediate action: verbal commitment \$500K capital outlay 2020
- she texted request to Cabinet Secretary Cattrell Propst
- Propst contacted State Parks Director Christy Tafoya to arrange meeting

Brief Meeting with Daniel Schlegel:

- updated Secretary Cattrell Propst with proposal and followed through with meeting request to State Parks Director Christy Tafoya

Immediate Next Steps:

- contact Senator O'Neill to match capital outlay up to \$1M
- secure appointment with State Parks Director Christy Tafoya
- move forward oppose site plan to EPC hearings

Preserve Poole Estate: Oxbow Wetland Protection

edu.chaudoir@gmail.com



Suzanne Hanson Poole Estate at Oxbow Wetland: Public Amenity Proposal

- I. Executive Summary
- II. Property Cost
- III. Quotes and Letters of support
 - Senator Jacob Candelaria
 - Sierra Club
 - Bosque Action Team
 - New Mexico Land Conservancy
 - Friends of Valle de Oro
 - Audubon New Mexico
 - Central New Mexico Audubon Society
 - Architect Antoine Predock
- IV. Photos of Poole Estate and Oxbow Wetland

PRESERVE POOLE ESTATE: OXBOW WETLAND PROTECTION

EXECUTIVE SUMMARY

Overview

The Suzanne Hanson Poole estate is an exceptional ecologically and culturally significant property with citizen-based support to protect 24-26 acres of natural and cultural resources. It offers unparalleled views with opportunities for world class facilities and access to a rare, irreplaceable wetland and wildlife that can propel New Mexico as a recognized leader. It's an urban oasis! [Watch our video!](https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s)

(https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s)

Time-Sensitive Problem

Property pending development of high-density construction on sensitive wetland, Rio Grande River, and culturally historic property that's served as informal nature preserve and environmental sanctuary since late 1950s.

Pending demolition of 60-year historic revival style home that is worth preserving as public amenity.

Citizen-based support has delayed site plan approvals allowing time to find new owner and solutions.

Window of opportunity 3-9 months

Proposed Solutions

Albuquerque residents feel this area is uniquely significant and should be preserved as an amenity to the people of New Mexico, as intended by original owner Suzanne Hanson Poole. A few interested parties have verbally committed funding at the appropriate time. To move forward, needs include:

- Full fiscal sponsorship to acquire the property
- Secure cooperative owner with environmental sensitivity and community-minded investment
- Private investment - public investment - conservation investment - philanthropy
- 1-3 year strategic planning phase to plan and design multi-functional amenity

Values & Benefits

- Local, state tourism and recreation
- K-20 education, Governor Lujan Grisham's educational goals
- Ecosystem assets: Bosque, Rio Grande River, Oxbow Wetland, riparian habitat, endangered species
- ABC Comp Plan supports preserving "signature properties" like the Poole Estate

How Can You Assist?

- acquire funds to purchase site
 - identify 1-2 people/organizations who can take action under time-sensitive constraints
 - provide 2-3 key feedback points of our proposal
-

PRESERVE POOLE ESTATE: OXBOW WETLAND PROTECTION

PROPERTY COST

Recent Purchase History of the Estate

Suzanne Hanson Poole died July 4, 2012 at the age of 81. There is anecdotal evidence that she wanted her 23.75 acre estate donated as a public amenity. However, close friends report that on June 30, 2012, four days before Mrs. Poole's death, her will was unexpectedly changed by non-family members. Subsequently, her desire to donate or protect her property never actualized.

In late 2012, the entire estate was purchased by Daniels Family Properties. In 2017, Gamma Development negotiated a contract to purchase the property for high-density development by Abrazo Homes. In January 2019, realtor records show pending sale of property and it is presumed it involves the contract developer.

In September, 2018, neighborhood advocates who support preserving the estate inquired with Gamma Development's agent, Consensus Planning, about selling the property. They are interested in selling. They may inflate asking price based on potential market appreciation.

In January 2019, the pending sale of property was \$4M.
The most recent purchase price sets the market value of the property.

Year	Owner	Purchase Price
2012	Daniels Family Properties, LLC	\$ 2,200,000
2019	Pending Sale (Remax, January 29, 2019)	\$ 4,000,000



Part of representing New Mexico is protecting the special relationship that New Mexicans have with our unique and remarkable landscapes....to preserve our state wonders and limited resources is something I take very seriously. ~ *Senator Tom Udall*



This is an extraordinary piece of property with exceptional value. I can assure you, no matter what the asking price, it's worth the value.

~ *Emeritus Superintendent, Albuquerque Open Space Division*



I believe it is in the best interest of our community . . . not to sacrifice the heritage of our open space lands in the name of luxury property development. ~ *Senator Jacob Candelaria*



When you stand on this bluff and breathe in the bosque, make it a long, slow breath because you're experiencing the lungs of Albuquerque. ~ *Suzanne Hanson Poole*



The Oxbow is one of the most important and sensitive areas, if not *the single most important and sensitive area*, in the City's entire Open Space network [and] one of the few remaining wetlands [on the Rio Grande] . . . its adjacent property is thus critical. . .

~ *Sierra Club, Rio Grande Chapter*



We feel this property is a valuable acquisition. The scenic viewshed along the river, the conservation values, and public benefits are more viable and economic options.

~ *Scott Wilber, Executive Director, New Mexico Land Conservancy*



This has got to be the most important land use issue on the west side in 20 years

~ *Albuquerque resident*



Twenty-five years ago, bosque was considered by many to be a trash dump [but now] has become one of Albuquerque's most used and easily accessed recreational assets. On this bluff, we experience the critical edge between [the bosque] and the Oxbow.

~ *Antoine Predock, international architect and author*

Somerfeldt, Cheryl

Subject: FW: comment for PR-2018-001402 EPC hearing

From: **Jacob Candelaria** <jacob.candelaria@gmail.com>

Date: Wed, Dec 12, 2018 at 8:08 PM

Subject: Re: EPC HEARING Thursday Dec 13: Arrive early -- 8AM -- and a few other Tips

To: Dr. Susan Chadoir <edu.chadoir@gmail.com>, Victor Lopez <victor.fs.lopez@gmail.com>

To the members of the EPC:

I have represented senate district 26 which encompasses large swaths of the westside for six years.

During that time, my constituents have been consistent and vocal about their views regarding westside development. As westsiders we need economic and commercial development. We want to preserve open space. My constituents have also been clear that they do not believe that there is a need for more single housing developments like the one proposed at the Poole property at oxbow.

I am concerned that the environmental impacts of this project have not been properly vetted. For example, I believe this project will threaten the adjoining wetlands.

I also oppose this project because it is yet another example of sacrificing a public good for corporate profits. All of our community enjoys and benefits from the wetlands and open space that abut this project. I believe it is in the best interest of our community to preserve this proposed development property as open space for the enjoyment of the public.

I urge this committee not to sacrifice the public good and the heritage of our open space lands in the name of a luxury property development.

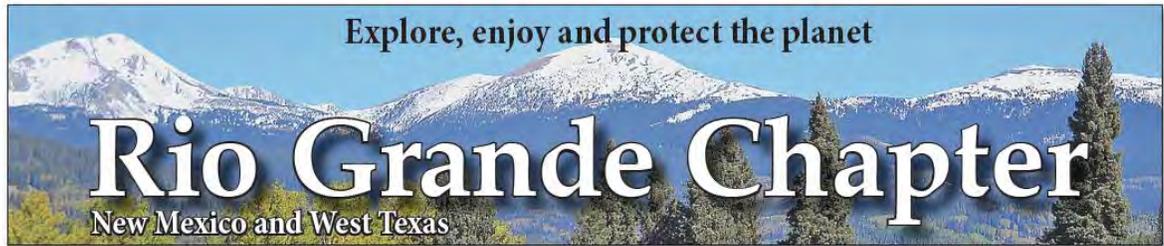
At the very least I ask this committee to defer any action on this proposal until after the upcoming legislative session to afford the legislature the opportunity to partner with local government to purchase this land and preserve it.

