Supplemental Staff Report to be read with the April 13, 2017 staff report

Agent: Consensus Planning

Applicant: Pulte Group

Request: Site Plan for Subdivision Amendment

Legal Description: 63, 66, and 67 of Del Webb @ Mirehaven Phase 2A subdivision and future Lots 108 and 109 of Del Webb@ Mirehaven Phase 2B subdivision

Location: Tierra Pintada Blvd between West Creek and Mirehaven Parkway

Size: 47.5 acres

Existing Zoning: SU-2 PDA

Proposed Zoning: No Change

Summary of Analysis:
This case was deferred from the April 13, 2017 hearing to allow the applicant time to meet with concerned neighbors. This meeting occurred on April 18, 2017. The applicant requests for an exception to the maximum allowed heights in the Northwest Mesa Escarpment Plan for 5 lots using the process approved by City Council. The pad site elevations and grading plan were previously approved by the EPC as part of the Site Development Plan for Subdivision (SPS), this request constitutes an amendment to the SPS. The applicant is asking that the allowed height for all be 19 feet from finished grade, except for lot 67, which would be limited to 17.8 feet. The applicant has submitted view analysis diagrams to show that the impact of the additional height on views to the escarpment will not be significant. The applicant has addressed the hardship criteria by citing drainage, engineering constraints and the need for continuity of development. The request is generally consistent with intent of the NWMEP to protect views to the escarpment face and to protect the Petroglyph National Monument. The Tres Volcanes NA and Westside Coalition of Neighborhood Associations were notified. Staff recommends approval with conditions.

Staff Recommendation:
APPROVAL/ of Case 17 EPC-40004 based on the Findings beginning on Page 2, and subject to the Conditions of Approval beginning on Page 5.

Staff Planner: Maggie Gould, Planner
This case deferred from the April 13, 2017 hearing to allow the applicant time to meet with concerned neighbors and explain the request. Staff received a letter from residents of the Mirehaven development on April 12, 2017, expressing concern about the request. The letter was received outside of the 48 hour and rule and was not distributed to the commission. It is included in this supplemental packet.

The applicant met with residents of the Mirehaven community on April 19, 2017 and explained the request in a meeting organized by the Pulte group. A facilitated meeting was offered, but was declined because the members of the community felt that an additional meeting would not be valuable. Staff has not received any additional comments from the neighbors regarding their support for or opposition to the request.

The applicant also updated the pad site elevations for requested lots. The applicant has revised the request and has removed lots 116 and 64. The request now includes exceptions for lots 63, 66, 67, 108 and 109.

For all lots, except for lot 67, the requested exceptions are less than what was previously requested. Staff still has concerns about lots 66 and 67 because of their proximity to the Petroglyph National Monument and because they sit higher above the lots to the south. The view exhibit, Exception Justification Part 5 of 5, submitted by the applicant illustrates this. Staff still recommends that these lots be limited to a maximum height of 17 feet.
FINDINGS – 17 EPC-40004 April 13, 2017 Site Development Plan for Subdivision

1. This is a request for an amendment to a Site Development Plan for Subdivision for all or a portion of Lots 63, 66, and 67 of Del Webb @ Mirehaven Phase 2A subdivision and future Lots 108 and 109 of Del Webb @ Mirehaven Phase 2B subdivision (currently a portion of Tract M1, Watershed Subdivision) to request Exceptions to the Height Restrictions per the Northwest Mesa Escarpment Plan, containing approximately 47.05 acres.

2. The subject site is zoned SU-2 for PDA (Planned Development Area) pursuant to the Westland Sector Development Plan and Westland Master Plan. The SU-2 for PDA zone is intended to provide for “a mix of residential uses” that are “special because of the relationship of this property to Petroglyph National Monument.” The proposed residential and open space uses are allowed under the existing zoning.

3. The subject is part of a larger Site Development Plan for Subdivision (SPS) approved by the EPC in 2013 (13EPC-40115). This SPS contains design standards, street and trail sections and illustrative renderings of home types. Future development on the subject tracts is subject to the requirements of the SPS (13EPC-40115).

4. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Northwest Mesa Escarpment Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. The subject site is within the Developing Urban Area of the comprehensive Plan; the following polices are applicable to this request:

   A. Policy II.B.5d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

   The proposed development will be similar in scale, layout and use to the existing nearby development. The streets adjacent to the Petroglyph National Monument are primarily single loaded so that housing is only developed on the side opposite the Monument; this adds a buffer for both the residents and the monument. The additional height allowed by the request will result in structures that are a comparable height to adjacent structures and to other nearby development. Public access to the Monument will not be altered by this request. The request furthers Policy II.B.5d.
B. Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Urban infrastructure and services exist in the area, including roads and utilities. The request furthers Policy II.B.5e.

6. The site is within the boundaries of the West Side Strategic Plan. The following policies are relevant:

Policy 3.81: The City of Albuquerque and Bernalillo County shall, through their land use and design decisions, minimize negative impacts upon the National Monument. The Park Service shall, through their actions, attempt to minimize their negative impacts on the City, County, and adjacent neighborhoods and landowners.

The EPC, acting for the City, will make land use and design decisions that will affect the Petroglyph National Monument (PNM). The proposed additional height shows will not have a negative impact on the monument, because views will still be protected. The request does not alter the access to the PNM or move drainage on to the PNM. The request furthers policy 3.81.

7. The site is within the boundaries of the Northwest Mesa Escarpment Plan. The following policies are relevant:

A. Policy 7: For property within the City of Albuquerque and Bernalillo County, a design overlay zone is established which covers the Conservation Area, the Impact Area and the View Area as shown on Map 10. All development within the Design Overlay Zone shall comply with the design regulations of this chapter. Variances other than those specifically allowed constitute plan amendments and must follow the standard plan amendment procedure. A request for amendment to the Plan may be processed simultaneously with a request for site plan approval. Site plan approval by either the City or County Planning Commission shall be conditional on Plan amendment approval by the City Council.

The request complies with Policy 7. The amendment request includes a request for a height between 15 feet and 19 feet for seven lots, within the Impact Area. The process laid out within the NWMEP for the height increase request is that it is reviewed by the EPC as part of a site plan review, as with the process for the requested height increases.

B. Policy 12.2 (paraphrased): Heights shall not exceed 19' from natural grade, unless adherence policy makes the lot undevelopable. Applications for exceptions to the 19' height limit shall be reviewed and approved by the EPC and shall demonstrate both hardship and visual impact:
The application includes a Grading and Drainage Plan that has been approved by the City Engineer as required by the exception process in the Northwest Mesa Escarpment Plan. The applicant submitted view analysis diagrams to show that the impact of the additional height on views to the escarpment will not be significant, except for lots 66 and 67 where staff recommends that heights be limited to protect the views.

The applicant has addressed the hardship criteria by citing drainage, engineering constraints and the need for continuity of development.

C. **Policy 13:** Sites which cannot be set aside as open space, including recreational facilities, and sites adjacent to open space, shall have minimum visual impact.

The heights of buildings area limited to 19 feet or lower within the Impact Area of NWMEP. The request does not change the previously approved open space areas. Sheet 4 of 6, Exception Justification shows that the structures will generally be below the escarpment face and will not block the views to the escarpment. The condition that lots 66 and 67 have limited height addresses additional view protection. The request further policy 13.

D. **Policy 15.7:** Natural contours of the land shall be taken into account in determining the placement of roads and utilities. Grading and filling of existing contours shall be kept to a minimum. It is recognized that retaining walls will be necessary in some cases, but facility designs shall minimize their height and insure that they blend visually with their surroundings. The maximum height allowed for a retaining wall designed to limit the width of a road corridor is 8’. Retaining walls must meet all other requirements in the design overlay zone with regard to color and materials.

