



**Environmental
Planning
Commission**

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

**Supplemental Staff Report
(to be read with the original Staff Report
published under the December 12, 2019 EPC hearing)**

Agent	Consensus Planning, inc.
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

DEFERRAL of
Project # 2018-001402
RZ-2018-00171
based on the Findings
within this report

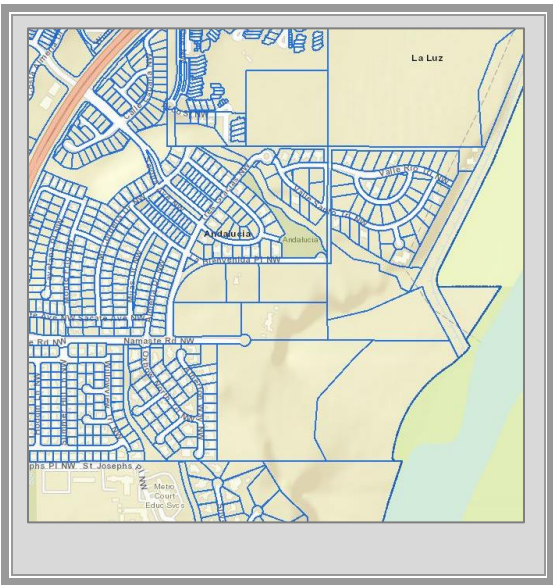
**Staff Planner
Cheryl Somerfeldt**

Summary of Analysis

This is a request for a Site Plan - EPC. The applicant proposes two cluster developments, totaling 76 single-family lots. The Bernalillo County assessor parcels are adjacent to Major Public Open Space (MPOS) and subject to applicable regulations.

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 meet the previous Conditions of Approval.

Staff recommends a 30-day deferral due to receiving several significant materials after the deadline for materials to be considered by staff (EPC Rules of Conduct B.12).



I. Introduction

Proposal

This is a request is 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, later subdivided into 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 50 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 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. Staff did not receive any comments in support.

This case was originally on the December 13, 2019 EPC hearing agenda. The EPC voted to defer the project to the February 14, 2019 EPC hearing in order to give the applicant time to address the previous Conditions of Approval.

EPC Role

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 EPC Site Plan approval prior to any platting action for a site 5 acres or greater adjacent to Major Public Open Space (MPOS).

EPC Rules of Conduct – Written Materials and Other Documents

Pursuant to EPC Rules of Conduct B.12:

“All written materials including petitions, legal analyses, and other documents should be submitted to the Planning Department at least 10 days prior to the EPC hearing, in time for full consideration by staff and presentation to the EPC prior to its regular scheduled meeting.”

This deadline for submittal of significant materials is reflected on the EPC Application and Haring Schedule published on the City’s website. For the February 14, 2019 EPC hearing that deadline date was Monday February 4, 2019. The applicant submitted significant materials to Planning Staff after this date, and staff was unable to fully analyze the late materials in time to include them in the staff report due to posted on February 7, 2019.

Planning staff recommends deferral of the case to be able to carefully review and analyze these late submittal materials in order to provide the Planning Commission, the public, and the applicant a cogent and comprehensive review and analysis of the submitted project.

It is within the EPC's purview to defer if the EPC determines that additional information is necessary or beneficial to render a decision pursuant to EPC Rules of Conduct B.7 e.

Timeline

Planning staff received the Site Plan in a timely manner, but required, accompanying materials related to Site Design and Sensitive Lands standards and requirements were not submitted until a much later date. These required documents and materials include technical items such as those requested by the City Hydrologist. The following is a timeline of the requests for information and the late responses:

- 01/17/2019 – Received revised Site Plan.
- 01/24/2019 – Planning staff requested updated project letter with updated description, updated response to Site Design and Sensitive Lands criteria, contact with City Forester, updated Sensitive Lands Diagram, and two other questions from the public.
- 02/04/2019 – Planning staff re-requested an updated project letter with updated description, updated response to Site Design and Sensitive Lands criteria, contact with City Forester (meeting was scheduled for February 6, 2019), updated Sensitive Lands Diagram, and two other questions from the public.
- 02/06/2019 – Received updated Sensitive Areas Exhibit, response to earlier questions from the public, response to hydrology comments, and report from City Forester.
- 02/07/2019 – Received updated justification letter.