Put our public good and our environment over profits.

Sincerely
Senator Jacob Candelaria

Sent from my iPhone

=====
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2215 Lead Ave SE, Albuquerque, NM 87106 * 505.243.7767 * www.riograndesierraclub.org

December 10, 2018

BY EMAIL ONLY, csomerfeldt@cabq.gov

Derek Bohannon, Chair

Bill McCoy III

Dan Serrano

Richard Meadows

Joseph Cruz

Robert Stetson

Maia Mullen

David Shaffer

Karen Hudson

City of Albuquerque

Environmental Planning Commission

Re: PR-2018-001402

Dear Chairman Bohannon and Commission members:

I am writing on behalf of the Rio Grande Chapter of the Sierra Club to comment on the site plan for the proposed Overlook at Oxbow development of the former Suzanne Poole property. The Sierra Club is a national environmental organization dedicated to protection of the environment and helping people to enjoy nature and the outdoors. The Club has approximately 3.5 million members in total. The Rio Grande Chapter is the local branch of the Sierra Club and includes all of New Mexico and a bit of west Texas. The Chapter has nearly 10,000 members.

The proposed development is adjacent to an area simply known as the Oxbow. The City of Albuquerque owns approximately 29,000 acres of Open Space. The Oxbow is one of the most important and sensitive areas, if not the single most important and sensitive area, in the City's entire Open Space network. The Oxbow is a highly productive wetland that provides habitat for numerous bird species and other wildlife. In former times, such wetlands were common in the middle Rio Grande area. However, when the riverside drains were built in the early part of the last century, these wetlands were drained and the habitat lost. The Oxbow is now one of the few remaining wetlands in the middle valley, and its preservation and protection is thus critical. In recognition of the imperative need to protect the Oxbow, back in the late 1970s or early 1980s, Mrs. Poole gave the Sierra Club some property that she owned in the Oxbow itself (since conveyed to the City) to ensure that the Club had standing to protect the Oxbow. The United

States Army Corps of Engineers recently completed a substantial and expensive restoration of the Oxbow because of its importance as habitat in the middle valley.

The proposed Overlook at Oxbow development does not appear to have an adequate setback to ensure that wildlife in the Oxbow is not disturbed. Open water that may be used by waterfowl comes right up to the base of the escarpment at the edge of or even on the property. The escarpment is somewhat above the Oxbow at the southwest portion of the property, but there is essentially no setback of the developed properties from the escarpment in this portion of the development. The escarpment then slopes down such that it is close to the level of the Oxbow at the northeast portion of the proposed development, where there is some setback, but much less of a setback than at similar developments in the area. The Overlook at Oxbow development is adjacent to and south of San Antonio Arroyo. The development to the north of San Antonio Arroyo has a much greater setback, and it is not even immediately adjacent to the Oxbow. Because of the proximity of development to the Oxbow, wildlife in the Oxbow may be subject to visual and auditory disturbance from the proposed development. I am not aware of any assessment that has been done to determine what an appropriate setback would be for the development.

A greater setback should be required for the further reason that the land adjoining the Oxbow is highly erodible. Some of the proposed boundaries of the developed properties are very close to the escarpment. Mrs. Poole constructed a series of retaining walls on the property occupied by her home, indicating that erosion was an issue on the property. Erosion will result from rainfall and wind, and erosion problems will be exacerbated by watering of lawns and other landscaping. Even retaining walls will eventually be undercut. Retaining walls for properties on the escarpment south of this property are being undercut by erosion. I am not aware of any analysis by a geomorphologist to establish the erosion risk or an appropriate setback.

The Integrated Development Ordinance provides as follows with respect to development near sensitive properties:

5-2(C) AVOIDANCE OF SENSITIVE LANDS

5-2(C)(1) Both the subdivision and site design processes shall begin with an analysis of site constraints related to sensitive lands. . . .

I am unaware of any analysis of site constraints as required by this ordinance. The IDO further provides:

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

.

2. Not create any material negative environmental impacts on the visual, recreational, or habitat values of the Major Public Open Space.

Chairman Bohannon and Commission members

December 10, 2018

Page 3 of 3

As noted above, the proximity of the development to the Oxbow is highly likely to have negative environmental impacts on the habitat value of Oxbow. A greater setback is needed.

Finally, § 5-2(H)(2)(a)(2) of the IDO provides for “on-site open space to be contiguous with the Major Public Open Space, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department.” The site plan contains on-site open space that is not contiguous with the Major Public Open Space, and the site plan contains a trail in the private open space along the escarpment. The on-site open space that is not contiguous to the Oxbow should be moved so that it is contiguous with the Oxbow to provide a greater buffer. I am not aware that the Open Space Division has approved the trail shown in the site plan, and the trail should accordingly be eliminated.

Thank you for taking the time to consider these comments.

Very truly yours,

Rio Grande Chapter of the Sierra Club

By: /s/ Richard D. Barish

Richard D. Barish

Bosque Issues Chair, Legal Chair

cc: Interested elected officials and citizens

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PNM Resources
Albuquerque, NM

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Cuddy & McCarthy, LLP
Santa Fe, NM

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Former Chair
Carros de Taos Beef
Taos, NM

Sid Goodloe
Carrizo Valley Ranch
Capitan, NM

Elizabeth H. Richardson
Founding Member
Conservationist
Los Angeles, CA

Jack Wright
Former Chair
New Mexico State University
Las Cruces, NM

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

September 7, 2018

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

Dear Mayor Keller,

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

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

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

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

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Environmental Manager,
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Albuquerque, NM

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Las Cruces, NM

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

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

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

Sincerely,



J. Scott Wilber
Executive Director

c.c. Dr. Susan Chaudoir



www.friendsofvalledeoro.org
info@friendsofvalledeoro.org
505-750-3383

October 25, 2018

RE: Oxbow Poole Property Preservation

To Whom It May Concern,

I am writing on behalf of the Friends of Valle de Oro National Wildlife Refuge (NWR) in support of preserving the Oxbow Poole Property and Poole Estate located in Albuquerque, NM along the Rio Grande, immediately west of the Rio Grande Nature Center. This 24-acre property is one of the few remaining, undeveloped tracts of land located along the west bank of the Rio Grande and we firmly believe it should be protected from development due to its valuable riparian habitat and scenic view shed, making it a prime location for wildlife habitat and local residents to recreate and enjoy.

The Friends of Valle de Oro NWR work to protect and support Valle de Oro NWR as well as advocate for the restoration and conservation of pockets of habitat in the Middle Rio Grande Valley -- an important pathway for migratory wildlife. The Middle Rio Grande Valley is also located within the largest metropolitan area in the state, and within a 1 hour drive of over half of the state's population, which presents an important opportunity to both preserve land for conservation and wildlife and conduct environmental education to foster the next generation of environmental stewards throughout our state.

As an organization that works closely with the local community and regularly builds partnerships in efforts to support conservation of public lands, we feel it is important to preserve the Oxbow Poole Property. Given the location of the property along the Rio Grande and its features including a wetland habitat and culturally significant estate (which would make an excellence environmental education facility) we feel it would be a valuable acquisition as either a state park or an Albuquerque or Bernalillo County Open Space area.

We fully support the Oxbow Poole property be preserved in accordance to the wishes of the former property owner, Susan Poole, an active philanthropist, conservationist and supporter of Environmental Education, as this property would be a valuable addition to support a healthy riparian corridor for wildlife and people alike to enjoy.

Sincerely,

Aryn LaBrake
Executive Director
Friends of Valle de Oro National Wildlife Refuge
505.750.3383
aryn@friendsofvalledeoro.org

NURTURE YOUR NATURE

7851 2nd St. SW, Albuquerque, New Mexico 87105



Central New Mexico Audubon Society
Post Office Box 30002
Albuquerque, New Mexico 87190-0002

February 11, 2019

Environmental Planning Commission
Mr. Dan Serrano, Chair
City of Albuquerque Planning Department
600 Second Street NW
Albuquerque, NM 87120

Re: EPC Proceedings for PR-2018-001402; SI-2018-00171 Cf: DRB Appeal AC-18-20: Poole Property
5001 Namaste Rd.

