

CITY OF ALBUQUERQUE



Planning Department

David Campbell, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

NOTICE OF APPEAL

March 28, 2019

TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on March 27, 2019. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer. If you have any questions regarding the appeal please contact Alfredo Salas, Planning Administrative Assistant at (505) 924-3370.

Please refer to the enclosed excerpt from the City Council Rules of Procedure for Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-19-7

PLANNING DEPARTMENT CASE FILE NUMBER: PR-2018-001402

SI-2018-00171

VA-2019-00103

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

AGENT: Hessel Yntema III
Yntema Law Firm P.A.
215 Gold Street SW, Suite 201
Albuquerque, NM 87102

APPLICANT: Taylor Ranch N.A.
P.O. Box 66288
Albuquerque NM
87193-6288

cc: Crystal Ortega, City Council, City county bldg. 9th floor
Kevin Morrow/Legal Department, City Hall, 4th Floor-
EPC File
Gamma Development, LLC, 9798 Coors Blvd NW #400 ABQ, NM 87114
Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102
La Luz Landowners Assoc., Jonathan Abdalia, 6 Tumbleweed NW, ABQ, NM 87120
La Luz Landowners Assoc., Kathy Adams, 5Arco NW, ABQ, NM 87120
Taylor Ranch NA, Jolene Wolfley, 7216 Carson Trail NW, ABQ, NM 87120
Taylor Ranch NA, Rene Horvath, 5515 Palomino Dr., NW, ABQ, M 87120
Westside Coalition of Neigh. Assoc., Harry Hendriksen, 10592 Rio del Sol NW., ABQ,
NM 87114
Westside Coalition of Neigh. Assoc., Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120

CC: Ken Churchill, 4612 Almeria Dr., ABQ, NM 87120
Linda Starr, 509 Aliso Dr. NE, ABQ, NM 87108
Becky C. Davis, 500 Leeward Dr. NW, ABQ, NM 87121
Tom Gulley, 4701 Valle Bonita Ln NW, ABQ, NM 87120
Susan Hunter, 2529 George Dr. NE, ABQ, NM 87112
Wendy Cox, P.O. Box 6572, ABQ, NM 87197
Daniel Jensen, 7 Arco NW, ABQ, NM 87120
Kevin Dullea, 4704 Almeria Dr. NW, ABQ, NM 87120
Ann Prinz, 4611 Mijas Dr. NW, ABQ, NM 87120
Shelley Bauer, 4616 Almeria Dr. NW, ABQ, NM 87120
Kathy Adams, 5 Arco Ct. NW, ABQ, NM 87120
Perrienne Houghton, 3010 20th Ave., Rio Rancho, NM 87124
Susan Chaudoir, 40404 St. Josephs Pl, ABQ, NM 87120
Elizabeth Haley, 6005 Chaparral Circle, ABQ, NM 87114
Ana Medina P.H.D., 3512 Yipee Calle Ct NW, ABQ, NM 87120
Reid McLean, 6716 Napa Rd. NE, ABQ, NM 87109
Brillante Cloud, 7700 Compass Dr. NW, ABQ, NM 87120
Sheena Ramos, 6420 Petirrojo Rd NW, ABQ, NM 87120
Willa Pilar, 744 Montclair NE, ABQ, NM 87110
E. Ward, P.O. Box 7434, ABQ, NM 87194
Pat Gallagher, 24 Lind NW, ABQ, NM 87120
Alexis Kaminsky, 15 Pool NW, ABQ, NM 87120
Alexander Wine, 7000 Armeria Dr. NW, ABQ, NM 87120
John Lopez, 12920 Calle de Sandias NE, ABQ, NM 87111
Jon Price, 4704 Mi Cordelia, ABQ, NM 87120
Heather Foote Jasso, 1105 Maciel Dr. NW, ABQ, NM 87104
Sue Flynt, 8615 Brook St. NE, ABQ, NM 87113
Chris Madrid, 6627 Rim Rock Circle NW, ABQ, NM 87120
Santiago Acevez, 1524 Richmond Dr. NE, ABQ, NM 87106
Walter Putnam, 4 Tennis Ct. NW, ABQ, NM 87120
Marianne Barlow, 27 Tennis Ct. NW, ABQ, NM 87120
Victor Lopez, 725 Arizona SE, ABQ, NM 87108
Norm Gaume, 44 Canoncito Dr. NE, ABQ, NM 87122
Cynthia Hall, 511 Solar Rd. NW, ABQ, NM 87107
John A. Garcia, 4100 Wolcott NE, ABQ, NM 87109
Seth Beecher, 1001 Royene Ct. NE, ABQ, NM 87110
Peggy Norton, 3810 11th St. NW, ABQ, NM 87107
Pam McBride, 5409 9th St. NW, ABQ, NM 87107
Rene Horvath, 5515 Palomino Dr. ABQ, NM 87120
Wendy Caruso, 5123 Sevilla AV., NW, ABQ, NM 87120
Steve Epstein, 5515 Kettle NW, ABQ, NM 87120
Jolene Wolfley, 7216 Carson Trl. NW, ABQ, NM 87120
Peggy Neff, 319 Princeton Dr. SE, ABQ, NM 87106
Jed M. Judson, 9798 Coors NW, ABQ, NM 87144
Chris Torres, 11023 Park North St. NW, ABQ, NM 87114
Jeffrey Borrego, 9798 Coors Blvd. ABQ, NM 87114
Jaron Oliver, 8008 Compass, ABQ, NM 87114
Barbara Ortiz, 8501 Ravenridge NE, ABQ, NM 87113
Christopher Oechsler, 8008 Compass, ABQ, NM 87114