Although there will be grading (cut and fill) throughout the site; the result will be to lessen the visible profile of the new buildings in views of the Escarpment. Retaining walls will be utilized in some locations, with wall heights a maximum of eight feet, the walls will be required to meet the design standards in the approved overall SPS(13 EPC 40115). Graded slopes will be less 5%. The request complies with Policy 15.7.

8. The Tres Volcanes NA and Westside Coalition of Neighborhood Associations were notified. A facilitated meeting was not requested or recommended. Property owners within 100 feet of the site were notified.

9. The Superintendent of the PNM submitted a letter stating that the PNM is not opposed to the request and does not believe the requested building heights will block the views to the escarpment.

10. This request was deferred from the April 13, 2017 hearing to allow time for the applicant to meet with concerned neighbors. A meeting occurred on April 18, 2017, but was not a facilitated meeting. A facilitated meeting was offered but was declined by the concerned neighbors. Staff has not received any additional comments as of this writing.
RECOMMENDATION - 17 EPC-40004 April 13, 2017

APPROVAL of 17EPC-40004, a request for Site Development Plan for Subdivision, for Lots 63, 66, and 67 of Del Webb @ Mirehaven Phase 2A subdivision and future Lots 108 and 109 of Del Webb@ Mirehaven Phase 2B subdivision (currently a portion of Tract M1, Watershed Subdivision, based on the preceding Findings (and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 17 EPC-40004 April 13, 2017 Site Development Plan for Subdivision Amendment

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.

2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

3. Height on lots 66 and 67 shall be limited to less than 17 feet from finished grade.

Maggie Gould
Planner

Notice of Decision cc list:
Consensus Planning
Pulte Homes
Tres Volcanes NA,
Westside Coalition of Neighborhood Associations
CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No Adverse comment

Office of Neighborhood Coordination

NA’s and Coalitions Contacted: Tres Volcanes NA, Westside Coalition of Neighborhood Associations

Long Range Planning

- The NWMEP states that heights shall in no case exceed 19’ from natural grade, unless adherence to this policy would render the lot undevelopable.
- The proposed building heights listed for each of the 7 lots list proposes height from finished grade not natural grade. Is that a typo? Should it read 19’ from natural grade or do heights need to be adjusted to state height above natural grade?
- What is the nexus between developability of the lots and the height of the proposed buildings? Please explain why these lots are undevelopable with 15’ tall buildings.

Reference R-127, 2016 Amendments for Height, Measurement from Natural Grade and Approval Process

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development

Transportation Development Conditions:

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).

Hydrology Development

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations
WATER UTILITY AUTHORITY

Utility Services

1. 17EPC-40004 Site Development Plan for Subdivision
   a. Availability 150811 was issued 09/28/2015 and has since expired. A new request can be made by following the link provided below:

      i.  
          http://www.abcwua.org/Availability_Statements.aspx

      ii. New requests shall include an approved Fire 1 Plan as well as a site map showing the location of the site in question.

ENVIRONMENTAL HEALTH DEPARTMENT

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

No Comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Transit Corridor- Not in a corridor

Transit Route-Not on a route

Current Service/Stops No existing service and none planned at this time

Comments/Support/Requests - No comment
COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

1. Project# 1006864
   a. EPC Description: 17EPC-40004 Site Development Plan for Subdivision
   c. Request Description: The property owner requests exceptions for 7 lots to the maximum allowed heights within the regulations in the Northwest Mesa Escarpment Plan (NWMEP).
   d. APS Case Comments: APS does not oppose the request for exceptions for maximum height regulations, however, this development as a whole will have impacts to the APS district. Del Webb Phase 2 at Mirehaven (also known as Watershed at Estrella) will consist of 159 single family units. This will have impacts to Painted Sky Elementary School, Jimmy Carter Middle School, and West Mesa High School. Currently, Painted Sky Elementary is exceeding capacity, Jimmy Carter Middle School is nearing capacity, and West Mesa High School has excess capacity.

