

Gomez, Angela J.

From: Gomez, Angela J.
Sent: Tuesday, August 04, 2020 2:16 PM
To: Gomez, Angela J.
Subject: FW: [#2020013] Wintergreen Apartments DRB questions (PR-2020-004030) (2)

From: Megan Fitzpatrick [mailto:meganfitz@live.com]
Sent: Tuesday, August 04, 2020 2:07 PM
To: Richard Stevenson; Marsha Kearney
Cc: p crump; Ron Bohannon; rick@rba81.com; gnh5976@gmail.com; 1garciagang@gmail.com; mdmiraba@msn.com; bcreel@msn.com; frandimarco@msn.com; cfmirabal@gmail.com; ruffkat@yahoo.com; david.m.lopez@msn.com; garnand_lu@yahoo.com; kmcvey124@comcast.net; tjmurieta@msn.com; nenaperkin@gmail.com; avalgman12@gmail.com; scott.templeton@comcast.net; chavezdyx4@yahoo.com; mccormackdj@comcast.net; erin.coffman@yahoo.com; huerta.loretta58@gmail.com; gayle.binkley@me.com; marshakearney@gmail.com; nauticalhutch@gmail.com; miladybutler@yahoo.com; rfasel@fed.net; Gomez, Angela J.; Wolfenbarger, Jeanne; Gould, Maggie S.
Subject: Re: [#2020013] Wintergreen Apartments DRB questions (PR-2020-004030)

Thank you, Mr. Stevenson. In regards to crime, please look at this. This homicide occurred at the Sky Stone apartments a few days ago, yes, the other 4 story apartment complex that butts up against Seven Bar North and my backyard. You failed to give any concrete discussion to the crime that most undoubtedly will occur in our community. We are being surrounded by apartments, which was never the intention of the community. You wouldn't want this in your backyard, and nor do we.

<https://www.kob.com/albuquerque-news/apd-investigating-homicide-on-west-side/5813739/>

Thank you

Megan Fitzpatrick

From: Richard Stevenson <rstevenson@tierrawestllc.com>
Date: Tuesday, August 4, 2020 at 1:54 PM
To: Marsha Kearney <rmee1978@gmail.com>
Cc: p crump <phcrumpsf@gmail.com>, Ron Bohannon <rrb@tierrawestllc.com>, "rick@rba81.com" <rick@rba81.com>, "gnh5976@gmail.com" <gnh5976@gmail.com>, "1garciagang@gmail.com" <1garciagang@gmail.com>, mike mirabal <mdmiraba@msn.com>, Me <meganfitz@live.com>, "bcreel@msn.com" <bcreel@msn.com>, "frandimarco@msn.com" <frandimarco@msn.com>, "cfmirabal@gmail.com" <cfmirabal@gmail.com>, "ruffkat@yahoo.com" <ruffkat@yahoo.com>, "david.m.lopez@msn.com" <david.m.lopez@msn.com>, "garnand_lu@yahoo.com" <garnand_lu@yahoo.com>, "kmcvey124@comcast.net" <kmcvey124@comcast.net>, "tjmurieta@msn.com" <tjmurieta@msn.com>, "nenaperkin@gmail.com" <nenaperkin@gmail.com>, "avalgman12@gmail.com" <avalgman12@gmail.com>, "scott.templeton@comcast.net" <scott.templeton@comcast.net>, "chavezdyx4@yahoo.com" <chavezdyx4@yahoo.com>, "mccormackdj@comcast.net" <mccormackdj@comcast.net>, "erin.coffman@yahoo.com" <erin.coffman@yahoo.com>, "huerta.loretta58@gmail.com" <huerta.loretta58@gmail.com>, "gayle.binkley@me.com" <gayle.binkley@me.com>, "marshakearney@gmail.com" <marshakearney@gmail.com>, "nauticalhutch@gmail.com" <nauticalhutch@gmail.com>, "miladybutler@yahoo.com"

<miladybutler@yahoo.com>, "rfasel@fed.net" <rfasel@fed.net>, "Gomez, Angela J." <agomez@cabq.gov>, "jwolfenbarger@cabq.gov" <jwolfenbarger@cabq.gov>, Maggie Gould <MGould@cabq.gov>