Beth Cohen, 707 Arno St. SE, ABQ, NM 87102
Jonathan Price, 4704 Mi Cordelia Dr. NW, ABQ, NM 87120
Alfonso Mirabal, 17 Pool St. NW, ABQ, NM 87120
Kenneth Funk, 4908 Camino Valle Trl. NW, ABQ, NM 87120
Robert Erselius, 4908 Camino Valle Trl. NW, ABQ, NM 87120
Antoine Predock, 3200 Grande Vista Pl. NW, ABQ, NM 87120
Dick Kirschner, 5004 Grande Vista Ct. NW, ABQ, NM 87120
Barbara Tegtmeier, 4623 Almeria Dr. NW, ABQ, NM 87120
Dan Regan, 4109 Chama St. NE, ABQ, NM 87109
Lynn Perls, 18 Berm St. NW, ABQ, NM 87120
Brenda Broussard, 18 Berm St. NW, ABQ, NM 87120
Marian Pendleton, 5608 Equestrian Dr. NW, ABQ, NM 87120
Fabian Lopez, 589 Apache Loop SW, Rio Rancho NM 87124
Sharon Miles, 2700 Vista Grande NW, #10, ABQ, NM 87120
Dr. Joe L. Valles, 5020 Grande Vista Ct. NW, ABQ, NM 87120
Jeff McCroa, 9100 San Mateo Blvd NE, ABQ, NM 87113
Joan Morrison, 390 Rincon Rd, Corrales, NM 87048
Jennifer Pohl, 4512 Atherton, ABQ, NM 87120
John DuBois, jdubois@cabq.gov



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions		<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	Policy Decisions	
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)	
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)	
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Site Plan – DRB (Form P2)	<input type="checkbox"/> Amendment of IDO Text (Form Z)	
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Subdivision of Land – Minor (Form S2)	<input type="checkbox"/> Annexation of Land (Form Z)	
Decisions Requiring a Public Meeting or Hearing		<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)	
<input type="checkbox"/> Conditional Use Approval (Form ZHE)	<input type="checkbox"/> Vacation of Easement or Right-of-way (Form V)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)	
<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Variance – DRB (Form V)	Appeals	
<input type="checkbox"/> Expansion of Nonconforming Use or Structure (Form ZHE)	<input type="checkbox"/> Variance – ZHE (Form ZHE)	<input checked="" type="checkbox"/> Decision by EPC, LC, DRB, ZHE, or City Staff (Form A)	
APPLICATION INFORMATION			
Applicant: <i>Taylor Ranch N.A. and other Appellants on attached List</i>		Phone:	
Address: <i>P.O. Box 66288</i>		Email:	
City: <i>Albuquerque</i>	State: <i>NM</i>	Zip: <i>87193-6288</i>	
Professional/Agent (if any): <i>Hessel E. Yntema III (Yntema Law Firm P.A.)</i>		Phone: <i>505-843-9565</i>	
Address: <i>215 Gold Ave. SW Suite 201</i>		Email: <i>hessoyntema-law.com</i>	
City: <i>Albuquerque</i>	State: <i>NM</i>	Zip: <i>87102</i>	
Proprietary Interest in Site:		List all owners:	
BRIEF DESCRIPTION OF REQUEST			
<i>Appeal of March 14, 2019 EPC Approval of Site Plan in Project 2018-001402, SZ-2018-00171</i>			
SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)			
Lot or Tract No.:		Block:	Unit:
Subdivision/Addition:		MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): <i>F-11, F-12</i>	Existing Zoning: <i>R-A</i>		Proposed Zoning:
# of Existing Lots: <i>4</i>	# of Proposed Lots: <i>76</i>		Total Area of Site (acres):
LOCATION OF PROPERTY BY STREETS			
Site Address/Street: <i>5001 Namaste NW</i>		Between: <i>Tres Gracias Rd.</i>	and: <i>San Antonio Arroyo - MAPS</i>
CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)			
<i>AC-18-20, 2018-001402, 2018-00171, 2018-00173</i>			
Signature: <i>Hessel E. Yntema III</i>		Date: <i>3-27-19</i>	
Printed Name: <i>Hessel E. Yntema III</i>		<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent	
FOR OFFICIAL USE ONLY			
Case Numbers	Action	Fees	
<i>VA-2019-00103</i>	<i>Appeal</i>	<i>\$130</i>	
Meeting/Hearing Date:		Fee Total: <i>\$130</i>	
Staff Signature: <i>[Signature]</i>	Date: <i>3-27-19</i>	Project # <i>PR-2018-001402</i>	

FORM A: Appeals

Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.

- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- ☐ APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- ☒ APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

___ Interpreter Needed for Hearing? ___ if yes, indicate language: _____

✓ A Single PDF file of the complete application including all documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

✓ Project number of the case being appealed, if applicable: 2018-001402

✓ Application number of the case being appealed, if applicable: SE-2018-00171


✓ Type of decision being appealed: Site Plan Approval

✓ Letter of authorization from the appellant if appeal is submitted by an agent

✓ Appellant's basis of standing in accordance with IDO Section 14-16-6-4(U)(2)

✓ Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(U)(4)

✓ Copy of the Official Notice of Decision regarding the matter being appealed

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature: <u>Hessel E. Yntema III</u>	Date: <u>3-27-19</u>
Printed Name: <u>Hessel E. Yntema III</u>	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers:	Project Number:
<u>VA-2019-00103</u>	<u>PR-2018-001402</u>
Staff Signature: <u>VMA</u>	
Date: <u>3-27-2019</u>	

LIST OF APPELLANTS

Taylor Ranch Neighborhood Association (TRNA)
P.O. Box 66288
Albuquerque, NM 87193-6288
Attention: Jolene Wolfley

Kevin Dullea
4704 Almeria NW
Albuquerque, NM 87120

Scot Moye
4620 Almeria NW
Albuquerque, NM 87120

Barbara Tegtmeier
4623 Almeria Dr. NW
Albuquerque, NM 87120

Lynley L. Moye
4620 Almeria NW
Albuquerque, NM 87120

Susan Chaudoir
4040 St. Joseph's Pl. NW #116
Albuquerque, NM 87120

Kathy Adams
5 Arco Court NW
Albuquerque, NM 87120

Jonathan Abdalla
6 Tumbleweed NW
Albuquerque, NM 87120

Becky Davis
500 Leeward Dr. NW
Albuquerque, NM 87121

Kenneth H. Churchill
4612 Almeria Dr. NW
Albuquerque, NM 87120-1840

Westside Coalition of Neighborhood Associations (WSCONA)
1039 Pinatubo NW
Albuquerque, NM 87129
Attention: Jerry Worrall

District 4 Coalition (D4C)
6413 Northland Ave. NE
Albuquerque, NM 87109
Attention: Daniel Regan

Alameda North Valley Association (ANVA)
8919 Boe Lane NE
Albuquerque, NM 87113
Attention: Steve Wentworth

Knapp Heights Neighborhood Association (KHNA)
4109 Chama St. NE
Albuquerque, NM 87109
Attention: Daniel Regan

La Luz Landowners Association (LLLA)
1A Loop One NW
Albuquerque, NM 87120
Attention: Tim Bowen

Grande Heights Neighborhood Association (GHNA)
5020 Grande Vista Ct. NW
Albuquerque, NM 87120-1115
Attention: Dr. Joe L. Valles

Inter-Coalition Panel (I-C P)
5020 Grande Vista Ct. NW
Albuquerque, NM 87120-1115
Attention: Dr. Joe L. Valles

January 31, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM87102

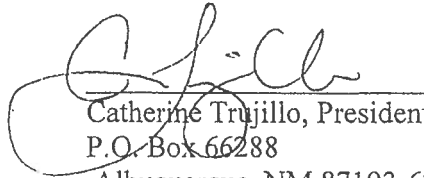
Authorization Letter for Representation
in PR-2018-001402, SI-2018-00171
"Overlook at Oxbow" Project (Poole Property)
(Taylor Ranch Neighborhood Association)

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent Taylor Ranch Neighborhood Association in connection with the referenced "Overlook at Oxbow" project.

Very truly yours,

TAYLOR RANCH
NEIGHBORHOOD ASSOCIATION



Catherine Trujillo, President
P.O. Box 66288
Albuquerque, NM 87193-6288

March 26, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kevin J. Dullea".

Name: Kevin J. Dullea

ADDRESS: 4704 Almeria Dr NW
Albuquerque, NM 87120

March 24, 2019

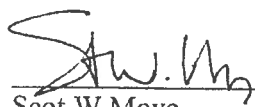
City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

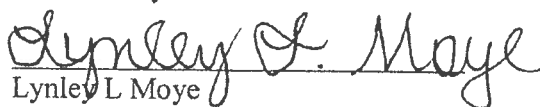
Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,


Scot W Moye


Lynley L Moye

4620 Almeria Dr NW
Albuquerque, NM, 87120
505-353-1424

March 25, 2019

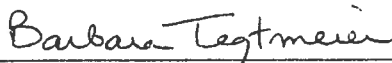
City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,



Barbara Tegtmeier

4623 Almeria Dr NW
Albuquerque, NM 87120

3/26/2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'S. Chaudoir', is written over a horizontal line.