Dear Chairman Serrano and members of the Environmental Planning Commission:

Central New Mexico Audubon Society (CNMAS) is a chapter of the National Audubon Society with nearly two thousand local members. Audubon's mission is to "protect birds and the places they need, today and tomorrow."

The application to develop the property of the former Poole Estate at 5001 Namaste Road is a matter of concern. We, the CNMAS Board of Directors, met to develop a position on this issue on February 7. The Board has two principal concerns:

1. The proposed development is adjacent to the San Antonio Oxbow wetland. The Río Grande Environment Management Program (RGEMP) for the Río Grande Basin regards the Oxbow as one of the most important wetlands along the middle Río Grande. Paul Tashjian, Associate Director of Freshwater Conservation at New Mexico Audubon states it is a wetland of "exceptional importance" that "provides habitat for a large diversity of species," including neotropical migrants, many of which are species of conservation concern. At least two species that are known to have nested there are listed under the Endangered Species Act. Development of the Poole Estate property will remove a critical grassland buffer to the Oxbow wetland, degrading it over time. In the professional opinion of Mr. Tashjian—a biologist and hydrologist—"the Oxbow Wetland has reached its maximum capacity for development around its perimeter." We respect the expert opinion of Mr. Tashjian, as well as RGEMP, on this matter.
2. The cities of San Francisco, San José, Portland, Toronto, the state of Minnesota, and other jurisdictions have adopted bird-friendly building guidelines based on the American Bird Conservancy's Bird-Friendly Building Standard. Such guidelines recognize that an enhanced risk exists for bird collisions on windows when buildings are constructed adjacent to natural features such as forest, meadows, grassland, water, or wetlands. The Poole Estate property clearly meets this criterion. In such cases, guidelines recommend that collision mitigation measures be

employed in architectural design and glazing choices. Albuquerque has not implemented bird-friendly design standards, and therefore a developer may have little incentive to reduce the enhanced collision risk that exists at this site.

Based on the two concerns described above, the CNMAS Board of Directors, by unanimous vote, opposes the application to develop the property of the former Poole Estate at 5001 Namaste Road. Accordingly, we respectfully urge the Environmental Planning Commission to deny the application.

A related matter that has come to our attention is the pending appeal of the variance granted by the EPC on December 5, 2018. It is our understanding that the appeal concerns matters of public safety and security created by the approval of a sole access road in the site plan. Until this matter is resolved by the Development Review Board it would be premature for the EPC to proceed. We have been advised as well that failure to stay proceedings may be a violation of state law [NMSA 1978, Section 3-21-8(B)]. Therefore, we urge EPC to postpone consideration of the application until the DRB has completed its review.

Sincerely,

Central New Mexico Audubon Society Directors:

Sara Jayne Cole, President
Perrienne Houghton, Vice President
Amber West
Lynn Schuler
Marj Longenbaugh
Kathy Carson
Bruce Dale

TO BE READ AS PUBLIC COMMENT AT THE EPC HEARING ON DECEMBER 13, 2018.

Paul has given approval to proxy for him at the EPC hearing and to read the statement aloud to the EPC members who are deciding the case (PR-2018-001402).

Email Details:

from: **Tashjian, Paul** <ptashjian@audubon.org>
to: "Dr. Susan Chaudoir" <edu.chaudoir@gmail.com>
date: Nov 21, 2018, 11:27 AM
subject: RE: quotes for an Oxbow buffer

Hey Susan-Here is what I can say:

1) Wetlands historically comprised over 20% of the Middle Rio Grande Habitat (MRGH); now there are very few river-connected wetlands remaining due to human encroachment and habitat alteration, such as the housing development proposed by the applicant in this case. The Bosque Biological Management Plan (1993) cites that as little as 20% wetlands remain of the MRGH, however this number is deceiving because it includes wetlands outside the active river. Fewer wetlands are connected to the river. Therefore, 20% overestimates functioning wetlands and amplifies the exceptional importance of the Oxbow wetland in Albuquerque. The San Antonio Oxbow is one of the last remaining river-connected wetlands between Bernalillo and Belen. The Rio Grande Environment Management Program for the Rio Grande Basin declares it as one of the "rare marshes" on the Rio Grande River and "one of the largest wetland complexes in the Middle Rio Grande Valley" (RGEMP, 2018, p. 45; 48). It is an incredibly important habitat with valuable, multi-structured vegetation that provides habitat for a large diversity of species.

2) The proposed development site plan would greatly compromise the Oxbow since it would eliminate one of the few remaining grassland buffers to the wetland, the Poole property. There are many reasons to ensure that oxbow continues to have a buffer like that of the Poole Property:

a. Wetland bird species: Many species using the Oxbow today are protected by the adjacent grassland buffer that is the Poole property, from mammals to birds. Important bird species include:

i. Neotropical birds in May and June: These birds include some of the most colorful visitors to our Rio. Examples of these birds include the Vermillion Flycatcher, Western Tanagers, Kingbirds and Southwestern Willow Flycatcher. These birds require wetland habitat and are known for avoiding human occupation. The full 26-acre Poole Estate acts as a buffer to the wetland and is critical for their habitat needs in the Oxbow.

ii. Rocky Mountain Sandhill Cranes: These iconic species are known to roost in the Oxbow. The Oxbow has been a multi-generational roosting site for these cranes. The undeveloped upland buffer provides protection for their roosting.

iii. Raptors require open grassland to hunt for prey. The Poole property provides this grassland habitat which is largely limited in the Rio Grande floodplain.

b. Storm water runoff: The topography of the Poole property drains directly into the northern end of the Oxbow. Surface spills from the proposed development would potentially drain directly into the Oxbow through overland flow and seep directly into the Oxbow through shallow groundwater drainage.

c. Fire: Fires are a devastating impact on Rio Grande bosque habitat and often result in a catastrophic loss of native habitat. Having a development on the edge of the Oxbow increases fire threat substantially. Take for example, in 2003, soon after the southern edge of the Oxbow was developed, there was a severe fire. That development as well as the Bosque suffered greatly as a result of this fire. The Bosque Fire Management Study may identify high fuel load areas surrounding the Poole property. To increase fire safety, it is my recommendation the property remain undeveloped.

In my professional opinion the Oxbow Wetland has reached its maximum capacity for development around its perimeter. A loss of any additional buffer habitat will result in the loss of the functioning of this critical wetland, a degradation that will greatly lessen the Oxbow's quality for future residents. I strongly recommend that the City takes this into consideration when weighing the value of the Rio Grande's habitat and species in our future City's plans.

Paul Tashjian is a hydrologist and conservationist who has worked on the protection and enhancement of the Middle Rio Grande and its wetlands for over 27 years. He worked for the US Fish and Wildlife Service for 26 years, focusing on the protection of wetlands and wildlife refuges. He currently is the Associate Director of Freshwater Conservation for Audubon New Mexico.

Paul Tashjian
Associate Director of Freshwater Conservation
Audubon New Mexico
1800 Upper Canyon Rd.
Santa Fe, NM 87505
c: 505 217 4531
w: 505 983 4609 (Santa Fe)
nm.audubon.org

Brian Hanson

Bosque Action Team, Rio Grande Chapter, Sierra Club

bhanson5@comcast.net

November 9, 2018

Mayor Tim Keller
1 Civic Plaza NW
Albuquerque, New Mexico 87102

Mayor Keller

The Bosque Action Team (BAT) objects to the development of residential housing on the Poole Property located on the west bank of the Rio Grande in Albuquerque, directly west of the Rio Grande Nature Center State Park. The BAT has over 40 members within the Central Group of the Sierra Club with over 4,000 members. The Sierra Club in New Mexico has over 10,000 members.