Subject: RE: [#2020013] Wintergreen Apartments DRB questions (PR-2020-004030)

Good Afternoon,

In regards to notification, including signage, we followed the requirements listed in Section 6-4(K) of the IDO. This included sending notices to the adjoining property owners based on the City provided ONC list, posting the yellow sign per the sign posting agreement, and sending out notices to the recognized Home Owner Associations. If you have concerns with the IDO notification procedures that applicants are required to follow, please email DRB Chair Ms. Wolfley jwolfley@cabq.gov. Annual updates of the IDO are submitted every year into the City's review and approval process, so the City can consider your feedback and concerns.

Cobble rock, or equivalent, will be placed in the 5-ft setback between the CMU wall and the property line. The apartment landscape maintenance crew will maintain all areas on the property. Additional trees and vegetation density were added to the buffer area, and the walking trail has been shifted to the west further away from the property line.

We previously discussed crime in prior correspondence and at the public meetings.

All Solar Access requirements per IDO Section 5-10 are met.

The market research and studies completed by the developer are proprietary and will not be shared.

The tree sizes at planting and at maturity are shown in the cross sections to provide a scale and orientation of the apartment building relative to the single family homes and detail the buffer area. As previously mentioned the IDO requires a 50-ft landscape buffer (IDO Section 5-9(F)) to provide a setback between the improvements and the single family homes to increase the privacy and to reduce sight-lines from adjoining properties. Based on the proposed building height there is also a minimum 100-ft offset from the property line (IDO Section 2-4(C)), to provide protection to the adjacent home owners. Please refer to the landscaping plan which details the tree spacing, heights at maturity etc. which is included in the plans (link provided in previous email).

The Comprehensive Plan provides the guiding framework in establishing the zoning designations throughout the City. The zoning allowable uses is then specifically defined in the IDO and by the specific zone classification. The IDO also defines the development standards and the City's planning system and procedures. This project meets the requirements listed in the IDO, to the best of our knowledge. This is not a zone change, and as such, when the City Council placed the MX-M zoning designation on the property it was guided by the Comprehensive Plan Goals and Policies. The assessment for MX-M zoning was completed by City Planners, property owners, neighborhood associations and members of the public during the adoption of the IDO. You can find more information on the City website <https://abc-zone.com/>

Regards,
Richard Stevenson, PE
Tierra West LLC
(505) 858 3100

From: Marsha Kearney [mailto:rmeek1978@gmail.com]

Sent: Monday, August 3, 2020 9:02 PM

To: Richard Stevenson

Cc: p crump; Ron Bohannon; rick@rba81.com; gnh5976@gmail.com; 1garciagang@gmail.com; mdmiraba@msn.com; meganfitz@live.com; bcreel@msn.com; frandimarco@msn.com; cfmirabal@gmail.com; ruffkat@yahoo.com; david.m.lopez@msn.com; garnand_lu@yahoo.com; kmcvey124@comcast.net; tjmurieta@msn.com;

nenaperkin@gmail.com; avalgman12@gmail.com; scott.templeton@comcast.net; chavezdyx4@yahoo.com; mccormackdj@comcast.net; erin.coffman@yahoo.com; huerta.loretta58@gmail.com; gayle.binkley@me.com; marshakearney@gmail.com; nauticalhutch@gmail.com; miladybutler@yahoo.com; rfasel@fed.net; Gomez, Angela J.; jwolfenbarger@cabq.gov; Maggie Gould

Subject: Re: [#2020013] Wintergreen Apartments DRB questions (PR-2020-004030)

After reading Tierra West's response I have several comments/ questions I would like included in the record.