Susan Chaudoir

4040 St. Josephs PL NW #116
Albuquerque, NM 87120

March 25, 2019


City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,



Kathleen Adams
5 Arco Court NW
Albuquerque, NM 87120

March 25, 2019

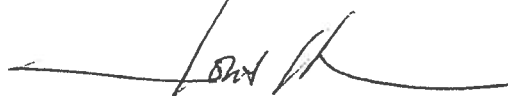
City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Jonathan Abdalla', with a long horizontal flourish extending to the right.

Jonathan Abdalla
6 Tumbleweed
Albuquerque, NM 87120

March 26, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

_____*Becky C. Davis*_____

500 Leeward Dr. NW
Albuquerque, NM 87121

March 22, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402. SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

____ Kenneth H. Churchill _____

By _____
Its _____

March 26, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

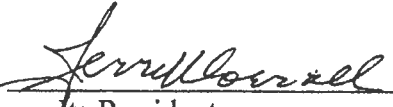
Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

WEST SIDE COALITION OF
NEIGHBORHOOD ASSOCIATIONS

By 
Its President



March 25, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Re: Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Be it known by this letter that the West Side Coalition of Neighborhood Associations (WSCONA) joins in the appeal of the EPC's approval of the Poole Property Site Development Plan.' WSCONA authorizes the law Offices of Hess Yntema to represent its interests in the appeal.

We base our support for this appeal on significant concerns with due process violation, inequitable application of procedural rules, inconsistency with rules for quasi-judicial hearings, potential conflicts of interest and breaches of the Open Meetings Act.

West Side Coalition of Neighborhood Associations

A handwritten signature in cursive script, reading "Jerry Worrall", is positioned above the printed name and title of the signatory.

Jerry Worrall,
President

Dr. Joe L. Valles,
Executive Committee Member

c: Board of Directors

March 22, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

District 4 Coalition

By 
Daniel Regan

Its Chair of the Zoning / Development Committee

March 25, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

ALAMEDA NORTH VALLEY ASSOCIATION

By 
Steve Wentworth, President

ADDRESS: 8919 Boe Lane NE,
Albuquerque, N.M.
87113

March 23, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

The Knapp Heights Neighborhood Association will not be responsible for any costs of any type associated with the appeal processes now or in the future.

Very truly yours,

Knapp Heights Neighborhood Association

By *Daniel Regan*
Daniel Regan 3/23/19

Its President



March 25, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Very truly yours,

LA LUZ LANDOWNERS ASSOCIATION

By



Its Board President

1 Loop One NW
Albuquerque, NM
87120

March 25, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Re: Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Greetings,

Be it known by this letter that the Inter-Coalition Panel (I-CP) joins in the appeal of the EPC's approval of the 'Poole Property Site Development Plan.' WSCONA authorizes the law Offices of Hess Yntema to represent its interests in the appeal.

We base our support for this appeal on significant concerns with due process violation, inequitable application of procedural rules, inconsistency with rules for quasi-judicial hearings, potential conflicts of interest and breaches of the Open Meetings Act.

Respectfully submitted,

Dr. Joe L. Valles, President, I-CP

March 26, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Dear Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Respectfully submitted,

Grande Heights Neighborhood Association



Dr. Joe L. Valles, President

March 26, 2019

Mr. Hess Yntema

Regarding: Project #2018-001402

S1-2018-00171, Site Plan - EPC

Greetings,

The Grande Heights Neighborhood Association (GHNA) joins in the appeal of the EPC's approval of the 'Poole Property Site Development Plan.' We base our support for this appeal on significant concerns with due process violations, inequitable application of procedural rules, inconsistency with rules for quasi-judicial hearings, potential conflicts of interest and breaches of the Open Meetings Act.

The Grande Heights Neighborhood Association thereby authorizes you to represent its interests in the appeal. Be it known that GHNA shall bear no financial responsibility whatsoever in support of the appeal.

Respectfully submitted,


Dr. Joe L. Valles, President, GHNA

March 27, 2019

Mr. Hess Yntema

Regarding: Project #2018-001402

S1-2018-00171, Site Plan - EPC

Greetings,

The Inter-Coalition Panel (I-C P), representing Coalitions from throughout the City's Council Districts, join in the appeal of the EPC's approval of the 'Poole Property Site Development Plan.' We base our support for this appeal on significant concerns with due process violations, inequitable application of procedural rules, inconsistency with rules for quasi-judicial hearings, potential conflicts of interest and breaches of the Open Meetings Act.

The I-CP thereby authorizes you to represent its interests in the appeal. Be it known that the Inter-Coalition Panel shall bear no financial responsibility whatsoever in support of the appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joe L. Valles', with a large, sweeping flourish extending to the left.

