

ALTERNATE FINDINGS

1. Revised Findings for Deferral
2. Alternate Findings for Denial
3. Alternate Findings for Approval

RECOMMENDED FINDINGS – PR-2018-001402, February 13, 2020- Site Plan-EPC on Remand (revised Finding #13 and new Findings #7 and #21)

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 San Antonio Oxbow Major Public Open Space, containing approximately 23 acres (the “subject site”).
2. The subject site is comprised of three legally platted County assessor parcels, subdivided into six City parcels, zoned R-A, and surrounded by existing single-family development, a City park to the north, the Rio Grande Bosque to the east, and designated Major Public Open Space (MPOS) to the south.
3. The applicant proposes a subdivision of single-family homes, consisting of 69 lots and three open-space areas, one on the subject site’s western side, one in the middle, and another spanning the southeastern corner to the eastern side of the subject site. The proposed layout is divided into two areas, or clusters—A (33 lots) and B (36 lots).
4. The EPC is reviewing the request because the subject site is over 5 acres in size and is adjacent to MPOS [Ref: IDO 14-16-6-6(H)(1)(b)(3)].
5. The standards in IDO Section 14-16-5-2, Site Design and Sensitive Lands, apply to all site development and new subdivisions. The subject site is adjacent to MPOS so the regulations in Section 14-16-5-2 apply, particularly those found in Section 14-16-5-2(C)- Avoidance of Sensitive Lands, and in Section 14-16-5-2 (H)- Major Public Open Space Edges.
6. The design standards IDO Section 14-16-5-2, Site Design and Sensitive Lands are minimum standards. The City may impose more restrictive standards if necessary to comply with applicable engineering or design standards or other standards in the IDO.
7. In addition to the requirements of the R-A Zone District, the Site Plan is subject to IDO’s Use Specific Standards for Cluster Development, which address site design and common open space [Ref: 14-16(B)(2)].
8. Single-family homes, cluster development, and cottage development are the three permitted uses in the R-A zone in the Household Living category. 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 in Section 14-16(B)(2).

9. The subject site is within the boundaries of CPO-2, Coors Boulevard [Ref: 14-16-3-4 (C)] and VPO-2, Coors Boulevard [Ref: 14-16-3-6 (E)]. The regulations contained therein apply to development on the subject site.
10. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan. The Comprehensive Plan has several Goals and policies intended to protect and enhance the character of existing single-family neighborhoods, areas outside of designated Centers and Corridors, parks, and MPOS.
11. 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.
12. The EPC approved a previous version of the proposed site plan for the subject site at its March 19, 2019 hearing. The decision was appealed (AC-19-6 and AC-19-7). The City Council heard the case on August 5, 2019 and remanded it to the EPC based on findings and four remand instructions.
13. In its August 27, 2019 decision, the City Council issued two findings. In brief, Finding A. Applicable IDO Requirements, refers to cluster development design and total number of dwelling units allowed within a cluster. In brief, Finding B. Site Plan and Deficiencies, refers to provision of open space, proposed subdivision layout, setbacks, and number of dwelling units. Finding C contains the Council's four remand instructions. Finding D, in brief, states that the LUHO recommendation is accepted and adopted in part.
14. The City Council's remand instructions to the EPC are as follows:
 - A. Instruction #1: On remand, the EPC shall require the submission of a revised site plan for its consideration that clearly concentrates buildings in specific areas on the site, in identifiable clusters of no more than fifty lots each, and that otherwise satisfies the setback requirements of its condition number five. For purposes of setbacks between clusters, the relevant setback for each cluster shall not overlap. The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster.
 - B. Instruction #2: On remand, the EPC shall also evaluate and issue specific findings on the proposed cluster development's satisfaction of the IDO's applicable open space requirements for cluster developments, including but not limited to the ability to count drainage easements as part of its required open space designation and how the preserved common open space reasonably relates to each identifiable cluster.
 - C. Instruction #3: On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan.