Staff recommends a one-month deferral to fully analyze the Site Plan and the accompanying materials, to receive missing information, and provide the Planning Commission, the public, and the applicant a cogent and comprehensive review and analysis of the submitted project.

SUPPLEMENTAL FROM STAFF



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.

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



Mayor Tim Keller

City of Albuquerque ENVIRONMENTAL PLANNING COMMISSION (EPC) 2019 APPLICATION AND HEARING SCHEDULE



2019 HEARING MONTH	Recommended: Send Pre-Application Electronic Notice To Neighborhood Associations	Application Deadline Thursday 12 PM	Legal Ad Published (Wednesday) Note: the date listed is the 15-day requirement for publication. Actual publication may occur earlier	Deadline to submit materials for full consideration by staff (EPC Rules of Conduct B.12) Monday 9:00 AM	EPC Hearing Agenda & Staff Reports posted on COA website Thursday 3:00 PM	48 Hour-rule deadline to submit limited, clarifying materials (EPC Rules of Conduct B.12) Tuesday 9:00 AM	EPC Public Hearing (All Day) Thursday Begins at 8:30 AM	Notice of Decisions posted on the website	Appeal Deadline Friday 5:00 PM
JANUARY 2019	October 15, 2018	November 29, 2018	December 26, 2018	December 31, 2018	January 3, 2019	January 8, 2019	January 10, 2019	January 11, 2019	January 25, 2019
FEBRUARY	November 8, 2018	December 27, 2018	January 30, 2019	February 4, 2019	February 7	February 12	February 14	February 15	March 1
MARCH	December 13, 2018	January 31, 2019	February 27	March 4	March 7	March 12	March 14	March 15	March 29
APRIL	January 10, 2019	February 28	March 27	April 1	April 4	April 9	April 11	April 12	April 26
MAY	February 7	March 28	April 24	April 29	May 2	May 7	May 9	May 10	May 24
JUNE	March 7	April 25	May 29	June 3	June 6	June 11	June 13	June 14	June 28
JULY	April 11	May 30	June 26	July 1	July 4	July 9	July 11	July 12	July 26
AUGUST	May 9	June 27	July 24	July 29	August 1	August 6	August 8	August 9	August 23
SEPTEMBER	June 6	July 25	August 28	August 30 Friday	September 5	September 10	September 12	September 13	September 27
OCTOBER	July 11	August 29	September 25	September 30	October 3	October 8	October 10	October 11	October 25
NOVEMBER	August 8	September 26	October 30	November 4	November 7	November 12	November 14	November 15	November 29
DECEMBER	September 12	October 31	November 27	December 2	December 5	December 10	December 12	December 13	December 27
JANUARY 2020	October 10	November 28	December 25	December 30	January 2, 2020	January 7, 2020	January 9, 2020	January 10, 2020	January 24, 2020

Somerfeldt, Cheryl

Subject: FW: Poole/Oxbow project #2018-001402

From: Somerfeldt, Cheryl
Sent: Monday, February 04, 2019 1:33 PM
To: 'Jim Strozier'
Cc: Brito, Russell D.
Subject: FW: Poole/Oxbow project #2018-001402

Jim,
Can you please answer the following regarding the Poole/Oxbow project (new material must be submitted this week):

- Will the existing sewer be relocated?
- Will the existing retaining walls and boundary walls be modified?
- Can you let me know why the AMAFCA easement agreement was submitted for the EPC record at this time?
- Do you intend to submit an updated project letter with updated project description including clustering etc.?
- Please submit an updated memo for Section 5-2 (C) criteria – please answer all 4 criteria, not just criterion 1?
- Have you contacted the City Forrester? Viers, Joran A. javiers@cabq.gov –meeting scheduled for **Wednesday 10:30am.**
- Do you intend to submit an updated Sensitive Lands Diagram with any additional information such as that from the Forrester.