1. No mention of lack of notification and the dealing with the signage not being in line with the IDO requirements until two days before the first hearing. How is that matter remedied? Also the 100 feet from the property does NOT include public right-of-ways. Would not that expand the number of residents that needed to be contacted?
2. The residents talked about "river rock," not "river walk" to discourage people from getting near the adjacent properties. What is planned for the 5 feet between the Planned wall and existing walls? Would not that collect trash and debris? How would that be managed? Also hard to understand how you would build up the six foot wall with 2 foot raised ground where possible. You talk about changes in the buffer, yet there are no displays of what that would look like.
3. The crime has greatly increased in the areas where other apartment complexes have been built on the Westside. What makes this complex different?
4. The statement that 10 story buildings would be allowed in the area under the C-2 zoning is INCORRECT. The previous zoning only allowed for 2 story building with the conditional clause.
5. There is no mention of "solar access." How does this project impact solar access for the residents?
6. The Developer declined to share the market research to support the building of luxury apartments in this area. This is a critical issue to the residents and when considering the comprehensive plan. There are already a number of apartments on the Westside with "space available." To say that This information will not be shared is NOT answering questions/concerns.
7. The cross-sections provided are inadequate when speaking to the privacy and noise barriers needed for the residents. Cross-sections show trees. Where exactly are they planted, spacing, heights, etc. We have no clear view of what will be in the buffer and how it will protect the adjacent property owners.
8. When considering the Guiding Principles in Chapter 4 of the Comprehensive Plan, this project is totally out of line with the guidance given by this overarching document. Please answer how this project meets those principles.

Please share your responses with all on this mailing list.

Marsha Kearney

On Aug 3, 2020, at 5:10 PM, Richard Stevenson <rstevenson@tierrawestllc.com> wrote:

Good Afternoon,

The intent of this email is to provide responses to the questions raised by neighbors at the DRB hearing on July 22nd 2020, in regards to the proposed Wintergreen Apartment project City project number PR-2020-004030.

The updated plans to address DRB comments from the July 22nd hearing are available on the City website: http://data.cabq.gov/government/planning/DRB/PR-2020-004030/DRB%20Submittals/PR-2020-004030_Aug_5_2020_Supp/Application/DRB%20Resubmittal%207.31.2020/2020013%20DRB%20Plans%20-%20Wintergreen%20Luxury%20Apartments%20Resubmittal%207.31.2020.pdf

Below is a list of questions from the DRB meeting on July 22nd that I heard. Any duplicates were consolidated into a single question/theme. If you have specific project questions not previously addressed in the public meetings, please email us so we can work to respond to your questions rstevenson@tierrawestllc.com.

- Will a Traffic Impact Study (TIS) be prepared by the applicant?

Response: This development does not meet the City threshold to require a Traffic Impact Study. Additional traffic review was completed including the Trip Generation Worksheet based on the ITE Trip Generation Manual, 10th Edition for Multifamily Housing (Mid-Rise) apartments, Sub-Area Map as a basis of the trip distribution, Trip Distribution Worksheet and Map, which were submitted to the City Traffic Engineer and send to you on July 21 2020. Ms. Mirabel asked at the DRB hearing for the chart which was used to determine the trips, and I have attached to this email. The attachment provides an overview on how the trips are determined based on historical data (pre Covid-19). The development is also subject to payment of City impact fees for transportation, drainage, City facilities, parks, and public safety. Impact fees are a charge of assessment imposed by the City on new development in order to generate revenue for funding or recouping the costs of capital improvements rationally related to new development in accordance with applicable law.

- Please provide the market research supporting the decision to proceed with luxury apartments?

Response: The developer is unwilling to share the market study for this development.

- We have requested sound barriers, Line of sight barriers, fencing barriers, landscape barriers, lighting barriers.

Response: A 6-ft CMU block wall is proposed to be installed 5-ft offset the property boundary.

- We requested a sound and visibility wall at least 8 feet along the East end of the property boundary.

Response: Where feasible we are proposing 2-ft earth bench to elevate the 6-ft wall to include the effective height.

- Will an archeology study, crime impact study, wildlife impact study property value impact study be provided by the applicant?