- D. Instruction #4: The EPC shall conduct the remand hearing within the scope of these remand instructions as a duly noticed quasi-judicial hearing in conformance with the Open Meetings Act and shall allow all interested persons and the public to submit comments by letter or electronic mail, testify, submit written evidence, present written or oral arguments, and/or cross-examine witnesses.
15. The applicant submitted a revised site plan, dated November 25, 2019, for consideration by the EPC (the “request”). The request was deferred at the January 9, 2020 EPC hearing for one month, to the February 13, 2020 hearing, to ensure that all requirements regarding proper notice are met (Instruction #4).
 16. The Zoning Enforcement Officer (ZEO) issued a Declaratory Ruling about cluster development on April 22, 2019. The declaratory ruling states that the regulations for cluster development apply to each project site, and that the IDO does not prohibit more than one project site per application.
 17. On January 15, 2020, aggrieved parties appealed the Declaratory Ruling. There is no specific timeframe or deadline for appeals of declaratory rulings.
 18. It is unknown how the City Council, the City’s ultimate planning and land use authority, will decide with respect to the appeal because it has not yet been heard. City Council’s decision could have a significant impact upon Staff analysis and recommendation, and the EPC’s review and decision regarding the proposed site plan. A deferral of request is warranted to allow time for the pending appeal to be heard and decided.
 19. Without a final determination of whether 1) the declaratory ruling stands and must be followed as ordered by Council, or 2) the declaratory ruling is overturned in whole or in part, as ordered by Council, it is not possible to accurately or thoroughly follow and respond to Instruction #3 with the necessary analysis. Instruction #2 requires an evaluation of open space as it relates to cluster developments, which will also be affected by Council’s decision regarding the pending appeal of the Declaratory Ruling.
 20. Furthermore, the proposed site plan requires more clarity regarding open space and setbacks; and instances of IDO non-compliance related to these topics, make it impossible for Staff to accurately and thoroughly respond to the remand instructions as required.
 21. The buffer map provided by the applicant, used for property owner notification required pursuant to IDO Section 14-16-6-4(K)(2)- Mailed Notice, is unclear. Though a label on the subject site’s northern side (100.79 feet) covers a portion of the buffer, there is at least one lot (and as many as four) that abuts the buffer boundary but was not notified. Since Remand Instruction #4 regarding “duly noticed” is not met at this time, a deferral is warranted.

22. A two-month deferral would allow adequate time for the appeal of the Declaratory Ruling to be heard and decided by the City Council, and for the applicant to clarify the proposed site plan and address IDO requirements related to site layout and open space.
23. On remand, four agencies submitted comments based on the November 25, 2019 proposed site plan: the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA), the Department of Municipal Development (DMD), PNM, and the Open Space Division of the Parks and Recreation Department.
24. The Open Space Division (OSD) has major concerns regarding the proposed site layout. OSD remains concerned about the proximity of lots on the site's southern side to the steep, sandy bluff and potential erosion over time. OSD would like to see a significant open space area contiguous to the existing MPOS pursuant to IDO 5-2(H)(2)(a)(2) and, despite remaining concerns about the use of a drainage detention area and steep sloped areas as open space, would be open to discussing the dedication of acreage to the City as MPOS.
25. 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).
26. 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.
27. Staff received multiple letters, comments, reviews, and reports in opposition to the proposed development. These are included in the case record. During the remand period, Staff received over 100 letters from concerned parties, some emails of opposition, and a hand-written letter. Staff did not receive any comments in support previously or during the remand period.

Project #2018-001402, Site Plan-EPC
Alternate Findings for Denial

(based on the March 19, 2019 Official Notification of Decision and
updated based on the November 25, 2019 site plan)

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 Major Public Open Space, containing approximately 23 acres (the “subject site”).
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3. The applicant proposes two cluster developments of single-family homes, consisting of 69 lots and three open-space areas, one on the subject site’s western side, one in the middle, and another spanning the southeastern corner to the eastern side of the subject site. The proposed layout is divided into Cluster A (33 lots) and Cluster B (36 lots).
4. The EPC is reviewing the request because the subject site is over 5 acres in size and is adjacent to MPOS [Ref: IDO 14-16-6-6(H)(1)(b)(3)]. IDO Section 14-16-6-6(H) applies to any development on a site 5 acres or greater adjacent to MPOS prior to any platting action.
5. The subject site is private property in contract with the applicant and, therefore, was evaluated pursuant to the Integrated Development Ordinance (IDO) and all other applicable City Council adopted regulations as described herein.
6. The standards in IDO Section 14-16-5-2, Site Design and Sensitive Lands, apply to all site development and new subdivisions. The subject site is adjacent to MPOS so the regulations in Section 14-16-5-2 apply, particularly those found in Section 14-16-5-2(C)- Avoidance of Sensitive Lands, and in Section 14-16-5-2 (H)- Major Public Open Space Edges.
7. In addition to the requirements of the R-A Zone District, the Site Plan is subject to IDO’s Use Specific Standards for Cluster Development, which address site design and common open space [Ref: 14-16(B)(2)].
8. The subject site is within the boundaries of CPO-2 [Coors Boulevard, 14-16-3-4 (C)] and VPO-2 (Coors Boulevard, 14-16-3-6 (E), and is subject to those regulations.
9. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan. The Comprehensive Plan has several Goals and policies intended to protect and enhance the

character of existing single-family neighborhoods, areas outside of designated Centers and Corridors, parks, and MPOS.