   - Residential Units: 159
   - Est. Elementary School Students: 41
   - Est. Middle School Students: 17
   - Est. High School Students: 18
   - Est. Total # of Students from Project: 76

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

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no further comments based on information provided to date.
Applicant’s updated project letter
April 28, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

RE: Revisions to Project # 1006864, Case # 17EPC-40004

Dear Madame Chair:

The purpose of this letter is to present the revisions to the application materials based on the revised pad elevations and the building model heights. Our initial application was a request for exceptions for seven lots to the height regulations in the Northwest Mesa Escarpment Plan (NWMEP), per Resolution 2016 115 (C/S R-16-127). Our justification has not changed; however, the number of exceptions sought has been reduced from seven to five, and the amount sought for each variance has changed as listed below:

Revisions:
- Lots 116 and 64 have been removed from this request.
- Lot 63: Variance of 0.79 feet
- Lot 66: Variance of 0.18 feet
- Lot 67: Variance of 2.91 feet
- Lot 108: Variance of 1.62 feet
- Lot 109: Variance of 0.25 feet

The full set of application drawings are revised and replaced to reflect these changes in the number of lots and pad elevations.

At the April 13 2017 Environmental Planning Commission hearing, the applicant requested a 30-day deferral in response to concerns from residents of the Mirehaven community. A meeting was held between the Mirehaven HOA and PulteGroup on April 18th. Pulte explained the details of the request and presented the revisions to the application. The meeting helped to address some concerns and a facilitated meeting was not requested by the residents.

On behalf of PulteGroup, we respectfully request that the Environmental Planning Commission approve this request for five exceptions to the height regulations in the NWMEP. Thank you for your consideration.

Sincerely,

Jacqueline Fishman, AICP
Principal

PRINCIPALS
James K. Strozier, AICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP
Letters received after the 48 rule for the April 13, 2017 Hearing
Mirehaven Residents Community Input and Comments
Re: Project # 1006864
17EPC – 4004 Site Development Plan for Subdivision Amendment
“Exception to the Height Restrictions per the Northwest Mesa Escarpment Plan”
Public Hearing Thursday, April 13, 2017 at 8:30am
Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building
600 2nd St. NW, Albuquerque, NM

Executive Summary:
We, the undersigned residents of Mirehaven, do not support the proposed exception to the height restriction per the Northwest Mesa Escarpment Plan as referenced in the above project.

Rationale – Concerns Explained:
✓ We firmly believe this exception to the existing height restriction will violate Article I of the Mirehaven Community Architectural Review Committee Covenants, Conditions and Restrictions (CC & Rs) which are stated as follows:
  o “The Estates at Mirehaven is one of the most attractive adult communities in New Mexico. In the interest of maintaining the harmonious theme and aesthetic beauty of the community consistent with the surrounding native environment, The Estates at Mirehaven Board of Directors (Board) and the Architectural Review Committee (ARC) have a responsibility to administer the Design Guidelines and protect the community and its values.”
✓ It is in this spirit of supporting both the spirit and intent of this stewardship of this unique property that we ask that the City of Albuquerque Environment Planning Commission not grant the height exception for this project, or any other proposed height exception in future construction at this unique geographic site;
✓ Granting this exception would violate the existing Escarpment height guidelines which are already accepted and in place to protect the unobstructed views from exceptionally high rooftops and other potential obstructions of the petroglyphs and mountain views throughout this community;
✓ The concerns of the homeowners not only applies to this proposed exception but as importantly to us, that a precedent becomes established for other, future height restriction exceptions, which will only serve to further deteriorate the unique geographic and aesthetic characteristics of this property and individual property values in a negative manner;
✓ Additionally, it needs to be mentioned, both with respect to the homeowners who are considered directly impacted by potentially blocked sightlines and to the residents of Mirehaven as a whole whose views are impacted as well when they walk the “miles of trails,” etc. that this is of concern to many of the residents in this community;
✓ In summary, if the only reason for the height exception request is due to negligence in grading, then the potential drainage issues should be addressed in order to comply with the existing escarpment building height restrictions. Negligence on the part of the builder should not be reason to grant a variance. Drainage issues should have been addressed long before this request was initiated. All of this was well within the control of the builder to address long before now.