- Response: Following a sensitivity review of the project site in regards to IDO Section 5-2 Site Design and Sensitive Lands, the following assessment was made by the applicant that Tract E-1 does not meet any of the sensitive land elements, as described further below:
 - 5-2(C)(1)(a) Floodplains and flood hazard areas – the site is not within a floodplain or flood hazard area per FEMA FIRM Map 35001C0108G dated 9/26/2008
 - 5-2(C)(1)(b) Steep slopes – Steep slopes is not defined by the IDO but generally considered steep if the slope is greater than 20%. The average slope of the undeveloped site is 4.5%
 - 5-2(C)(1)(c) Unstable soils – per USGS the soil is bluepoint loamy fine sand 98.1%
 - 5-2(C)(1)(d) Wetlands – per FEMA FIRM map no evidence of wetlands.
 - 5-2(C)(1)(e) Arroyos – per FEMA FIRM map no evidence of recorded arroyos.
 - 5-2(C)(1)(f) Irrigation facilities (acequias) – no
 - 5-2(C)(1)(g) Escarpments – there are no escarpments on the property
 - 5-2(C)(1)(h) Rock outcroppings – there are no rock outcroppings on the property
 - 5-2(C)(1)(i) Large stands of mature trees – not present, the site is in an undeveloped condition with vegetation typical of the west mesa with areas of scrub, small vegetation and some minor disturbance by dumping of soils.
 - 5-2(C)(1)(j) Archaeological sites – certificate of no effect provided by the COA dated May 6, 2020 on file.

A crime impact, wildlife and property value impact study is not required with the application and will not be completed.

An archeological certification of no effect was provided by the Albuquerque City Archaeologist for this site.

- [We have requested that the recreational walking trail adjacent our properties be removed.](#)

Response: The walking trail has been shifted to the west further away from the east property line but remains for the residents to utilize for recreational exercise.

- [Please provide a view plan exhibit?](#)

Response: A view plan exhibit was prepared to show the sections along the east half of the property and is attached to this email.

- We have requested Large River walk as opposed to Grass to discourage foot traffic.
Response: Native seed is proposed as ground cover in the 50-ft landscape buffer area, along with shrubs and trees, as detailed on the landscape plans.

- Concern with the scale and intensity of the development.
Response: The subject site is zoned MX-M (Mixed Use Medium intensity) and the proposed multi-family use is allowed permissively. The proposed plan meets applicable development standards (height, setbacks, parking, etc.) and the technical standards (drainage, vehicular access, etc.). The site was previously zoned C-2 (Community Commercial), which allowed multi-family development at a much more intense scale of development (higher density and over 10 stories in height were possible under C-2 zoning).

This development and proposed density also aligns with the infill development of the City with the City of Albuquerque Comprehensive Plan Goal and policy listed in Chapter 5: Land Use, regarding development patterns: *Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good, and Policy 5.3.1-Infill Development: Support additional growth in areas with existing infrastructure and public facilities.* The project will facilitate development of a portion of a site already served by existing infrastructure that is available for use (Golf Course Rd, Black Arroyo Channel, ABCWUA water and sewer) thereby maximizing the utility of existing infrastructure and using land in an efficient manner. Using infrastructure and land in this way generally supports the public good because it is more efficient than adding infrastructure and/or developing residential developments on the urban fringe.

- We also would like the landscape plan to include more mature trees, to protect immediate privacy. The current plan has at least 10-year maturity
Response: 6-ft plus high trees will be installed at install for the Austrian Pine species, Chinese Juniper planted as 5 gal shrubs, the other tree species shall have a 2-inch plus caliper.
- We would like plants that do not affect allergies. Juniper plants are a major contributor to allergies.
Response: The two types of evergreens are selected for the eastern edge of the landscape:
 - Austrian Pines / Pinus nigra. Uncommon tree allergen, minimal needle drop with regular irrigation.