10. 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.
11. The request does not meet all of the applicable criteria in IDO Section 14-16-6-6(H)(3), Review and Decision Criteria, Site Plan-EPC, as required. Though generally consistent with applicable Comprehensive Plan Goals and policies as required by 14-16-6-6(H)(3)(a) and 14-16-6-6(H)(3)(d) regarding provision of necessary infrastructure, the request does not meet 14-16-6-6(H)(3)(c) because it does not comply with all applicable provisions of this IDO, the DPM, other adopted City regulations.

Section 14-16-6-6(H)(3)(e), mitigation of significant adverse impacts on the surrounding area to the maximum extent practicable, is unclear without additional engineering and/or hydrology information that will be further discussed at the DRB. Section 14-16-6-6(H)(3)(b) does not apply because the subject site is zoned R-A, not NR-SU or PC.

12. Pursuant to Section 14-16-1-7-(A)(1) and Section 14-16-6-6(H)(3)(c), the request is required to comply with all applicable provisions of this IDO, the DPM, other adopted City regulations. These include, but are not limited to, the regulations in the Coors Boulevard CPO, the Coors Boulevard VPO, Major Public Open Space Edges regulations in 14-16-5-2 (except the Open Space Superintendent approved the open space buffer instead of the single loaded street), and the Cluster Development use-specific standards in 14-16-4-3(B)(2). Conditions of approval are needed to ensure that compliance is achieved with all applicable requirements, including the City Council Remand Instructions.
13. The DRB approved a variance to IDO Section 14-16-5-3(E)(2)(a), Access and Connectivity, on December 7, 2018 (VA-2018-00173). The decision was appealed (AC-18-20) and was heard by the Land Use Hearing Officer (LUHO) on March 20, 2019. The City Council voted to accept the LUHO's recommendation and deny the appeal.
14. The EPC approved a previous version of the proposed site plan for the subject site at its March 19, 2019 hearing. The decision was appealed (AC-19-6 and AC-19-7). The City Council heard the case on August 5, 2019 and remanded it to the EPC based on findings and four remand instructions.
15. The City Council's remand instructions to the EPC are as follows:
 - A. Instruction #1: On remand, the EPC shall require the submission of a revised site plan for its consideration that clearly concentrates buildings in specific areas on the site, in identifiable clusters of no more than fifty lots each, and that otherwise satisfies the setback requirements of its condition number five. For purposes of setbacks between clusters, the relevant setback for each cluster shall not overlap. The minimum separation between clusters must include the combination of the relevant setback as applicable to each individual cluster.
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part of its required open space designation and how the preserved common open space reasonably relates to each identifiable cluster.