The current owners of the Poole property is Daniels Family Property. Houses would remove wildlife values of the 24 acre area forever and more importantly, could impact wildlife in the Rio Grande below the property. Immediately south of the property the oxbow wetland provides unique and valuable habitat for aquatic and terrestrial wildlife. At least four species that are federally endangered or threatened may use the oxbow:

Endangered - Rio Grande silvery minnow, Southwestern willow flycatcher and New Mexico meadow jumping mouse

Threatened - Yellow-billed cuckoo

We urge the City of Albuquerque to seek measures to protect the area including slowing down the development process so that alternate conservation uses of the area can be explored. We encourage the City to or others to purchase and manage the area for conservation purposes.

The adjacent river area would be less attractive to migratory birds since they would view a housing area rather than open space. The area to the west of the houses is grassland with some shrubs that produces small mammals that serves as a food base for predators. Around the houses are large trees that can provide nesting and perch sites for raptors. This property is adjacent to the Rio Grande which increases it's value to the river ecosystem.

Sandhill cranes roost along the river and need both feeding areas and roosting sites. Disturbance of roost sites may push sandhill cranes to other less suitable roost sites; cause them to move larger distances to find river areas that are undisturbed or cause sandhill cranes to abandon the area. There are several feeding areas in Albuquerque that sandhill cranes use including private cropland, Los Pablanos Open Space, Open Space Visitor Center, cropland adjacent to the Rio Grande Nature Center State Park, and other cropland that Albuquerque Open Space manages. If roosting areas along the Rio Grande are limited or further restricted, then the sandhill cranes

could abandon the area. One of the goals of a new, developing Resource Management Plan for Candelaria Farm Preserve, (near the Rio Grande Nature Center State Park on the east side of the Rio Grande) will be to attract sandhill cranes in the winter time. It is crucial that a nearby roosting area be available for cranes.

The Bosque Action Team urges the City to allow time to explore conservation alternative use of the Poole property.

Sincerely,

Brian Hanson

Lead for Poole Property preservation, Bosque Action Team, Rio Grande Chapter, Sierra Club

Cc:

Cheryl Somerfeldt, Planner

Planning Department, Urban Design and Development
Albuquerque, New Mexico 87102

Environmental Planning Commission, Albuquerque
509 Cardenas Dr. SE, Albuquerque 87108

Development Review Board
3601 2nd Street SW, Albuquerque, New Mexico 87105

Director Simon, Albuquerque Parks and Recreation
1801 4th Street NW, Albuquerque, New Mexico 87102

A N T O I N E P R E D O C K
3 2 0 0 G R A N D E V I S T A P L A C E N W
A L B U Q U E R Q U E N M 8 7 1 2 0
5 0 5 8 4 3 7 3 9 0

February 11, 2019

Dan Serrano, Chair
Albuquerque Environmental Planning Commission

RE: Historic Poole Property/Overlook at Oxbow

Dear Dan,

My firm and I have been working along the Rio Grande for more than fifty years with projects including La Luz; one of the first pieces of truly "green" architecture in the United States. Planning La Luz we tucked the homes close to Coors and left the area along the river to be preserved in perpetuity for habitat and view. I also designed the Rio Grande Nature Center and spent many years studying riparian habitat along the Rio Grande and near the Oxbow. In addition my wife and I have lived on the bluff above the bosque for 25 years and we own several houses in the neighborhood between Coors and the Rio Grande.

Living and working on the bluff we experience the Rio Grande Flyway with the diurnal migration of "little birds" or the "river of birds" that runs to and from the Oxbow at dawn and dusk as well as the migrations of ducks, herons, cranes and other species including the soaring hawks, owls and occasional Bald Eagles. The bluff edge and oxbow also offer habitat to deer, quail, coyotes, bobcats and bees.

The open space along the river provides a critical mass of habitat for wildlife and the Oxbow is an integral part of the riparian habitat established by the Nature Center and the wetland at the oxbow expands the Nature Center's preserved wetlands. When we began working on the Nature Center the bosque was considered by many to be a trash dump but thanks to in part the educational opportunities afforded by the Center the bosque has become one of Albuquerque's most used and easily accessed recreational assets.

Given the adjacency of the proposed Overlook development to the critical riparian habitat of the Oxbow and the potential value of the property to the Albuquerque Community one has to question whether the proposed high density development is the highest and best use for the Poole property. The development's design has very dense housing right up to the edge of the bluff above the Oxbow and a development of this density will inevitably lead to encroachments into and possible contamination of the Oxbow. The city needs to establish a buffer to reduce density as development moves from the dense edge of Coors to the habitat along the river to protect Albuquerque's natural asset.

The City of Albuquerque and the Environmental Planning Commission need to seriously consider the natural and historic value of the Poole property before allowing the Overlook development to move forward. Is there an opportunity that has been missed here? For example a west side extension of the Rio Grande Nature Center? Or a partnership with the Audubon Society focusing on the flyway and the riparian habitat around the oxbow? At the very least the critical edge between development and the Oxbow should be considered a community asset, should be set aside to protect the Oxbow and the density of the proposed development should be reduced to a more reasonable level given the sensitivity of the site.

Very Best Regards,



Antoine Predock, FAIA

Dr. Susan Chaudoir, edu.chaudoir@gmail.com, 985-302-2878

[Watch Our Video](https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s): https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s

Preserve Poole Estate: Oxbow Wetland

The Crown Jewel of Albuquerque that is New Mexico True

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



OVERVIEW

The Suzanne Hanson Poole estate is an exceptional ecologically and culturally significant property with citizen-based support to protect 24 acres of natural and cultural resources. It offers unparalleled views with opportunities for world class facilities and access to a rare, irreplaceable wetland and wildlife that can propel New Mexico as a recognized leader. It's an urban oasis! [Watch our video](#) overview!

TIME-SENSITIVE ISSUES AND REQUESTS

1. Pending development of 76 standard homes on sensitive wetland & Rio Grande River.
2. Citizen-based support has delayed site plan approvals allowing time to find new owner.
3. Demolition of unique 60-year historic adobe revival style home that is a worth preserving.
4. Political support from State Senator Candelaria, Mayor Tim Keller, US Senators Udall and Heinrich
5. Visit the property yourself! This urban oasis is teeming with wildlife and spectacular views.

ACTION NEEDED

Immediate intervention to acquire the property for its preservation and protection in order to plan and design multi-functional public amenity.

PROPERTY ASSETS

The property has unique natural resources and cultural assets with social and economic benefits.

Cultural Value

- **People of Influence.**
 - Legacy of Rufus Poole and Suzanne Hanson Poole: First-ever individual to secure Taos Pueblo land rights and Broadway performer entrepreneur in performing arts.
 - Drafted Wilderness Act with Senator Stewart Udall, father of Senator Tom Udall.
 - Co-Founders Santa Fe Opera, Popejoy Hall, National Hispanic Cultural Center.
- **Place of Significance.**
 - Presidential visits, famous entertainers, artists, architects, politicians, and musicians.
 - Multi-cultural Pueblo archeology remnants.
 - Home designed by renowned architect George Pearl with John Gaw Meme.

Ecological Value

- **Environmental Haven.**
 - One of the rarest, most complex riparian and wetland habitat in Middle Rio Grande Basin.
 - Home to threatened and endangered wildlife: Rio Grande silvery minnow, neotropical cormorant, southwestern willow flycatcher, & New Mexico meadow jumping mouse.
- **Green Infrastructure.**
 - Healthy adjacent ecosystems provide more than \$3M in ecosystem services.
 - Foundational research shows this property meets state's guiding principles and conservation priorities.
 - Riparian ecosystem with vital components to fulfill avian and freshwater treaty acts.