Dr. Joe L. Valles, President, I-CP

March 26, 2019

City of Albuquerque Planning Department
600 Second St. NW
Albuquerque, NM 87102

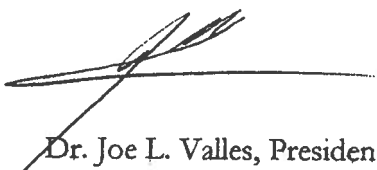
Authorization Letter for Appeal of
EPC Site Plan Approval in
Project #: 2018-001402, SI 2018-00171

Greetings Planning Department,

This letter is to authorize Hessel E. Yntema III, Yntema Law Firm P.A., to represent the undersigned Appellant in the referenced appeal of the EPC decision dated March 14, 2019, approving the proposed referenced site plan.

Respectfully submitted,

Inter-Coalition Panel

A handwritten signature in dark ink, appearing to read "Dr. Joe L. Valles", is written over a horizontal line. The signature is stylized with a large, sweeping initial "J" and "V".

Dr. Joe L. Valles, President

**APPELLANTS' BASIS OF STANDING
FOR APPEAL OF EPC SITE PLAN APPROVAL DECISION
OF MARCH 14, 2019 IN
PR-2018-001402, SI-2018-00171**

Appellant Taylor Ranch Neighborhood Association ("TRNA") is a recognized neighborhood association and upon information and belief TRNA is within the applicable IDO proximity requirements for an appeal of this decision. Upon information and belief, some of the other Appellants are within the applicable IDO proximity requirements. Appellants are adversely affected by the subject decision, because the decision will harm their quality of life including street and pedestrian access, density, public safety, transportation issues, and preservation of and access to open space and other open space issues, and the process for the decision was arbitrary, unfair, violated due process, was not in conformance with applicable City ordinances and appears to have been decided in key respects by City staff in closed meetings in violation of the Open Meetings Act. The names and addresses of the Appellants are:

Taylor Ranch Neighborhood Association
P.O. Box 66288
Albuquerque, NM 87193-6288

Kevin Dullea
4704 Almeria NW
Albuquerque, NM 87120

Scot Moye
4620 Almeria NW
Albuquerque, NM 87120

Barbara Tegtmeier
4623 Almeria Dr. NW
Albuquerque, NM 87120

Lynley L. Moye
4620 Almeria NW
Albuquerque, NM 87120

Susan Chaudoir
4040 St. Joseph's Pl. NW #116
Albuquerque, NM 87120

Kathy Adams
5 Arco Court NW
Albuquerque, NM 87120

Jonathan Abdalla
6 Tumbleweed NW
Albuquerque, NM 87120

Becky Davis
500 Leeward Dr. NW
Albuquerque, NM 87121

Kenneth H. Churchill
4612 Almeria Dr. NW
Albuquerque, NM 87120-1840

Westside Coalition of Neighborhood Associations (WSCONA)
1039 Pinatubo NW
Albuquerque, NM 87129
Attention: Jerry Worrall

District 4 Coalition (D4C)
6413 Northland Ave. NE
Albuquerque, NM 87109
Attention: Daniel Regan

Alameda North Valley Association (ANVA)
8919 Boe Lane NE
Albuquerque, NM 87113
Attention: Steve Wentworth

Knapp Heights Neighborhood Association (KHNA)
4109 Chama St. NE
Albuquerque, NM 87109
Attention: Daniel Regan

La Luz Landowners Association (LLLA)
1A Loop One NW
Albuquerque, NM 87120
Attention: Tim Bowen

Grande Heights Neighborhood Association (GHNA)
5020 Grande Vista Ct. NW
Albuquerque, NM 87120-1115
Attention: Dr. Joe L. Valles

Inter-Coalition Panel (I-C P)
5020 Grande Vista Ct. NW
Albuquerque, NM 87120-1115
Attention: Dr. Joe L. Valles

**REASONS FOR THE APPEAL OF EPC SITE PLAN APPROVAL DECISION
OF MARCH 14, 2019, IN
2018-001402, SI-2018-00171**

The EPC acted arbitrarily or capriciously in its decision, the decision is not supported by substantial evidence, the EPC erred in applying the requirements of the IDO or other applicable law, plans, policies, regulations or criteria, and the decision was contrary to law, for the following reasons:

1. The decision relies upon and requires a DRB “connectivity” variance which is under appeal (AC-18-20), and the EPC decision should be reversed and remanded if the connectivity variance is not granted. (Official Notice of Decision (“NOD”) Finding 9, Condition 4).

2. The EPC decision was stayed under state zoning law and the EPC should have stayed the process pursuant to Appellants’ request for a stay, because the appeal of the DRB connectivity variance was pending. (NMSA 1978, Section 3-21-8(B); IDO Section 1-2, p. 1).

3. The submittal was incomplete and remained incomplete through the EPC hearing phase. The IDO requires that incomplete application not be set for hearing when all required materials are not provided; incomplete applications are to be rejected. (IDO Section 6-4(H), p. 343).

4. The approved site plan does not preserve and enhance the Rio Grande and Bosque under the Comprehensive Plan. Storm water management should not count as an “enhancement”. (Comprehensive Plan Policy 11.3.1).