- C. Instruction #3: On remand, the EPC shall also evaluate, explain and issue a specific finding as to whether the IDO allows more than one Cluster Development on a site plan.
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16. The applicant submitted a revised site plan, dated November 25, 2019, for consideration by the EPC (the “request”). The request was deferred at the January 9, 2020 EPC hearing for one month, to the February 13, 2020 hearing, to ensure that all requirements regarding proper notice are met (City Council Remand Instruction #4).
17. The Zoning Enforcement Officer (ZEO) issued a Declaratory Ruling about cluster development on April 22, 2019. The declaratory ruling states that the regulations for cluster development apply to each project site, and that the IDO does not prohibit more than one project site per application. On January 15, 2020, aggrieved parties appealed the Declaratory Ruling. As of this writing, the appeal has not yet been heard.
18. The site plan has been in the EPC process since October of 2018. Applicable requirements regarding open space and setbacks, and instances of IDO non-compliance directly related to these topics, has not been achieved:
- A. Subsection 14-16-4-3(B)(2)(b), Zone district setback requirements of the R-A zone. 20 lots are non-compliant as measured from the subject site’s cluster boundaries. 51 lots are non-compliant if measured by individual lot.
 - B. Subsection 14-16-4-3(B)(2)(d)(1), Open Space. Calculations to support the figures were not shown so there’s no demonstration of compliance with either the 30% of lot area or 100% of the area saved by reducing lot size.
 - C. Subsection 14-16-5-1(C)(2), Contextual Residential Development in Areas of Consistency. The applicant has not provided a demonstration on the site plan to show that the proposed lot sizes fall between 75% and 125% of the lot size as required.
 - D. Subsection 14-16-3-2(D)(2), View Analysis required by VPO-1, Coors Boulevard was not provided.
19. Without a site plan that demonstrates compliance with the above-mentioned applicable regulations, and all other applicable regulations as required, the City Council’s Remand Instructions #1 and #2 are fulfilled as instructed.
20. Remand Instruction #4 regarding “duly noticed” is not fulfilled and IDO notification requirements have not been fully met. The buffer map provided by the applicant, used for property owner notification required pursuant to IDO Section 14-16-6-4(K)(2)- Mailed Notice, is unclear. Though

a label on the subject site's northern side (100.79 feet) covers a portion of the buffer, there is at least one lot (and as many as four) that abuts the buffer boundary but was not notified.

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23. 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 shall be reviewed for technical issues such as this by the Development Review Board (DRB).
24. In 2018, 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. During the remand period, no additional meetings were held.
25. Neighbors and interested parties have expressed a variety of concerns about the request. The primary concerns are that applicable IDO requirements regarding cluster development, open space, and sensitive lands are not being followed. Additional concerns are development in a designated flood zone, proximity to existing steep slopes, lack of open space contiguous to the MPOS, traditional subdivision design and lack of clustering.
26. Staff received multiple letters, comments, reviews, and reports in opposition to the proposed development. These are included in the case record. During the remand period, Staff received over 100 letters from concerned parties, some emails of opposition, and a hand-written letter. Staff did not receive any comments in support.

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Alternate Findings for Approval

(based on the March 19, 2019 Official Notification of Decision and
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3. The applicant proposes two cluster developments of single-family homes, consisting of 69 lots and three open-space areas, one on the subject site’s western side, one in the middle, and another spanning the southeastern corner to the eastern side of the subject site. The proposed layout is divided into Cluster A (33 lots) and Cluster B (36 lots).
4. The EPC is reviewing the request because the subject site is over 5 acres in size and is adjacent to MPOS [Ref: IDO 14-16-6-6(H)(1)(b)(3)]. IDO Section 14-16-6-6(H) applies to any development on a site 5 acres or greater adjacent to MPOS prior to any platting action.
5. The subject site is private property in contract with the applicant and, therefore, was evaluated pursuant to the Integrated Development Ordinance (IDO) and all other applicable City Council adopted regulations as described herein.
6. The standards in IDO Section 14-16-5-2, Site Design and Sensitive Lands, apply to all site development and new subdivisions. The subject site is adjacent to MPOS so the regulations in Section 14-16-5-2 apply, particularly those found in Section 14-16-5-2(C)- Avoidance of Sensitive Lands, and in Section 14-16-5-2 (H)- Major Public Open Space Edges.
7. In addition to the requirements of the R-A Zone District, the Site Plan is subject to IDO’s Use Specific Standards for Cluster Development, which address site design and common open space [Ref: 14-16(B)(2)].
8. The subject site is within the boundaries of CPO-2 [Coors Boulevard, 14-16-3-4 (C)] and VPO-2 (Coors Boulevard, 14-16-3-6 (E), and is subject to those regulations.
9. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan. The Comprehensive Plan has several Goals and policies intended to protect and enhance the

character of existing single-family neighborhoods, areas outside of designated Centers and Corridors, parks, and MPOS.

10. 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.