Public Amenities

- **Urban Oasis with Majestic Panoramic Vistas.** No other lands in Middle Rio Grande with more extraordinary features than this one.
- **New Mexico True Events.**
 - Celebrations special to New Mexicans: weddings, quinceaneras, batzmivahs, International Balloon Fiesta, heritage festival, pueblo dances, New Year's & 4th of July fireworks.
 - Prime location for senior affairs destination, youth outreach, business activities, political campaigns, integrated research and multi-purpose community space, & outdoor bosque STEAM education.

PROPERTY ADDRESS(S)

5001 Namaste Rd NW, Albuquerque 87120 and 4820 La Bienvenida PI NW, Albuquerque 87120

INTERESTED PARTIES

State Senator Jacob Candelaria, Mayor Tim Keller, renown architect Antoine Predock, New Mexico Land Conservancy, Rio Grande Agricultural Land Trust, Friends of Valle de Oro, Trust for Public Lands, Unique Places to Save, Friends of Whitfield, BioPark Conservation Committee members, Central New Mexico Audubon Society, La Luz Landowners Association, Westside Coalition of Neighborhood Associations, Vecinos del Bosque, Latino Outdoors, US Senator Martin Heinrich, US Senator Tom Udall, and multiple neighborhood associations across entire City of Albuquerque

CONTACT

Dr. Susan Chaudoir, PhD, lead organizer, edu.chaudoir@gmail.com, 985-302-2878

Watch our [Video](https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s): https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s

Appendix 1: sample photos; **Appendix 2:** property reports; **Appendix 3:** site plan; **Appendix 4:** maps

Appendix 1:
Sample photos, Estate of Suzanne Hanson Poole

View Looking East at Sandia Mountain



View looking into oxbow wetland (from back yard)



East end of property; View of Bosque and 6-acres preserved Open Space along river



View from west side of property (About 16 acres open space buffer between housing developments)



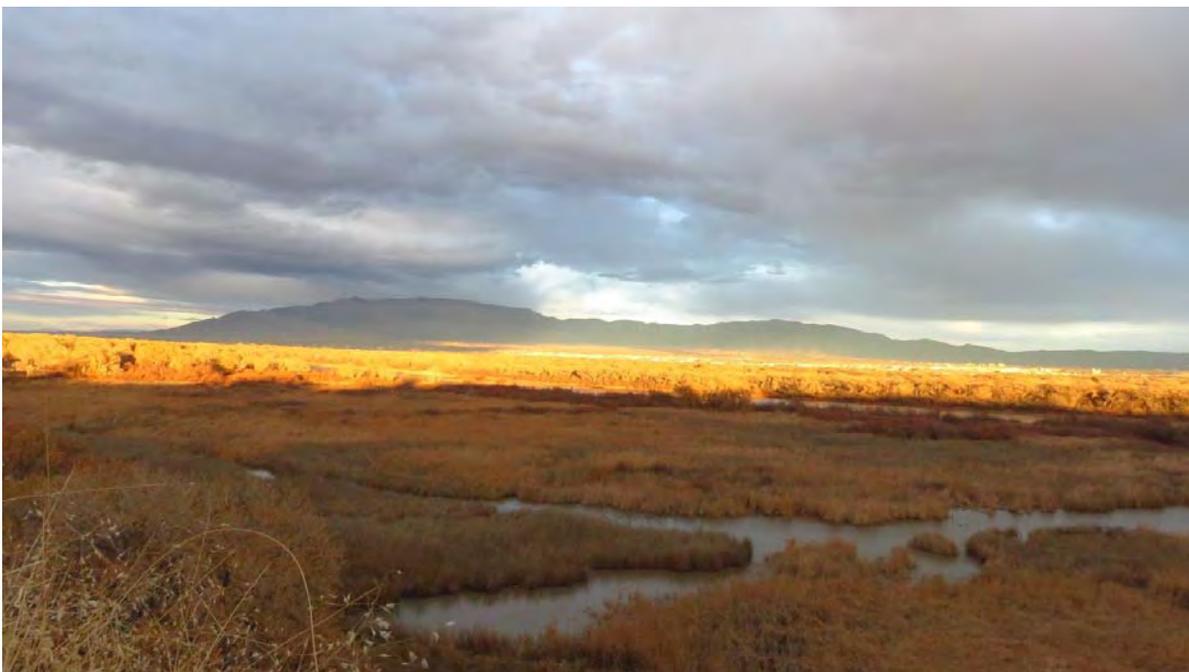
Trails from Suzanne Hanson Poole Property Go Directly to Rio Grande River



Trails around the perimeter of the Oxbow Wetland take you into wildlife habitat.



Sunset radiates the beauty of the landscape teeming with wildlife



Sample of Wildlife on the Suzanne Hanson Poole Property & Oxbow Wetland

[Watch Our Video:](https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s) https://www.youtube.com/watch?v=XAnVXndgs_Y&t=169s



Common wildlife:

- Amphibians
- Birds
- Butterflies
- Dragon & Damselflies
- Mammals
- Reptiles

Recently spotted:

- Large turtles
- Wood ducks
- Great blue heron
- Green heron
- Black-crowned heron
- Cattle egrets
- Harriers
- Coopers hawks
- Black phoebes & Says phoebes
- Swallows
- Sparrows
- Tanagers
- Chats
- Vireos
- Bluebirds
- Indigo buntings
- Lazuli bunting
- Hummingbirds (3 species)
- Woodpeckers & flickers
- Scrub jays & Stellars jays
- Marsh wrens
- Kinglets
- Kingbirds
- Gambels quail
- Wilson's warbler
- American & Lesser goldfinches
- Dragonflies
- Bees (of all kinds)
- Butterflies & Moths
- Bats
- Collared lizards
- Porcupines
- Beavers

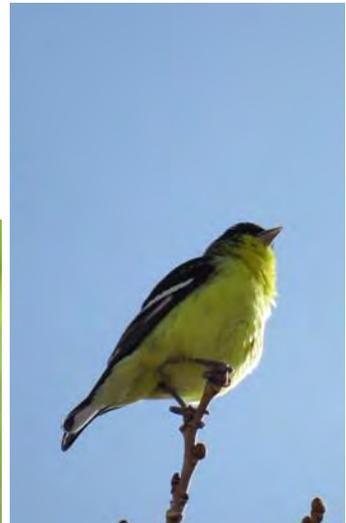


Very large flocks:

- Canada Goose
- Red winged blackbirds
- Sandhill Cranes

Federally endangered:

- Southwestern willow flycatcher
- New Mexico meadow jumping mouse



Hot Air Balloons at the Suzanne Hanson Poole Property & Oxbow Wetland



Suzanne Hanson Poole House, exterior



Suzanne Hanson Poole House, exterior detail of original adobe architecture



Suzanne Hanson Poole House, sample interior room



Suzanne Hanson Poole House, sample interior room (continued)



Suzanne Hanson Poole House, sample of artisan quality decor



Suzanne Hanson Poole House, sample of detailed craftsmanship



Appendix 2:**Property reports for 5001 Namaste Rd. NW 87120 and 4820 La Bienvenida PI NW 87120**

8/19/2018

Address Report — City of Albuquerque



City Address: 5001 NAMASTE RD NW
County Address: 5001 NAMASITE RD NW
 8/19/2018
www.cabq.gov/gis
 City of Albuquerque Property Report

*(Suzy H. Poole Homestead)***Ownership Data from [Bernalillo County Assessor](#)**

(County Assessor's data for tax year 2017)