Suggested Counter Proposal (Remedy):
The correct finished (and compliant) grade of each lot at this property is determined through use of GPS technology, therefore:
✓ There should have been no error when the developer (Pulte Group) and their agent, Consensus Planning, and the respective subcontractors, executed the land grading and preparation for these, and all other, lots within the development;
✓ If an error was made when conducting the land grading which has lead to this height restriction exception request, then we, the homeowners, request the developer (Pulte Group) working with their agents and contractors, must rectify any and all grading errors before being allowed to commence construction on these lots*.
  *In the instant case, this applies to Lots 63, 64, 66 and 67 of Del Webb Mirehaven Phase 2A and future lots 108, 109 and 116 of Del Webb Mirehaven Phase 2B (and any or all other lots under current or future consideration by the builder).

Thank you for your careful consideration.
(Signatures of concerned homeowners is attached)
Respectfully submitted by concerned homeowners at Mirehaven,

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Peter Zagaris</td>
<td>9315 Bear Lake Way</td>
<td>505-483-3536</td>
</tr>
<tr>
<td>Sharen Keeler</td>
<td>9309 Bear Lake Way</td>
<td>619-977-8879</td>
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<tr>
<td>Maryann Zagaris</td>
<td>9315 Bear Lake Way</td>
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<tr>
<td>Steven Herman</td>
<td>9309 Bear Lake Way</td>
<td>505-508-4522</td>
</tr>
<tr>
<td>Jeff Zagaris</td>
<td>9309 Bear Lake Way</td>
<td>505-508-4522</td>
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<tr>
<td>Marc &amp; Linda Platt</td>
<td>9331 Bear Lake Way</td>
<td>909-225-8593</td>
</tr>
<tr>
<td>Hannif Ruiz</td>
<td>9335 Bear Lake Way</td>
<td>505-573-1563</td>
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<tr>
<td>Blue Lee</td>
<td>9309 Bear Lake Way</td>
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<tr>
<td>Lisa &amp; Marc Platt</td>
<td>9331 Bear Lake Way</td>
<td>(909) 553-3987</td>
</tr>
<tr>
<td>Noora Jolly</td>
<td>9332 Bear Lake Way</td>
<td>505-582-2189</td>
</tr>
<tr>
<td>Gene Wynn</td>
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<tr>
<td>Sue Boyle</td>
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<td>Glen Jenner</td>
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<tr>
<td>Benji Nancey</td>
<td>9323 Bear Lake Way</td>
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<tr>
<td>William Hardy</td>
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<tr>
<td>Helen Massman</td>
<td>2240 Caldwell Greenway N.W</td>
<td>505-836-4697</td>
</tr>
<tr>
<td>Lydia Abujdeh</td>
<td>9305 Bear Lake Way NW</td>
<td>505-296-3393</td>
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<tr>
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<tr>
<td>Kathy Porter</td>
<td>9300 Bear Lake Way</td>
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<td>James Williams</td>
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<tr>
<td>Lisa Cooper</td>
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<td>Ms. Mathison</td>
<td>9315 Del Webb Ln</td>
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<td>Warner</td>
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<tr>
<td>Catherine Miller</td>
<td>9256 Bear Lake Way NW</td>
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<tr>
<td>Anne Hutcherson</td>
<td>2115 Coyote Creek Tr NW</td>
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<td>Susan Johnson</td>
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<td>Angel B. Doherty</td>
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<td>Deborah Carrey</td>
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<td>Katrina Berkel</td>
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<td>Susan Allen</td>
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<td>Anna Anderson</td>
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<tr>
<td>Darlene Marshall</td>
<td>2106 Goose Lake Trail NW</td>
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<tr>
<td>Michael Marshall</td>
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<td>Nancy Lynn</td>
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<td>Cheryl Coley</td>
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<tr>
<td>Ron Ramsey</td>
<td>same</td>
<td>303-818-7555</td>
</tr>
<tr>
<td>Sherri Rivenburg</td>
<td>9204 Bear Lake Way NW</td>
<td>505-248-2863</td>
</tr>
<tr>
<td>Henry Solves</td>
<td>2106 Goose Lake Trail NW</td>
<td>505-272-4815</td>
</tr>
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Thank you for your careful consideration.
Respectfully submitted by concerned homeowners at Mirehaven,