11. The request meets the following, applicable criteria in 14-16-6-6(H)(3), Review and Decision Criteria, Site Plan-EPC:

A. 14-16-6-6(H)(3)(a) The request is consistent with the following, applicable Comprehensive Plan Goals and policies:

- i. Goal 4.1 and Policy 4.1.2. The lot sizes range from approximately 5,500 square feet to over 12,000 square feet, which is contextual with the lot sizes of adjacent subdivisions zoned R-1B, R-1C, and R-1D.
- ii. Policy 4.1.5. The applicant has responded to the natural setting by preserving an area near the MPOS and the Bosque to retain some of the natural setting in the context of the site's R-A zoning entitlements.
- iii. 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, the project is infill development, which is more efficient than development on the edge of the City.
- iv. Policy 5.6.3 because lot sizes are similar to the surrounding subdivisions, they generally protect the character of the existing single-family neighborhoods. The adjacent MPOS is protected by the Site Plan's private open space buffer.
- v. Policy 9.2.3 because the proposed project is generally clusters residential units and provides private community open space.
- vi. 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.
- vii. Policy 11.3.3 c) because the request is for a development on R-A zoned land adjacent to the Bosque, which will conserve approximately 30% of the land as private open space.

B. 14-16-6-6(H)(3)(b) The request 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. 14-16-6-6(H)(3)(c) The request 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 is required to comply with all provisions of the IDO applicable to the site and the site plan, including but not limited to 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. Conditions of approval are needed to ensure that compliance is achieved with all applicable requirements, including the City Council Remand Instructions.

- D. 14-16-6-6(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 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. 14-16-6-6(H)(3)(e) The request 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.

12. The DRB approved a variance to IDO Section 14-16-5-3(E)(2)(a), Access and Connectivity, on December 7, 2018 (VA-2018-00173). The decision was appealed (AC-18-20) and was heard by the Land Use Hearing Officer (LUHO) on March 20, 2019. The City Council voted to accept the LUHO's recommendation and deny the appeal.
13. The EPC approved a previous version of the proposed site plan for the subject site at its March 19, 2019 hearing. The decision was appealed (AC-19-6 and AC-19-7). The City Council heard the case on August 5, 2019 and remanded it to the EPC based on findings and four remand instructions.
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 - A. The declaratory ruling states that the regulations for cluster development apply to each project site, and that the IDO does not prohibit more than one project site per application.
 - B. The EPC finds that the IDO allows more than one cluster development on a site plan, as stated in the Declaratory Ruling (City Council Remand Instruction #3).
 17. The site plan requires more clarity regarding open space and setbacks, and instances of IDO non-compliance directly related to these topics, in order to show that City Council’s Remand Instructions #1 and #2 are fulfilled as instructed.
 18. Conditions of approval are needed to create compliance with applicable IDO requirements, to demonstrate that compliance with all applicable requirements is achieved, and to fulfill the City Council Remand Instructions, especially #1 and #2. The conditions are based on the November 25, 2019 version of the site plan.
 19. On remand, four agencies submitted comments based on the November 25, 2019 proposed site plan: the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA), the Department of Municipal Development (DMD), PNM, and the Open Space Division of the Parks and Recreation Department.
 20. The Open Space Division (OSD) has major concerns regarding the proposed site layout. OSD remains concerned about the proximity of lots on the site’s southern side to the steep, sandy bluff and potential erosion over time. OSD would like to see a significant open space area contiguous to the existing MPOS pursuant to IDO 5-2(H)(2)(a)(2) and, despite remaining concerns about the use of a drainage detention area and steep sloped areas as open space, would be open to discussing the dedication of acreage to the City as MPOS.
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project shall be reviewed for technical issues such as this by the Development Review Board (DRB).

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23. Staff received multiple letters, comments, reviews, and reports in opposition to the proposed development. These are included in the case record. During the remand period, Staff received over 100 letters from concerned parties, some emails of opposition, and a hand-written letter. Staff did not receive any comments in support.

CONDITIONS OF APPROVAL

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB) to ensure all technical issues are resolved. 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. The applicant shall meet with the Staff planner prior to applying to the DRB to ensure that all conditions of approval are met. Upon receiving final approvals, the applicant shall submit a finalized version of the site plan for filing at the Planning Department.
3. The Site Plan shall comply with all applicable regulations of the IDO, the Subdivision Ordinance, other applicable design regulations, and shall fulfill the City Council Remand Instructions in full.
4. Notification (Remand Instruction #4):

The applicant shall ensure that the buffer map used for notification of property owners clearly shows a 100 foot buffer plus right-of-way and that all affected parties, particularly the four properties starting at the southeastern corner of the intersection of Valle Bosque Way NW and Valle Santo Trail NW, are duly noticed as required.
5. Setbacks (Remand Instruction #1):
 - A. Setbacks at the perimeter of each cluster are required to be pursuant to the underlying R-A Zone District: Front- minimum 20 feet; Side- minimum 10 feet; Rear, minimum 25 feet. All lots shall meet the required setbacks, and the following lots shall be revised so that they comply:
 - Cluster A: Lots A-11 and A-24 through A-33
 - Cluster B: Lots B-1, B-25, B-19 through B-25, and B-26

- B. The Cluster Setback Exhibit shall be included as a sheet (or part of a sheet) in the Site Plan and shall be scaled so that measurements are easy to verify.
- C. The Cluster Setback Exhibit shall indicate the location of any walls for purposes of setback measurement and shall indicate a rear setback from the homes near the middle of the subject site.

