

# FACILITATED MEETING REPORT AMENDMENT

## Wintergreen Pre-Application Meeting

**Date Submitted:** 26 May 2020  
**Original Submission:** 26 May 2020  
**Submitted By:** Philip Crump  
**Facilitator:** Philip Crump  
**Co-facilitator:** Jocelyn Torres  
**Project Name:** Wintergreen Apartments Pre-application  
**Meeting Date and Time:** 21 May 2020, 4:00-5:30 pm

[Changes or additions indicated with *italics*.]

### **Next Steps and Action Plan:**

*In trying to accommodate the neighbors' concerns and the restrictions around Covid-19 the agent said they are delaying the application by around 30 days in order to provide an in-person meeting. The additional time will allow the City of Albuquerque to address specific concerns about the process and procedure for the application. This second meeting will also ensure that all participants will have ample opportunity to express their concerns and everyone will be afforded an opportunity to speak.*

### **Names & Affiliations of Attendees:**

*René Horvath* West Side Coalition, Taylor Ranch NA

### **NEW HEADING**

**Responses to questions submitted to the City, from Russell D Brito, Division manager, Urban design & development:**

**Have you considered the traffic impact to West Side RD? Traffic is already congested.**

**Traffic impact study is not required, what is the max [minimum?] to require a study?**

Traffic and transportation impacts are considered on a technical basis throughout the city and metro area with studies and planning in coordination with the regional transportation authority, MRCOG (Mid-Region Council of Governments). MRCOG and the City record traffic counts and other data such as population growth, demographics, and new development to guide transportation planning and transportation facilities.

Most of the jobs (up to 75%) in the entire region are located on the east side of the Rio Grande. Much of the transportation network demand on the west side is due to residents commuting to jobs on the east side during the morning rush hour and then returning to the west side during the evening rush hour (AM and PM peak hours). Most of the congestion occurs at the limited bridge crossings. Decision-makers, such as the Metropolitan Transportation Board (MTB) and the City Council, appropriates capital funding for maintenance and roadway expansion based ongoing evaluations of carrying capacity versus demand.

The City can also require developers to provide improvements to affected streets and intersections if technical thresholds related to land use(s) and traffic impacts are met. The Development Process Manual (DPM) is the City's approved set of technical standards for infrastructure and infrastructure improvements. The DPM references the Institute of Transportation Engineers (ITE) Trip Generation Manual for Traffic Impact Study (TIS) thresholds, which is 100 trips in or out during the AM or PM peak hours. For apartments, this would require at least 250 dwelling units to even consider looking at the trip counts. This proposed development does not appear to meet these thresholds.

Development is also subject to payment of City impact fees for transportation, drainage, City facilities, parks, and public safety. The subject site is not located in an area that is eligible for waivers of these fees nor is it Affordable Housing that could decrease impact fees in some locations like Metropolitan Redevelopment Areas. When Impact Fees are collected, they are put into a kitty for each category within the area where development occurs that can be used by the City for necessary capital improvements as determined by the City Council and voted on by property owners every two years in General Bond elections.

**Who is the city counselor that has been contacted on this project?**

City Councilors may have to act in a quasi-judicial role if a Site Plan is appealed. Contacting a City Councilor to discuss a development that is nearing its review phase or afterwards may require the Councilor to recuse themselves from hearing a case as a "judge" because of ex-parte communication (getting information outside of a public hearing process that prevents them from hearing an appeal impartially).

**Is this property in Council District 5?**

Yes, this is in Council District 5, City Councilor Borrego. Please see above.

**Is someone from the city present in this meeting? The developer only cares about making money, it is unlikely that he is going to make any changes to the plan. Why is the city allowing this large size building in a residential area?? It should be downtown.**

The subject site is zoned MX-M (Mixed Use Medium intensity) and the proposed multi-family use is allowed permissively. The property owner already has the legal entitlements for such a development; the City cannot outright deny such a request unless it does not meet applicable development standards (height, setbacks, parking, etc.) or technical standards (drainage, vehicular access, etc.). Before 2018, the site was previously zoned C-2 (Community Commercial), which also allowed multi-family development, but at a much more intense scale of development (higher density and over 10 stories in height were possible under C-2 zoning).

**Was an Environmental impact assessments completed for Noise, Schools? And are there requirements for Construction Vibration / Seismic Monitoring.**

There is no environmental impact assessment required for the proposed development or use. The Integrated Development Ordinance (IDO) has new Neighborhood Edge requirements (height limitations, buffer requirements, etc.) for development next to low density residential that did not exist before 2018.

APS is a separate jurisdiction from the City, but does plan for new schools and expansions in response to existing population and demographics (e.g. school-age children) and potential population growth based on existing entitlements for undeveloped areas. Sometimes APS is able to foresee increases in school age children and provide facilities in a timely manner, sometimes they are playing catch-up based on their capital budget and available land to purchase for such facilities. The City has in the past tried to tie

west side development to school capacity and school impact fees in the 2000s, but with mixed results and community concerns that ended the interjurisdictional coordination.

The Environmental Health Department (EHD) responds to noise complaints on a case-by-case basis. It generally does not apply to daytime activities or daytime events. See this link for more details: <https://www.cabq.gov/environmentalhealth/nois>

Construction and building permits are possible for sites with approved entitlements per the Uniform Administrative Code, which is the City's building code. There is no vibration/seismic monitoring. If a development needs to blast rock for foundation work and/or utilities, such as in the areas around the volcanoes, then a special permit(s) from the Fire Marshall and/or the Environmental Health Department would be required. But this site is far removed from the basalt rock prevalent around the volcanoes.

### **Can you also weigh in on the residents' concerns regarding...**

#### **1. APS consideration of the project and overcrowding concerns**

See above

#### **2. Views and view protection as regulated by code**

This area does not have a View Protection Overlay (VPO) mapped that further regulates development with special height, massing, or color requirements. The only two existing VPO areas are Coors Boulevard (VPO-1) and Northwest Mesa Escarpment (VPO-2). Both of these existing VPOs are intended to protect public views. VPO-1 regulates building height, massing, and color on the east side of Coors to maintain views of the bosque and the Sandia mountains from the public right of way. VPO-2 regulates building height, massing, and color in the volcanoes area to maintain views into and out of the Petroglyph National Monument.

#### **3. Residents' general concern on crime in the area and what the City doing to reduce**

Site design and building design standards are reflected in the Integrated Development Ordinance (IDO) that 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/workers (gating, doors with controlled access, etc.). AFR (Fire & Rescue) and APD (Police Department) will comment on site plans as they progress through the review process with design suggestions and design requirements. Planning staff are also aware of CPTED and provide guidance to applicants.

#### **4. Concerns with privacy, especially potential visual intrusion from balconies into adjacent residential properties.**

The City has no specific standards to protect privacy of backyards such as preventing sight-lines from adjoining properties. Neighbors working with developers to create design solutions (balcony wall locations, tall trees at the perimeter, etc.) are one possible outcome of pre-application neighborhood meetings. The IDO does regulate lighting to prevent light trespass from one site to its neighbors.

The closest I could find to a "peeping tom" law is Criminal Trespass in the City's Criminal Code under Section 12-2-3 (see [www.amlegal.com](http://www.amlegal.com) for more details).