Owner Name: DANIELS FAMILY PROPERTIES LLC**Owner Address:** 3550 SEQUOIA CT NW, ALBUQUERQUE NM 87120**UPC:** 101106148715940232**Tax Year:** 2017 **Tax District:** A1A**Legal Description:** TRACT C-1 PLAT OF TRS C-1, C-2 & LT 4-A LANDS OF SUZANNE H POOLE BEING A REPLAT OF TR C LANDS OF SUZANNE H POOLE TR CANNEXATION PLAT LAND IN SEC 25 & 36 T11N R2E LT 4 BLK 1 WEST**Property Class:** R **Document Number:** 2013091477 081513 SW-E**Acres:** 5**City Zoning and Services****IDO Zone District:** R-A**IDO District Definition:** Rural and Agricultural**Old Zoning Designation:** RA-1**Old Zoning Description:****Land Use:** MULTI FAMILY**Lot:** C1 **Block:** 0000 **Subdivision:** POOLE--SUZANNE H**Police Beat:** 629 **Area Command:** NORTHWEST**Jurisdiction:** ALBUQUERQUE**Zone Atlas Page:** [F11](#) (opens in new window)**City Neighborhood Association:** La Luz Landowners Association**Residential Trash Pickup:** Friday**Political Districts****City Council District:** [1 - Ken Sanchez](#)**County Commission District:** 1 - Debbie O'Malley**NM House of Representatives:** Antonio 'Moe' Maestas**NM Senate:** Bill B. O'Neill**School Districts****Elementary:** SUSIE RAYOS MARMON**Middle:** JOHN ADAMS**High School:** WEST MESA**FEMA Flood Zone:** XFor questions about floodplain information, please contact the COA Floodplain Manager at 924-3986 or email ccherne@cabq.gov**Run another Search [here](#)**This report was created by the GIS group of DTI. Please send comments to GIS@cabq.gov.<http://www.cabq.gov/gis/address-report>

8/19/2018

Address Report — City of Alt

**City Address:** 4820 La Bienvenida Pl NW, Albuquerque, NM 87120**County Address:**

8/19/2018

www.cabq.gov/gis

City of Albuquerque Property Report

Ownership Data from [Bernalillo County Assessor](#)

(County Assessor's data for tax year 2017)

Owner Name: DANIELS FAMILY PROPERTIES LLC**Owner Address:** 3550 SEQUOIA CT NW, ALBUQUERQUE NM 87120**UPC:** 101106148219040203**Tax Year:** 2017 **Tax District:** A1A**Legal Description:** LTS 1 THRU 3 BLK 1 PLAT OF WEST BANK ESTATES TOGETHERWITH TR A1 LANDS OF SUZANNE H POOLE CONT 14.1326 AC**Property Class:** R **Document Number:** 2013091305 081513 SW-ENTR
Acres: 14.13

City Zoning and Services

IDO Zone District: R-A**IDO District Definition:** Rural and Agricultural**Old Zoning Designation:** RA-1**Old Zoning Description:****Land Use:****Lot: Block: Subdivision:****Police Beat:** 629 **Area Command:** NORTHWEST**Jurisdiction:****Zone Atlas Page:** [\(opens in new window\)](#)**City Neighborhood Association:** N/A**Residential Trash Pickup:** Friday

Political Districts

City Council District:**County Commission District:** -**NM House of Representatives:****NM Senate:**

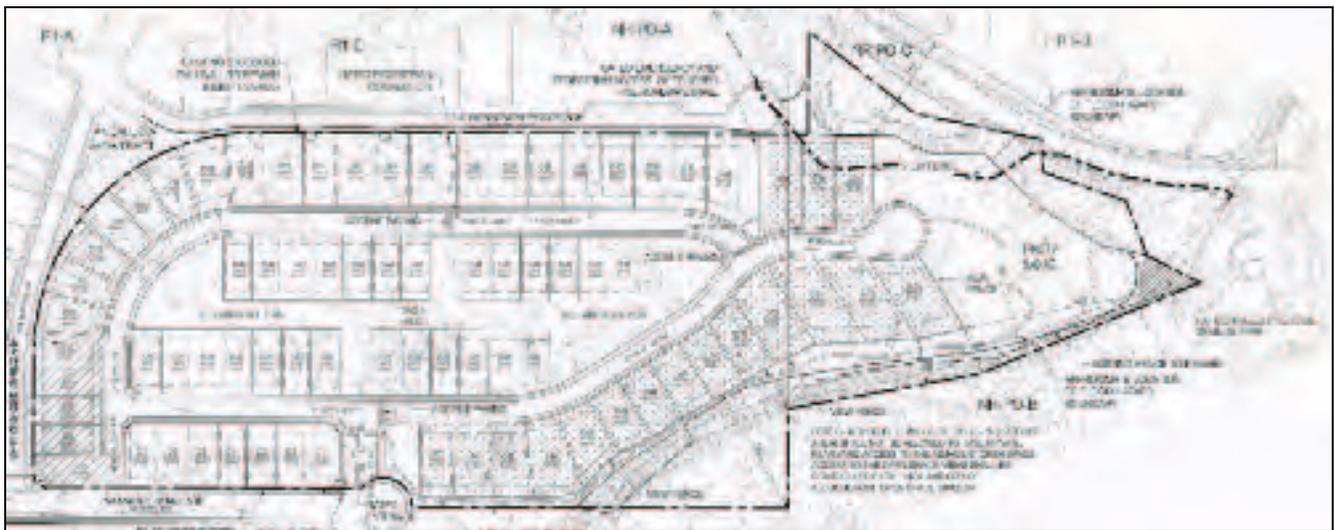
School Districts

Elementary:**Middle:****High School:****FEMA Flood Zone:**For questions about floodplain information, please contact the COA Floodplain Manager at 924-3986 or email ccherne@cabq.gov**Run another Search [here](#)**This report was created by the GIS group of DTI. Please send comments to GIS@cabq.gov.
Please wait while the map loads below...<http://www.cabq.gov/gis/address-report>

Appendix 3: Developer's Conceptual Site Plans

Site Plan Pending Approval on March 14, 2019 by City of Albuquerque Environmental Planning Commission. Hundreds of public comments submitted to OPPOSE the site plan.

Site proposes 76 single-family conventional homes on 23.75 acres without proper buffers to sensitive lands, wetland, bosque, river, and major public open space.