6. Common Open Space (Remand Instruction #2):

- A. The calculations that produced the open space figures shall be shown, step by step, in order to determine compliance and shall be adjusted as needed to meet applicable requirements.
- B. Like the Cluster Setback Exhibit, the Common Space Exhibits and tables, etc. shall be shown on a separate sheet (or part of a sheet) for ease of reading and demonstration of compliance.
- C. A comparison of the minimum required lot size in the R-A zone (10,890 sf) and each proposed lot size is needed to figure out the “100% of the area gained through lot reductions”. A table showing the size differential for each lot, and a summary total, shall be provided and clearly show if the figure for “30% of gross project site” or the figure for the area gained through lot reductions is the larger.
- D. Even after adjustments to the lot sizes, the common open space must remain a minimum of 35 feet wide between the houses pursuant to IDO Section 14-16-4-3(B)(2)(d)(2).
- E. If the City Council determines that the project site cannot contain more than one cluster development, the open space calculations shall be redone accordingly.

7. Landscaping:

Pursuant to IDO Section 14-16-5-2(C)(1)(i)), the Pinon stand in the area shown as common open space shall be preserved. If the mature pinon pine trees cannot be retained, then they will be replaced in the same general area with new trees at a ratio of three new trees for every mature tree lost.

8. Notes and Clarification:

- A. The following notes shall be added to Sheet 1 and under Maintenance on Sheet 2:
 - i. Pursuant to IDO 14-16-4-3(B)(2)(e), the common open space for each cluster shall be on a separate subdivided lot or easement.
 - ii. Pursuant to 14-16-4-3(B)(2)(f): Maintenance for common open space areas is the responsibility of the HOA for each cluster.
- B. A note shall be added to the Site Plan that states all new buildings and landscapes will comply with IDO Sections 14-16-3-6(D)(6), Colors, in Coors Boulevard VPO-1 and 14-16-5-2(H), Major Public Open Space Edges.
- C. The details for street section, free-standing entry sign, and view fence shall be moved to a separate detail sheet.

D. A light pole detail and a wall detail shall be added to the detail sheet so that compliance with IDO Sections 3-4(C)(5)(d) and 5-7(D)(1) can be evaluated.

9. The Site Plan shall be submitted to and approved by the Development Review Board (DRB) for the following technical issues and/or requirements:

A. HYDROLOGY

- i. 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.
- ii. All floodplains need to be shown on the plat and site plan.
- iii. A LOMR will be required to remove the floodplain from the lots that have the floodplain.
- iv. AMAFCA approval will be required for connection to their Channel and grading adjacent to their right of way.
- v. USACE approval will be required for any fill proposed in Waters of the US.
- vi. An infrastructure list will be needed for Preliminary Plat.
- vii. A recorded IIA is required prior to Final Plat.
- viii. 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.
- ix. Management onsite will be required for the SWQV unless a waiver is demonstrated on the G&D Plan and accepted by Hydrology.
- x. 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

- i. 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)
- ii. Infrastructure and/or ROW dedications may be required at DRB.
- iii. All work within the public ROW must be constructed under a COA Work Order.

- iv. The following comments need to be addressed prior to DRB:
- v. 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)

- i. 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.
- ii. Every opportunity should be utilized to minimize the use of public force main.
- iii. Once development is desired obtain an Availability Statement for the new developments. Requests can be made at the link below:
- iv. http://www.abcwua.org/Availability_Statements.aspx
- v. Request shall include a zone map showing the site location, as well as a site plan indicating finish floor elevations.
- vi. It should be noted that there is an existing ten inch collector line transecting the development.
- vii. This line is not to be abandoned.
- viii. 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 (PNM)

- i. 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.
- ii. 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.
- iii. 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.

10. 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, Allowable Minor Amendments.