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>ANGELA MALTA</td>
<td>2239 Cebolla Creek NW</td>
<td>505-301-6183</td>
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<tr>
<td>JANET MALTA</td>
<td></td>
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<tr>
<td>KAREN WOODS</td>
<td>2235 Cebolla Way NW</td>
<td>505-514-5548</td>
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<td>PAUL WOODS</td>
<td>2235 Cebolla Way NW</td>
<td>505-554-6511</td>
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<td>JAN MURPHY</td>
<td>2231 Cebolla Creek Way NW</td>
<td>505-961-7038</td>
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<td>ROBERT MURPHY</td>
<td>2231 Cebolla Creek Way NW</td>
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<td>CLAY BROWN</td>
<td>2223</td>
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<td>REBECCA BROWN</td>
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<tr>
<td>THEODORE SHAY</td>
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<td>ALBERT SHAY</td>
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<td>505-373-2631</td>
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<td>ELIZABETH DE LOY</td>
<td>2247 Cebolla Creek Way</td>
<td>505-301-6183</td>
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<tr>
<td>WILSON MELSON</td>
<td>2241 Cebolla Creek Way</td>
<td>505-440-1574</td>
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Statement from Charles and Judy Ofelt
2227 Cebolla Creek Way NW (in Del Webb Mirehaven)
Albuquerque, NM 87120
Tel. 296-7728

Regarding the request by Pulte Homes for an exception to certain building height limitations.

Background Items:

On page 1 of 6 the Del Webb Phase 2 @ Mirehaven Northwest Mesa Escarpment Height Exception Justification, the applicant’s consulting engineers Bohannon Huston indicate the following:

A. The Northwest Mesa Escarpment Plan adopted by the City focuses on the Escarpment and the views of the Escarpment face.

B. Within the National Monument the existing ridge impedes a significant portion of the Escarpment face.

Policy II.B.5m, which might be from the Northwest Mesa Escarpment Plan but we are not sure (cited in the 2013 EPC staff report for this project), indicates that urban site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged. That Plan was incorporated by reference in the EPC approval of the Del Webb Phase 2 project November 12, 2015.

The Westland Master Plan Design Guidelines, also incorporated by reference in the EPC approval, at p. 79 states that the Westland properties offer spectacular views of the Sandias, the Rio Grande Bosque and the Volcanic Escarpment. Significant visual features should be “retained enhanced” (sic) through the methods described.

Issues:

1. We don’t know what the reason for the application is. What issue is the applicant trying to address? The applicant has asked for an exception to height restrictions that it accepted originally, so what is the concern now?

   A. Is there an engineering problem encountered below the surface that only recently came to light?

   B. Cannot the original building height result be obtained by lowering the building pads on the affected sites to come within the existing height restrictions? It will cost more to
do that than getting the City to sign off on an exception, so maybe this simply is an economic issue for the applicant.

2. City policy as embraced in multiple documents is to preserve views, not just to the Escarpment face, but to the Sandia mountains to the east and the Bosque, also to the east. Can the height restriction exception sought and this policy be harmonized?

   A. Does the EPC consider the views to the east for the residents of the existing residences in Mirehaven when considering a request for a height exception today? Even though the Northwest Mesa Escarpment Plan, adopted decades ago, focused on views toward the Escarpment because there was no development in this part of Albuquerque at the time, is it not appropriate for the EPC now to take into account the views to the east of the Sandias, the Bosque and the City itself as expressed in other documents, especially the Westland Master Plan?