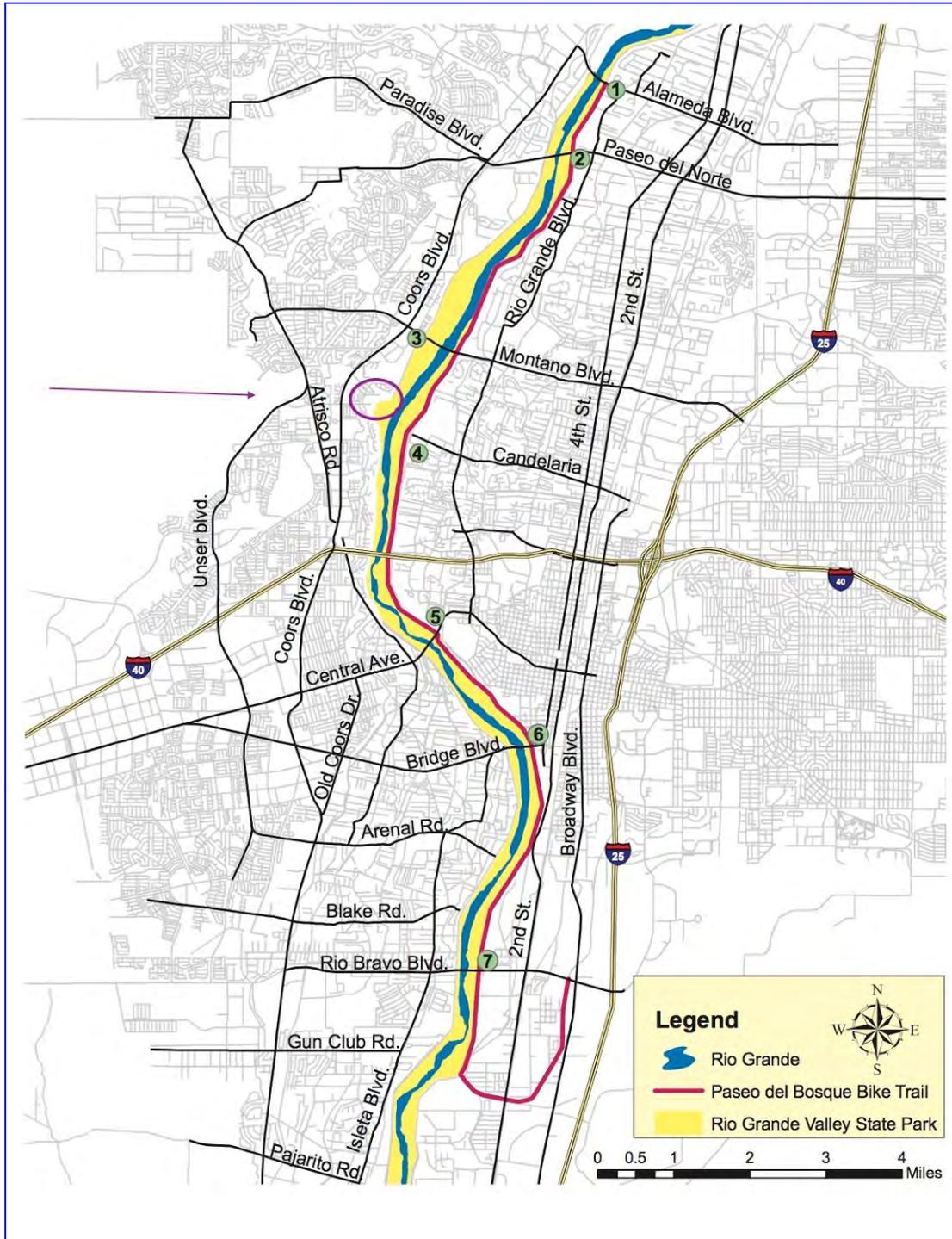


Site plan does not show that property abuts and is adjacent to:

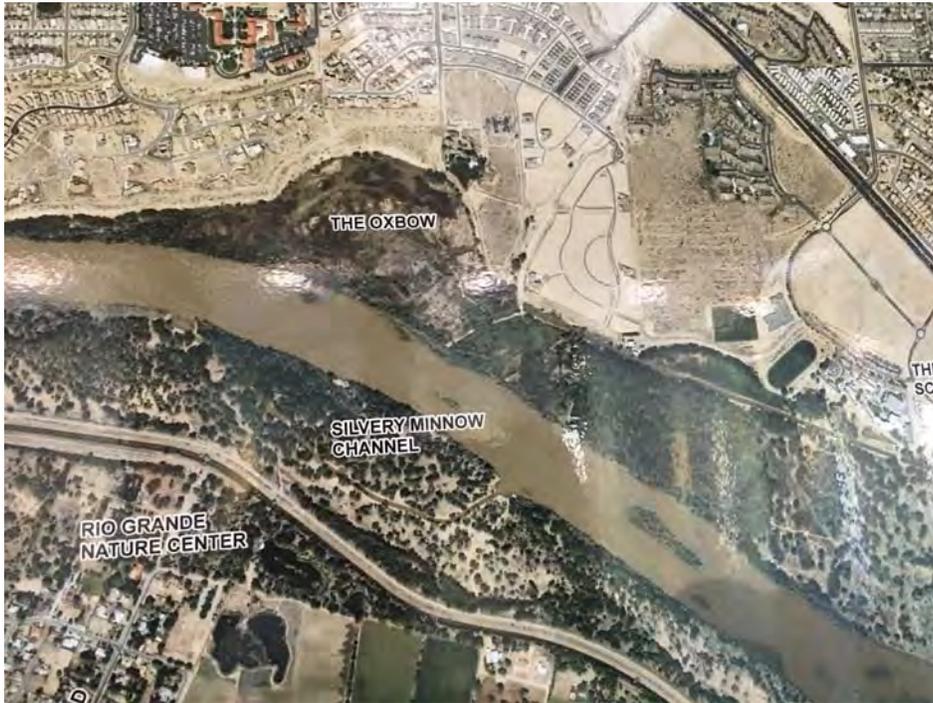
- Rio Grande River
- Rio Grande Valley State Park
- Bosque
- Oxbow Wetland
- Major Public Open Space & Trails
- Public Arroyo

Appendix 4:
Maps showing property location

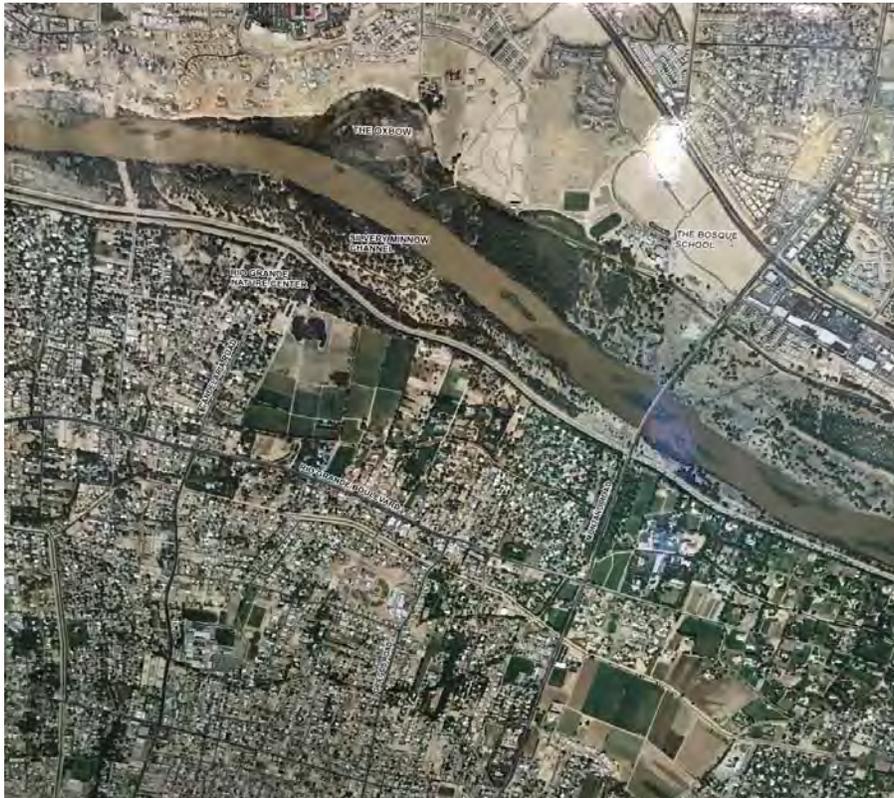
Map 1 Shows Location Along Rio Grande Valley State Park



Map 2 Shows Oxbow Proximity to Recent Development Since 2009 (vacant lots now built)
(Source: Army Corps of Engineers, 2011)



Map 3 Shows Proximity to Rio Grande Nature Center State Park (directly east of river)
In 2018, Candelaria Farm TAG approved rehabilitation to return managed lands to wild lands



Preserve Poole Estate: Oxbow Wetland Protection

edu.chaudoir@gmail.com



OTHER INFORMATION

CITY OF ALBUQUERQUE

Office of the Mayor/ Chief Administrative Officer



February 28, 2019

Mr. Kevin Daniels
3550 Sequoia Court, NW
Albuquerque, NM 87120

Dear Mr. Daniels:

Your proposed development of the "Overlook at Oxbow" subdivision on land known as the "Poole Property" (Project #2018-001402) is moving through the City of Albuquerque's development review process.

As you know, there is great public desire for the preservation of this property, which has significant natural and cultural resource values. It's my understanding that as the owner of this private property, it is your choice what to do with the land. It is my hope, as Mayor of this great city, that these values can be protected for the benefit of the public, while respecting the private property rights of the owners.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

Before your project moves further in the development review process, I invite you to meet with the City of Albuquerque to consider various options for protecting the property as part of our Open Space program. You may know, Albuquerque is a national leader in a few areas, one of which is in civic open space. While the Westside of Albuquerque has an excellent Open Space center, it has very little direct Bosque access. In addition, the Oxbow proximity to this property makes it regionally unique and therefore especially appealing for our City's Open space portfolio.