5. The “sensitive lands” analysis was inadequate, especially given that seven of the nine possible sensitive land types exist on the site. (IDO Section 5-2(C)(1), p. 198, Section 5-2(E), p. 199-200).

6. There was no analysis of “no material negative impact” on visual, habitat or recreational values of Major Public Open Space (“MPOS”). (IDO Section 5-2(H)(2)(6)(2), p. 206; see also USACE, 2011, pp.54-55).

7. Grading and storm water management do not demonstrate minimum impact. (IDO Section 5-2(H)(2)(b)(4), p.206).

8. Sensitive lands is the applicable IDO provision (not regular clustering applicable to non-sensitive lands). (IDO Section 5-2(C), p. 198 and IDO Section 5-4(F)(1)(a)). The erroneous decision to apply non-sensitive lands cluster provision is fundamental to this case and creates multiple errors in the analysis of Areas of Consistency, Sensitive Lands, Lot sizes, and Open Space requirements. These fundamental errors require that the site plan approval be reversed.

9. Lot sizes are smaller than the minimum allowed for R-A zoning with sensitive lands features; lots can be no less than 25% of the minimum RA 10,980 square feet size. (IDO Section 5-2(C)(4), p.198).

10. The site plan violates the requirements of Areas of Consistency under the IDO.

11. Multiple clusters are not allowed under the IDO; a cluster is limited to 50 units. (IDO Section 4-3(B)(2), pp. 135-136).

12. On-site open space is not contiguous to the Major Open Public Space and is otherwise contrary to the requirements of the IDO, such as the required size of open space.(IDO Section 5-21(H)(2)(a)(2), p. 205).

13. The block size violates the 600 ft. maximum of the IDO. (IDO Section 5-4(F)(3), p. 218).

14. EPC did not use its discretion on design criteria. The site plan should be in compliance at EPC review, not deferred to administrative review. (IDO Section 5-2(H)(1), pp. 204-205). The final setbacks should be shown to work with all other requirements and be shown as the layout on the EPC approved site plan, not delegated to DRB (as per NOD condition #5).

15. There was a lack of findings and conditions on CPTED. (IDO Section 5-2(H)(2)(a)(6), p.206).

16. Vehicle access was not designed to have minimal impact on the Oxbow Open Space. The only entrance to the development under the approved site plan is 300 feet from the highest cliff over the Oxbow. There should be other entrances and exits for a subdivision of 76 homes. (IDO Section 5-2(H)(2)(b)(3), p. 206).

17. Construction mitigation should be more robust than just “revegetation”. (IDO Section 5-2(H)(2)(11), p. 206).

18. The public forced main and lift station for sewer unduly burdens taxpayers.

19. No analysis is provided for proposed sewage pumping.

20. Site plan shows a lift station in conflict with the gravity fed system that was applied for by developer on 1/9/19 and accepted by the ABCWUA as complete on 1/25/19.

21. Lots on the site plan are in the official floodplain and should be relocated on site plan before EPC approval. (IDO Sections 5-4(C)(2), p. 217).

22. The site plan does not address the erosion of the sandy bluff at the southeastern area of the site.

23. The applicant should have redesigned the cul de sac as required by Solid Waste comments for review by the EPC.

24. Although required by the Coors Corridor Overlay, a Bosque buffer strip of 100 feet is not provided along the southeastern bluff edge adjacent to the Corrales Riverside Drain; the Oxbow wetland is the terminus and an integral part of this drainageway. (IDO Section 3-4(C)(3)(a), p.70).

25. A sedimentation pond at the northeast corner of the site should be deeded to AMAFCA and should not be counted towards common open space requirements. Wetlands and sedimentation ponds such as those at issue which serve the entire San Antonio arroyo drainage system must be dedicated to AMAFCA or the City. (IDO Section 5-4(K)(4)(a), p. 222). A condition that the sedimentation pond be deeded to AMAFCA was in the conditions presented to the EPC, the condition was not modified by the EPC, yet the condition was not in the final NOD.

26. Various material recommendations, requirements, determinations and decisions relating to policy were made by staff in closed meetings in violation of the New Mexico Open Meetings Act.

27. The EPC denied Appellants due process as to cross-examination, a clear record, time to respond to staff reports, and time allowed for public comments. Further, the EPC deferred inordinately to City staff for its decision, and permitted the applicant to submit materials at the hearing but not some opponents. City staff essentially advocated for the site plan, resulting in bias and lack of an impartial decision-maker.

28. City staff (apparently including the Planning Director, see ID Section 6-2(B)(1)(b), p. 329, and/or the Zoning Enforcement Officer, see IDO Section 6-2(B)(1)(c), p. 330) made various formal or informal zoning determinations or declaratory rulings under the IDO that underlie the approval of the project, for example that the project could proceed as two clusters,

that block size limitations did not apply, and that a variance would be granted for connectivity, among others. Various City staff determinations and rulings were erroneous.

29. Upon information and belief, Appellant TRNA inquired and staff directed Appellant TRNA to request zoning determinations in writing, but then did not respond to Appellant TRNA's request for various zoning rulings on critical issues for the project.