   B. Is it only the Escarpment face that is of visual value? The entire National Monument is important to the living environment in which we reside. Is not the foreground just as important to the view, the rolling terrain and the colors of the high desert vegetation changing with the seasons? Think of the Escarpment as a painting...what does the painting look like without its frame? The framework, the setting, is important and should not be ignored. The Escarpment face is important, but so is the entire landscape of the National Monument as evidenced by the tremendous amount of effort devoted to maintaining the land and limiting damage and erosion at its boundaries. The applicant asking the EPC to focus solely on the Escarpment face seems to be narrow-minded.

   C. Viewing the hot air balloons as they rise above the morning lit landscape, seeing the trees in the valley Bosque come green in Spring, watching the glow of the evening as the shadow cast by the Escarpment climbs the face of the Sandias, and enjoying the glitter of the City lights below after the sun is gone. These all are pleasures that the various plans do not mention in any detail because all the focus was to the west at the time the original plans were drawn. There was no one here to be looking east. The applicant would have the EPC still focus only on that Escarpment face. But have not those times changed and should not the focus of the EPC broaden to include all of what is known today, almost twenty years later?

Discussion:

Every increase in height results in some loss of visibility to the west, north and east for many Del Webb Mirehaven residents, who purchased their properties in reliance on the City approved plans, and on the promise of no changes to the height of what was to come. Now there is a request to change what was relied on and we, the members of this community, want to be sure that the City takes our concerns into account. We are not saying no changes, period. What we are saying is that every effort should be made to comply with the City’s policies and governing principles laid out above.

If the City is to grant the exception sought, every exception should come with an associated commitment in return. For instance, while the City did not impose a flat roof requirement as
part of the original Site Plan For Subdivision approval, it is easy to see that even though more than a majority of the models (as cited in the original staff report on the Site Plan) indicate flat roofs, very few are to be found today in the actual community as built. It would be reasonable for the EPC to condition approval of the requested exception upon the applicant being restricted to constructing flat roof dwellings on the very small number of affected lots so as to minimize the overall impact upon the rest of the community.

Perhaps a flat roof requirement would negate any need for the lifting of the height restriction. If this is the case, then the request for the variance should not be granted as the applicant itself has the capacity to remedy the matter. If the EPC determines that such a restriction is not practical, then some other restriction to the benefit of the residents ought to be considered. The creativity of the solution/restriction imposed in exchange for the lifting of a height limitation should not be constrained by looking only to the Escarpment face. The applicant should be required to produce and support its arguments as to why its need for the exemption from the height limitation overrides the interests of all Del Webb Mirehaven residents, the people looking east as well as those looking north and west.
City Of Albuquerque   Land Use Facilitation Program

NO MEETING REPORT

Project #: EPC Project 1006864 (17EPC-40004) Mirehaven

Submitted: 1 May 2017

Facilitator: Philip Crump

Case Planner: Maggie Gould

Parties: Pulte Group (applicant), Consensus Planning (agent); Tres Volcanes NA, Westside Coalition of NAs, a group of concerned neighbors

Summary:
This is an application for Height Variance for 7 lots in the Watershed Subdivision.

After emailing the parties a notice of the application with request for response regarding a facilitated meeting, I was informed that a meeting was to be held by Pulte with the concerned neighbors.

Later, I received an explanatory email from the contact person for the group of concerned neighbors, stating that after the meeting on Wednesday April 19th—

“I was asked by some neighbors to give them the weekend to review the plan documents and decide if the meeting last Wednesday here answered their questions and addressed their concerns. I have now heard back from those who wanted time to respond. Hence my delay in getting back to you by Friday as I had previously stated.

“Second, while there may be some homeowners in attendance at the hearing on May 11 and there may be a further set of comments submitted to the Planning Commission for the record, we do not believe that a second facilitated meeting is going to add value to this discussion at this time.”
Site Plan Reductions
4/28/17 Amendment is to allow for exceptions to the height regulations of the Northwest Mesa Escarpment Plan on 5 lots.