- Chinese Juniper / *Juniperus chinensis* – ‘Spartan’ (narrow) variety, planted as 5 gal shrubs. FEMALE TREES ONLY per compliance with City Aeroallergen Ordinance.
 - The city tracks and puts out daily air quality pollen counts. Junipers, a common allergen, are included. Pines, an uncommon allergen, are not included.
- We want Trash Bins moved away from the East side of the development, away from homeowners’ properties.
Response: Limited in placement due to Solid Waste and ABCWUA requirements, located dumpsters outside of the buffer area and as far away as possible from the residents.
 - Lighting must be directed away from private properties.
Response: All outdoor lighting for the project is controlled by the New Mexico Night Sky Protection Act and regulated by the IDO section 5-8. No light source for any outdoor light fixture shall be directly visible from any public right-of-way or any adjacent property. Light poles will have a max height of 16-ft.
 - Privacy Concerns
Response: The City has no specific standards to protect privacy of backyards such as preventing sight-lines from adjoining properties but does require a 50-ft landscape buffer to provide setback and landscaping between this development and the single family residence. The IDO Neighborhood Edge requirements (height limitations, buffer requirements, etc.) are met with this development.
 - We discourage Grass on the East side buffer, being that the noise generated by maintenance and mowing would impose on the neighborhood.
Response: All property owners in the City of Albuquerque must follow the Noise Control Ordinance <https://www.cabq.gov/environmentalhealth/noise>
 - Concern on Crime increasing in the area:
Response: Site design and building design standards are reflected in the Integrated Development Ordinance (IDO) which incorporate the basic tenets of CPTED (Crime Prevention Through Environmental Design), such as adequate lighting, minimizing “hiding places,” providing opportunities for passive surveillance, and restricting access to sites and buildings to only residents (gating, doors with controlled access, etc.). AFR (Fire & Rescue) and APD (Police Department) provided comments on the site plan with

those elements considered with the design. As this is a gated apartment community the residents will be as concerned for crime prevention across Albuquerque as any other good neighbor is.

- Water runoff and drainage has not been addressed adequately to the neighborhood concerns.

Response: Tierra West is unaware of any outstanding questions or concerns regarding drainage.

As the applicant we consider the Site Plan complies with all applicable provisions of the IDO, the DPM, other adopted City regulations, all of which is being reviewed thoroughly by the DRB. We have followed the procedures outlined in the IDO document for notice provisions. If you have specific project questions relating to the development, please email us so we can work to respond to your questions rstevenson@tierrawestllc.com.

This application has not bypassed any City agency/s or committee/s and is following the City of Albuquerque process. If you have process questions, i.e. specific to the IDO notification procedures, or any other City process matter please email the DRB Chair Ms. Wolfley at jwolfley@cabq.gov.

The upcoming DRB meeting to review the re-submittal to address DRB member's comments is this Wednesday, 5 August 2020. The project number is PR-2020-004030, and is number three on the agenda. The agenda is posted online and the call in details are as follows:

Join Zoom Meeting (9:00 am Wednesday 8/5/2020)

<https://cabq.zoom.us/j/93846895555>

Meeting ID: 938 4689 5555

By phone +1 312 626 6799 or find your local number: <https://hes32-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fcabq.zoom.us%2fu%2faLqNrlrNh&umid=32057433-94b8-4fdb-a21a-056e4ec2aa42&auth=c5e193b2792d33bbda0d14ee5f909adbb398f028-6d0e4a7df508df08c0dd6d11236b96ec1d7dae98>

Kind Regards,

Richard Stevenson, P.E.

Tierra West LLC
5571 Midway Park Pl., NE
Albuquerque, NM 87109
505-858-3100 ext. 232

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From: Richard Stevenson

Sent: Tuesday, July 21, 2020 4:36 PM

To: 'p crump'; Ron Bohannon; 'rick@rba81.com'; 'gnh5976@gmail.com'; 'lgarciagang@gmail.com'; 'mdmiraba@msn.com'; 'meganfitz@live.com'; 'bcreel@msn.com'; 'frandimarco@msn.com';

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'huerta.loretta58@gmail.com'; 'gayle.binkley@me.com'; 'marshakearney@gmail.com';
'nauticalhutch@gmail.com'; 'miladybutler@yahoo.com'; 'rfasel@fed.net'

Cc: 'Jocelyn Torres'; 'Gomez, Angela J.'; 'Maggie Gould'; 'Tyson Hummell ABQ LUF';
jwolfenbarger@cabq.gov

Subject: RE: [#2020013] Emailing Facilitated Meeting Wintergreen 6 18 20.docx Facilitated Meeting
Wintergreen 6 18 20.docx

Here is a downloaded link to the City of Albuquerque 95% plans detailing the Westside Blvd widening from Golf Course Rd to NM 528. Funding has been authorized with construction scheduled to start in spring 2021.