30. Upon information and belief, there is insufficient material in the EPC record to evaluate the various determinations and rulings that were necessary for the site plan approval.

31. The IDO and the EPC decision impermissibly delegate unbridled discretionary authority for development decisions to the Planning Department, for example in the areas of providing private interpretations of the IDO, accepting site plan deviations, accepting incomplete submissions or deferring required submissions, and making relevant technical determinations in closed meetings.

32. Upon information and belief, the EPC may have closed its meeting and conducted discussions in closed meeting in violation of the New Mexico Open Meetings Act.

Appellants reserve the right to amend or supplement these reasons for appeal following review of the EPC record for the case.

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

March 14, 2019

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

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

LEGAL DESCRIPTION:

The above action for all or a portion of Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West; zoned R-A, located at 5001 Namaste Rd. NW, between LaBienvenida Pl. NW and the Oxbow Open Space, containing approximately 23 acres. (F-11 and F-12)

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

PO Box 1293

Albuquerque

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

FINDINGS:

1. This is a request for a Site Plan-EPC for Lots 1 through 3, Block 1, Plat of West Bank Estates together with Tract A1, Lands of Suzanne H Poole, and Tracts C-1 and Lot 4-A of Plat of Tracts C-1, C-2 and Lot 4-A, Lands of Suzanne H Poole being a Replat of Tract C, Lands of Suzanne H Poole, Tract C, Annexation Plat Land in Section 25 and 36, T11N R2E, Lot 4, Block 1 West located at 5001 Namaste Road NW between La Bienvenida Place NW and the Oxbow Open Space, containing approximately 23 acres.
2. The subject site is comprised of three legally platted County assessor parcels, further subdivided into six City parcels, zoned R-A, surrounded by existing single-family development, a City park to the north, and the Rio Grande Bosque to the east, and designated Major Public Open Space to the south.
3. The standards in Site Design and Sensitive Lands apply to all site development and new subdivisions. All three of the County assessor parcels are adjacent to Major Public Open Space and are subject to applicable regulations (14-16-5-2 (C) Avoidance of Sensitive Lands and 14-16-5-2 (H) Major Public Open Space Edges).

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

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

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Project #2018-001402

March 14, 2019

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- The project developer will provide any necessary and additional infrastructure to include street, trail, drainage, and sidewalk systems to serve the proposed development. The applicant has also agreed to work with City Open Space and the DRB regarding improvements to the Namaste cul-de-sac and trail head area.
- e) 6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.
- The applicant voluntarily committed to only single-story homes on the western edge of the site (lots backing up to Tres Gracias Drive) to mitigate adverse impact on the views for neighbors to the west. The applicant has also included private common open space and recreation amenities adjacent to Major Public Open Space to mitigate adverse impacts.
9. The DRB-approved Variance to the connectivity standards of the IDO is currently pending appeal via the Land Use Hearing Officer (LUHO), scheduled for March 20, 2019. The City Legal Department has confirmed that DRB actions and EPC actions are not reliant upon one another and may occur separately.
10. The City Hydrology Division states "The City has no plans to stabilize the slope and does not want to be burdened with the cost of such improvements. Bank Protection may be constructed to prevent lateral migration of the river, and erosion of the slope." Subsequent to EPC review, the project should be reviewed for technical issues such as this by the Development Review Board (DRB).
11. The applicant notified the La Luz Landowners Association, the Taylor Ranch Neighborhood Association, and the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet as required. Several meetings were conducted regarding the proposal, notably an initial neighborhood meeting, staff meetings with the neighbors, a facilitated meeting, and the Open Space Advisory Board meeting.
12. Staff received multiple letters, comments, reviews, and reports in opposition to development on the property. Staff did not receive any comments in support.
13. The subject site is private property in contract with the applicant and therefore evaluated pursuant to the Integrated Development Ordinance (IDO) and all other City Council adopted regulations as described herein.

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March 14, 2019

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CONDITIONS OF APPROVAL

1. The applicant shall coordinate with the staff planner to ensure that all Conditions of Approval are met and then submit a vetted, final version to the staff planner for filing at the Planning Department.
2. Per IDO Section 14-16-5-2(C)(1)(i)), the Pinon stand in the area shown as common open space shall be preserved. If the mature pinon pine trees cannot be retained, then they will be replaced in the same general area with new trees at a ratio of three new trees for every mature tree lost.
3. Even after adjustments to the lot sizes, the common open space must remain a minimum of 35-foot wide between the houses per IDO Section 14-16-4-3(B)(2)(d)2.
4. The Site Plan shall note any Variance – DRB that has been granted/approved for IDO Section 14-16-5-3(E)(2) on the Site Plan.
5. Setbacks at the perimeter of each cluster are required to be per the underlying R-A Zone District as follows:
 - Front, minimum 20-feet
 - Side, minimum 10-feet
 - Rear, minimum 25-feet – this affects all rear lots facing Namaste Road NW, Tres Gracias Road NW, La Bienvenida Place NW,

If this results in a Major change to the Site Plan, it will be required to be reviewed and approved again by the EPC. The common open space must retain a minimum length and width of 35 feet if lots are adjusted for setbacks per 14-16-4-3(B)(2)(d)1.