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Somerfeldt, Cheryl

Subject: FW: Poole/Oxbow project #2018-001402

From: Somerfeldt, Cheryl
Sent: Thursday, January 24, 2019 11:56 AM
To: 'Jim Strozier'
Cc: Brito, Russell D.
Subject: Poole/Oxbow project #2018-001402

Hello Jim,

The following are questions regarding the Poole/Oxbow case. Thank you for forwarding the Site Plan set.

Can you submit the following additional information:

- Updated project letter with updated project description including clustering etc.
- Updated description of meeting Section 5-2 (C) criteria.
- Have you contacted the City Forrester? Viers, Joran A. javiers@cabq.gov
- Updated Sensitive Lands Diagram with any additional information such as that from the Forrester.
- See Attached Hydrology comments.
- A member of the public has asked for an explanation for why the AMAFCA easement agreement was submitted for the EPC record at this time?
- A member of the public has asked if the existing sewer will be relocated and wants to confirm that the existing retaining walls and boundary walls will not be modified?

Thank you,



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Somerfeldt, Cheryl

From: Somerfeldt, Cheryl
Sent: Wednesday, January 02, 2019 3:34 PM
To: 'Jim Strozier'
Cc: Brian McCarthy; Mackenzie Bishop; CK; Chris Green; Michael Balaskovits; Brito, Russell D.; DuBois, John E.
Subject: Oxbow/EPC project #2018-001402, EPC Site Plan application
Attachments: 2018-001402_ConditionsOfApproval_12112018.pdf

Hello,

Just touching base regarding the Oxbow project... Per the EPC discussion at the December 13, 2018 public hearing, the EPC deferred the case 60 days in order to give the applicant sufficient time to address the Conditions of Approval (see attached) in the Site Plan design.

The deadline for submitting new applications for the February 14, 2018 EPC public hearing was December 27, 2018 and we have already begun the process of routing Site Plans to other agencies for their review and comments. Given the importance of the Hydrology Section, Traffic Engineering, and the Open Space Division for this case, time is needed to route the revised Site Plan to these agencies for review. Please send an updated Site Plan by end of business next Thursday January 10, so it may be routed to the appropriate agencies at that time. We would be happy to meet again early next week if you would like to discuss the relevant IDO standards.

Thank you,



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Somerfeldt, Cheryl

From: Somerfeldt, Cheryl
Sent: Friday, November 30, 2018 5:14 PM
To: 'Jim Strozier'
Cc: 'Chris Green'; Brito, Russell D.
Subject: RE: Poole / Oxbow ZEO determination on cluster development

Hi Jim,

Thank you for your response. I am looking forward to receiving the digital copies Monday morning. We need to distribute the hard copies to the EPC on **Thursday**, so you do not have to deliver them on Monday if it is easier...

Thank you,



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From: Jim Strozier [mailto:cp@consensusplanning.com]
Sent: Friday, November 30, 2018 1:43 PM
To: Somerfeldt, Cheryl
Cc: Brito, Russell D.; Chris Green
Subject: RE: Poole / Oxbow ZEO determination on cluster development

Cheryl,

We are working on responses and will provide those on Monday. The Site Plan and Landscape Plan have been amended and we are waiting on the updated grading and drainage and utility plans.

I will send you electronic versions of our response memo and the site plan and landscape plan Monday Morning along with hand delivery of a hard copy. I was planning on delivering hard copies of the new drawing set to you by the end of the day on Monday – that is the earliest we can get the prints done. How many copies do you need?

We are scheduled to be heard at a special Open Space Advisory Board meeting on December 4th. This will be our third meeting with them.

Jim Strozier, FAICP

Consensus Planning, Inc.