https://1drv.ms/b/s!Ah_cf8IHL3ogkmvdAAIpPHseyTI

Regards,
Richard Stevenson, PE
Tierra West LLC
(505) 858 3100

From: Richard Stevenson

Sent: Tuesday, July 21, 2020 7:28 AM

To: 'p crump'; Ron Bohannon; rick@rba81.com; gnh5976@gmail.com; 1garciagang@gmail.com;
mdmiraba@msn.com; meganfitz@live.com; bcreel@msn.com; frandimarco@msn.com;
cfmirabal@gmail.com; ruffkat@yahoo.com; ruffkat@yahoo.com; david.m.lopez@msn.com;
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Cc: Jocelyn Torres; Gomez, Angela J.; Maggie Gould; Tyson Hummell ABQ LUF; jwolfenbarger@cabq.gov

Subject: RE: [#2020013] Emailing Facilitated Meeting Wintergreen 6 18 20.docx Facilitated Meeting
Wintergreen 6 18 20.docx

Hello All,

Please find attached the following items relating to the traffic queries for this project:

- Trip Generation Worksheet based on the ITE Trip Generation Manual, 10th Edition for Multifamily Housing (Mid-Rise) apartments
- Sub-Area Map as a basis of the trip distribution
- Trip Distribution Worksheet
- Trip Distribution Map
- Westside Blvd. widening project timing and financials which is in the current Transportation Improvement Program (TIP) for FFY 2020 and 2021. According to MRCOG TIP Coordinator, this is a high priority project for the City of Albuquerque and City of Rio Rancho. This project will more than likely be completed over the next few years considering the amount of construction that is involved. Here is a link to MRCOG website where you can find the Metropolitan Transportation Plan (which includes project lists), as well as the TIP: <https://www.mrcog-nm.gov/233/Metro-Planning>.

Grading and Drainage

- Here is the downloadable link to the drainage plan
https://1drv.ms/b/s!Ah_cf8IHIL3ogkDpTWEqjmdVXFo

Kind Regards,

Richard Stevenson, P.E.

Tierra West LLC
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From: p crump [mailto:phcrumpsf@gmail.com]

Sent: Tuesday, June 23, 2020 9:33 AM

To: Ron Bohannan; Richard Stevenson; rick@rba81.com; gnh5976@gmail.com; 1garciagang@gmail.com; mdmiraba@msn.com; meganfitz@live.com; bcreel@msn.com; frandimarco@msn.com; cfmirabal@gmail.com; ruffkat@yahoo.com; ruffkat@yahoo.com; david.m.lopez@msn.com; garnand_lu@yahoo.com; kmcvey124@comcast.net; tjmurieta@msn.com; tjmurieta@msn.com; nenaperkin@gmail.com; avalgman12@gmail.com; scott.templeton@comcast.net; chavezdyx4@yahoo.com; mccormackdj@comcast.net; erin.coffman@yahoo.com; huerta.loretta58@gmail.com; gayle.binkley@me.com; marshakearney@gmail.com; nauticalhutch@gmail.com; miladybutler@yahoo.com; rfasel@fed.net

Cc: Jocelyn Torres; Gomez, Angela J.; Maggie Gould; Tyson Hummell ABQ LUF

Subject: [#2020013] Emailing: Facilitated Meeting Wintergreen 6 18 20.docx

Dear All:

Attached please find the Report for the meeting held Thursday evening, June 18th, regarding the proposed Wintergreen Apartments. Please review it carefully.

If there are errors of either Omission (something important said but left out) or Commission (something important misquoted), please let us know and we will issue correcting Amendments. You may send potential corrections to phcrumpsf@gmail.com.

Also, instructions for submitting additional comments to the DRB are included near the end of the report under Hearing Details.

Also, you may let the City know your impression of the meeting and the facilitator(s) by going to one of the following evaluations:

<https://www.cabq.gov/legal/adr/land-use-facilitation/land-use-facilitation-program-applicant-survey>

or

<https://www.cabq.gov/legal/adr/land-use-facilitation/land-use-facilitation-program-participant-survey>

Thank you very much for your participation.

Philip Crump and Jocelyn Torres, Facilitators

<ITE_Land_Use_221_Mid_Rise.pdf>

<2020013_Building C & D Cross Section_Exhibit_B-C1 C2.pdf>

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