The city has several creative approaches that might meet both your goals and ours, such as an exchange for City-owned lands and/or possibly State lands, as well as other public private partnerships.

Acquisition could also play a role in some of these options. I believe that we have some interesting ideas to discuss. Working together, we may be able to find a win-win for our community as a whole.

If you are interested in pursuing this discussion, please contact our Director of Parks and Recreation, David Simon at your earliest convenience. He be reached at 505-768-5360 or dsimon@cabq.gov.

Thank you for considering this request.

Sincerely,

Mayor Tim Keller
The City of Albuquerque

cc: David Simon, Director of Parks and Recreation
U.S. Senator Tom Udall
U.S. Senator Martin Heinrich
U.S. Representative Debra Haaland
State Land Commissioner Stephanie Garcia Richard
Deputy Land Commissioner, Sunalei Stewart
State Senator Jacob Candelaria
State Representative Antonio Maestas
City Councilor Ken Sanchez
City Councilor Cynthia Borrego
Howie Kaibel, Bosque Montano Homeowners Association
Tim Conklin, Las Casitas Del Rio Homeowners Association
Colette Schobbins, Las Casitas del Rio Unit 2 Subdivision Homeowners
Association
Tim Bowen, La Luz Landowners Association
Ron Schlecht, Oxbow Bluff Homeowners Association
Nick Harrison, Oxbow Village Homeowners Association
Catherine Trujillo, Taylor Ranch Neighborhood Association
Berent Groth, Vista Grande Neighborhood Association
Fran Pawlak and Michelle Romero, Western Trails Estates Homeowners
Association
Patrisha Dyea and Kimberlee Tolon McCandless, Westbluff Neighborhood
Association
Jerry Worrall, Westside Coalition of Neighborhood Associations
Colleen Langan-McRoberts, Open Space Superintendent
Christopher Green, Chair, Open Space Advisory Board
David Campbell, Director, Planning Department
Don Britt, Manager, Real Property Division
Alan Armijo, Director, Constituent Services, Office of the Mayor
Susan Chaudoir
Jolene Wolfley
Dr. Joe L Valles
Rene Horvath
Kenneth Frank
Dan Regan
Arin Prine
Marianne Barlow
Peggy Norton
Jennofer Pohl
Ellen Barber
Shelley Bauer
Linda Derby
Kevin Dullea
Peggy Neff
Joan Morrison
Ken Churchill
Richard Shipman
Susan Saunders
Ben Comann

Kathy Adams
Nancy Trigg Conrow
Sue Flynt
Arlette Miller
Jonathan Price
Robb Chavez
Wilia Pilar
Glinda Wyndorf
Susan Hunter
Dan Jensen
Patricia Willson



March 5, 2019

An Open Letter to Mayor Keller

Dear Mayor Keller,

By good fortune, I received a copy of your letter dated February 28, 2019 regarding the 'Overlook at Oxbow' subdivision. While over 50 copies of your letter were sent out to your copied recipients, our company, Gamma Development, LLC – the applicant for the site - was not an addressee. I'll assume that this was an oversight for sake of this discussion.

I am deeply concerned by the content of your letter and I feel personally compelled to tell you why. President George Washington stated that "*Laws made by common consent must not be trampled on by individuals*". For a period of almost 2 years, the City of Albuquerque hosted a series of over 100 community meetings seeking input from the public with regards to the 'Integrated Development Ordinance' or 'IDO'. This IDO was essentially a complete 'Rewrite' of the rules of zoning and development for the city of Albuquerque. After hundreds of meetings, feedback from planners, city staff, industry associations, neighborhood associations and a most contentious debate at City Council, The City of Albuquerque PASSED the IDO on November 13th, 2017 – hours after your election and only a few short weeks before your inauguration. The IDO went into effect on May 17th 2018 after a 6-month vetting process.

While it may be debated, I still contest that the IDO is a success. The IDO promises to be a comprehensive rule book that outlines the parameters of 'acceptable' development in the ever-growing City of Albuquerque. This is critically important to those of us who risk *millions* of dollars by investing in land acquisition, development and construction in our city. Simply put, if there is a clear understanding of what would be permissible or not permissible, private parties can more clearly evaluate all opportunities for development in the City and invest in those projects that both serve the citizens (and the market demand) of Albuquerque while mitigating the risks of the unknown. The City's existing Comprehensive Plan and Integrated Development Ordinance provide this clarity. Gamma Development has worked earnestly with your planning, public works, and open space staff to develop a project that not only meets the spirit of those plans but does so in the best way possible. The updated site plan provides for over 7 acres of open space, or 31 percent of the property. This open space will be preserved in perpetuity at no cost to the city.

Your letter, while well-written and heart-felt, undermines the very law that your City adopted in 2017. The seller, Mr. Daniels, has owned this site for over 8 years and has never once received an inquiry from the City, the State, the Audubon Society or any other group concerning the potential acquisition or 'exchange' of this site. This property is not on, and has never been on, the City's Open Space Priority Acquisition List. A portion of the property was offered to the City Open Space Division and they have elected to support the open space buffer remaining in private ownership to be maintained by the Homeowner's Association. I'll also point out that our site plan is still yet to be heard in public by the Environmental Planning Commission.

What I fear is happening here is that the voices of few opponents to this project are loud and unyielding in reaching out to your office. I appreciate their enthusiasm and I appreciate that you lend an ear to your constituents, but I fear that your letter dated Feb. 28th, 2019 is misplaced, inappropriate, cowardly and seeks to undermine the quasi-judicial IDO process and -subverts the City's IDO. Intervention from the Mayor's office at this stage of the process implies that either the due process of the application process is unimportant to the mayor, or that the mayor himself is no longer impartial towards this site. It feels like the judge has made his ruling after hearing only one side of the case. Your opinion on this matter – at this early stage – is a vote of no confidence in your own planning department, your city council who passed the IDO, your appointed EPC members and the City staff (across departments) who have all reviewed (and recommended approval) for this project. I assure you that hundreds of CABQ staff members (and affiliates) are measuring this project against the rulebook to ensure its compliance. Pandering to the opponents and brokering an acquisition or 'exchange' of this site would do nothing more than fuel the NIMBY-ism that the IDO sought to impartially regulate and control.

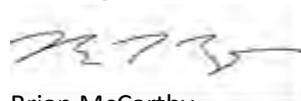
As I am sure you know, we have already had 25+ meetings with various city departments and staff – including open space. It has been unanimously agreed upon that the City does not have the means to purchase this property. I'll also point out that the site is 'not for sale'. The site is under contract (with Gamma Development, LLC) and I interpret your letter as willful intent to interfere with a pre-existing contract, as well as an attempt by the City to further stall and procedurally delay a decision on the project. These actions at most constitute an attempt to "take" the property without due process and at least show a contempt of the process as defined by adopted city ordinance and the goals and policies set forth in the City's Comprehensive Plan.

As an entity, Gamma Development has invested over \$300,000 in the 'Overlook at Oxbow' project submittal to date. We did so ONLY after we had a thorough understanding of the IDO and the laws that have been established by the City of Albuquerque. We are willing to invest, we are willing to build, we are willing to grow – when we know that the rulebook is in place. Failure to uphold the IDO, failure to champion your own ordinances, failure to recognize the efforts of City Councilors and Staff will drive all future capital investment out of Albuquerque city limits – just as the project's opponents would like.

Mayor Keller, on December 1st, 2017 you took an oath of office to uphold the constitution of the State of New Mexico and all of its corresponding laws "faithfully, impartially, and sincerely". I ask of you that you reflect on this powerful oath, find your inner courage, and reply with conviction to the project's opponents that *ordinances mean something* in the City of Albuquerque. There is a process to be followed and they all have a chance to speak in opposition to the project through the hearings of the EPC and the DRB. Failure to do so is an act of disrespect to those "*Laws made by common consent*" that George Washington told us about.

Be strong my friend.

Best Regards,



Brian McCarthy

Gamma Development, LLC