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

A) HYDROLOGY SECTION:

- An approved Grading and Drainage Plan & Drainage Report is required prior to approval of Preliminary Plat or Site Plan. A separate submittal is required to hydrology to include sufficient engineering analysis and calculations to determine the feasibility and adequacy of the proposed improvements.
- All floodplains need to be shown on the plat and site plan.
- LOMR will be required to remove the floodplain from the lots that have the floodplain.
- AMAFCA approval will be required for connection to their Channel and grading adjacent to their right of way.
- USACE approval will be required for any fill proposed in Waters of the US.
- An infrastructure list will be needed for Preliminary Plat.
- A recorded IIA is required prior to Final Plat.

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- A prudent setback from the Rio Grande is recommended because the slope on City Open Space is not stable and subject to lateral migration of the river. The City has no plans to stabilize the slope and does not want to be burdened with the cost of such improvements. Bank Protection may be constructed to prevent lateral migration of the river, and erosion of the slope.
- Management onsite will be required for the SWQV unless a waiver is demonstrated on the G&D Plan and accepted by Hydrology.
- Note 4 on sheet 3 is incorrect and should be removed. Replace with a note that says "A prudent setback will be established to allow for the future construction of bank protection by the HOA on the HOA's property without any encroachment into the Open Space property or on any of the lots."

B) TRANSPORTATION DEVELOPMENT SERVICES

- Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)
- Infrastructure and/or ROW dedications may be required at DRB.
- All work within the public ROW must be constructed under a COA Work Order.
- The following comments need to be addressed prior to DRB:
- Show the clear sight triangle and add the following note to the plan: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in the clear sight triangle."

C) MUNICIPAL DEVELOPMENT DEPARTMENT (DMD) TRANSPORTATION

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

D) SOLID WASTE MANAGEMENT DEPARTMENT

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

E) ABC WATER UTILITY AUTHORITY (ABCWUA)

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

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Project #2018-001402

March 14, 2019

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

F) ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL (AMAFCA)

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

G) PUBLIC SERVICE COMPANY OF NEW MEXICO

- An existing underground distribution line is located on the subject property to the existing structure to be removed. It is the applicant's obligation to abide by any conditions or terms of these easements.
- It will be necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding this project. Contact:
Andrew Gurule, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107,
Phone: (505) 241-0589.
- Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

9. The EPC delegates its approval authority to the DRB for any changes to the Site Plan that meet the thresholds outlined in IDO Table 6-4-5.
10. The Site Development Plan shall comply with the General Regulations of the IDO, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

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

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

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

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Project #2018-001402

March 14, 2019

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Sincerely,


David S. Campbell
Planning Director

DSC/CS

cc: Gamma Development, LLC, 9798 Coors Blvd NW #400 ABQ, NM 87114
Consensus Planning, Inc., 302 Eighth St. NW, ABQ, NM 87102
La Luz Landowners Assoc., Jonathan Abdalia, 6 Tumbleweed NW, ABQ, NM 87120
La Luz Landowners Assoc., Kathy Adams, 5 Arco NW, ABQ, NM 87120
Taylor Ranch NA, Jolene Wolfley, 7216 Carson Trail NW, ABQ, NM 87120
Taylor Ranch NA, Rene Horvath, 5515 Palomino Dr., NW, ABQ, M 87120
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Westside Coalition of Neigh. Assoc., Rene Horvath, 5515 Palomino Dr., NW, ABQ, NM 87120
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Linda Starr, 509 Aliso Dr. NE, ABQ, NM 87108
Becky C. Davis, 500 Leeward Dr. NW, ABQ, NM 87121
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Shelley Bauer, 4616 Almeria Dr. NW, ABQ, NM 87120
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Reid McLean, 6716 Napa Rd. NE, ABQ, NM 87109
Brillante Cloud, 7700 Compass Dr. NW, ABQ, NM 87120
Sheena Ramos, 6420 Petirrojo Rd NW, ABQ, NM 87120
Willa Pilar, 744 Montclair NE, ABQ, NM 87110
E. Ward, P.O. Box 7434, ABQ, NM 87194
Pat Gallagher, 24 Lind NW, ABQ, NM 87120
Alexis Kaminsky, 15 Pool NW, ABQ, NM 87120
Alexander Wine, 7000 Armeria Dr. NW, ABQ, NM 87120
John Lopez, 12920 Calle de Sandias NE, ABQ, NM 87111
Jon Price, 4704 Mi Cordelia, ABQ, NM 87120

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Marianne Barlow, 27 Tennis Ct. NW, ABQ, NM 87120
Victor Lopez, 725 Arizona SE, ABQ, NM 87108
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Brenda Broussard, 18 Berm St. NW, ABQ, NM 87120
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