302 8th Street NW

(505) 764-9801

From: Somerfeldt, Cheryl <csomerfeldt@cabq.gov>

Sent: Friday, November 30, 2018 12:41 PM

To: Jim Strozier <cp@consensusplanning.com>; Jaime Jaramillo <jaramillo@consensusplanning.com>

Cc: Brito, Russell D. <RBrito@cabq.gov>

Subject: RE: Poole / Oxbow ZEO determination on cluster development

Hello,

Just a reminder... Monday at 9am is 10 days prior to the December 13 EPC hearing and is therefore the deadline for materials to be analyzed by staff per the EPC rules of conduct #12. You may continue with the previously documents; however, the City may recommend deferral if it is determined that there is insufficient information for the EPC to make an informed decision at this hearing. If you intend to submit updates, please let me know.

Regarding this EPC case, we are expecting:

- An updated justification letter addressing 5-2(C).
- Regarding the Site Plan, the below IDO regulations have not yet been fleshed out:
 - 4-3(B)(2)(b)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.
 - 5-2(H)(2) Properties Adjacent to Major Public Open Space 2. Locate on-site open space to be contiguous with the Major Public Open Space (applies to Cluster B).

Thank you,



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From: Jim Strozier [<mailto:cp@consensusplanning.com>]

Sent: Friday, November 23, 2018 4:51 PM

To: Somerfeldt, Cheryl

Cc: Jaime Jaramillo; Brito, Russell D.

Subject: RE: Poole / Oxbow ZEO determination on cluster development

Cheryl,

We are currently refining the plans we presented at the meeting on November 12th. We are also working on additional exhibits that address the cluster provisions.

I should have some materials to review with you all next week.

Thanks.

[Jim Strozier, FAICP](#)

Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

From: Somerfeldt, Cheryl <csomerfeldt@cabq.gov>
Sent: Friday, November 23, 2018 4:34 PM
To: Jim Strozier <cp@consensusplanning.com>
Cc: Jaime Jaramillo <jaramillo@consensusplanning.com>; Brito, Russell D. <RBrito@cabq.gov>
Subject: FW: Poole / Oxbow ZEO determination on cluster development

Hello,

I just wanted to follow-up and see how we are moving forward with the EPC case? The below email (sent 11/16/2018) and a previous email sent (11/13/2018) outlined some remaining questions. You may use the OSD letter to address section 5-2(H)(2), but the applicant's project letter should discuss 5-2(C).

The diagrams of the Site Plan still appear not to meet 4-3(B)(2)(d)3 and 5-2(H)(2)(a)2 for Cluster B. Can we expect updated pdfs of the Site Plan and project letter early next week for the staff report (drafts due November 30)? We will also need updated hard copies for the EPC by December 5.

Thank you,



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From: Somerfeldt, Cheryl
Sent: Friday, November 16, 2018 12:34 PM
To: 'Jim Strozier'; 'Jaime Jaramillo'
Cc: Brito, Russell D.; 'Mackenzie Bishop'; 'Abrazo Homes'; 'Christopher Scott'; 'Michael Balaskovits'; 'Chris Green'; 'Bill Chappell'; Martinez, Jacobo R.; Dicome, Kym; Gould, Maggie S.
Subject: Poole / Oxbow ZEO determination on cluster development

Hello,

The ZEO has made a determination regarding the project pursuant to IDO Use Specific Standards Section 4-3 (B)(2), Cluster Development: The Site Plan may be presented as one Site Plan with several Cluster Developments if each separate cluster is required to meet the Use Specific Standards 4-3(B)(2)a-g. Below are the items which would be conditioned.

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.

Setbacks on the edges of each cluster shall be pursuant to the underlying zone.

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.

How does Cluster A and B comply?

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).

A note shall be added to the Site Plan requiring each private open space to have its own separate HOA or entity responsible for its private open space.

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

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.

All Clusters except Cluster A are on lots with adjacency to MPOS. Therefore, Cluster B is also subject to this regulation and on-site open space should be contiguous with MPOS.

Thank you,



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