

County of Bernalillo
State of New Mexico
Planning & Development Services Department
111 Union Square SE, Suite 100
Albuquerque, New Mexico 87102
Office: (505) 314-0350 Fax: (505) 314-0480
www.berncgo.gov

NOTICE OF APPEAL

February 25, 2019

To Whom It May Concern:

The following appeal has been filed with the Bernalillo County Planning and Development Services:

APPEAL NO: COA2019- 0003

ORIGINAL CASE NO: CSU2019-0001

APPELLANT: Name: Vecinos del Bosque Neighborhood Association

Address: P.O. Box 12841, Albuquerque, NM 87105

REASON FOR APPEAL: See Attached

**SCHEDULED FOR PUBLIC HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS
ON:**

Tuesday, April 9, 2019 at 3:00 P.M., at the Vincent E. Griego Chambers, Concourse Level II, One Civic Plaza,
NW.

You and all other interested parties are invited and urged to be present at this hearing.

Applicants, agents and those in support or opposition to a request are required to submit any evidence and presentation materials to the Board of County Commissioners (BCC) through the staff. Appeals follow the procedures described in the attached Bernalillo County Board of County Commission Rules of Procedure.

**Es necesario traer un interprete si no habla ingles o puede llamar a Miriam Aguilar
al 314-0369.**

If you have any questions, please feel free to contact me directly at 314-0387.

COMMISSIONERS

Maggie Hart Stebbins, Chair, District 3 Debbie O'Malley, Vice Chair, District 1
Steven Michael Quezada, Member, District 2 Lonnie C. Talbert, Member, District 4 Charlene E. Pyskotsy, Member, District 5


ELECTED OFFICIALS

Tanya R. Giddings, Assessor Linda Stover, Clerk Cristy J. Carbón-Gaul, Probate Judge Manuel Gonzales III, Sheriff Nancy M. Bearce, Treasurer

COUNTY MANAGER

Julie Morgas Baca

Sincerely,



Catherine VerEecke
Planning Manager

CV/fs

cc: File

Kevin Grovet, Public Works
Raeleen Marie Bierner, Public Works
Blaine Carter, Public Works
Rene Sedillo, Technology Manager
Jeff Senseney, Building Official
Joel Kurzawa, Project Coordinator
Monica Gonzales, GIS Tech
Valentin P. Sais and Ron A. Perea, 1302 Neetsie Dr. SW, Albuquerque, NM 87105
Rio Grande Huerta LLC, Marlise Metodi, 624 Amherst Dr. SE, Albuquerque, NM 87106
Peter Rehn, 4519 Compound North Ct. NW, Albuquerque, NM 87107
Faith Okuma, 3105 El Toboso Dr. NE, Albuquerque, NM 87104
Rod Mahoney, 1838 Sadora Rd. SW, Albuquerque, NM 87105
John Padilla, 1573 Trujillo Rd. SW, Albuquerque, NM 87105
Evelyn Fernandez, 1585 Trujillo Rd. SW, Albuquerque, NM 87105
Dory Wegrzyn, 1404 Gonzales Rd. SW, Albuquerque, NM 87105
Christy McCarthy, 1413 El Oriente Rd. SW, Apt. A, Albuquerque, NM 87105
Albert Sanchez, 224 Five Points SW, Albuquerque, NM 87105
Charlotte Walters, 1424 Dennison Rd. SW, Albuquerque, NM 87105
Penina Bellen, 2299 Campbell Rd. SW, Albuquerque, NM 87105
Aaron and Olivia Hill, 10804 Wolf Creek Rd. SE, Albuquerque, NM 87123
Felix Lucero, 1020 La Vega SW, Albuquerque, NM 87105
Maggie Seeley, 407 Amherst Dr. SE, Albuquerque, NM 87106
Jennifer Cruz, 1512 Cero Vista Rd. SW, Albuquerque, NM 87105
Anne Witherspoon Bolger, 1278 Tapia Rd. SW, Albuquerque, NM 87105
Amily Reem Musallam Berthdd, 1413 Dennison Rd SW, Albuquerque, NM 87105
Marianne Dickinson, 2328 Rio Grande NW, Albuquerque, NM 87104
Martin Ortega, 1417 Neetsie Dr. SW, Albuquerque, NM 87105
Michael O'Hearr, 1734 Hooper Rd. SW, Albuquerque, NM 87105
Ruben Garcia, 832 Madison St. NE, Albuquerque, NM 87110
Amanda Webb Knox, 2016 Poplar Lane SW, Albuquerque, NM 87105
Karen Loring, 1407 Gonzales Rd. SW, Albuquerque, NM 87105
Marygold Walsh-Dilley, 443 Hermosa Dr. NE, Albuquerque, NM 87108
Pamela Heater, 760 Montclair Dr. NE, Albuquerque, NM 87110
Lissa Hammit and Salley Trefethen, 501 Walter St. SE, Albuquerque, NM 87102
Deborah Bock, 8301 4th St. NW, #3, Bldg 3, Los Ranchos, NM 87114
Mary and James Brown, 5215 Montano Plaza Dr. NW, Albuquerque, NM 87120
Patti Lentz, 415 Amherst NE, Albuquerque, NM 87106
Aryon Hopkins, 1703 Gonzales Rd. SW, Albuquerque, NM 87105

Jeffrey Holmes, 3227 Rio Grande Blvd, NW, Albuquerque. NM 87107
Suzanna and Joshua Garcia, 1143 Desert Sunflower Dr. NE. Rio Rancho, NM 87144
Johnnee Cunningham and Joan Pickard, 186 Caminito Alegre, Corrales, NM 87048
Jonathan or Ellen Craig, 937 La Font Rd. SW, Albuquerque, NM 87105
Setso Metodi, 624 Amherst Dr. SE, Albuquerque, NM 87105
Gilbert Morales, 13108 Calle Azul SE, Albuquerque, NM 87123
Stevey Hunter, 3227 Rio Grande Blvd. NW, Albuquerque, NM 87107
Beth Moore-Love, 1738 La Vega SW, Albuquerque, NM 87105
David Ryan , 813 Mountain Rd. NW, Albuquerque, NM 87102
Priscilla Sais, P.O. Box 27633, Albuquerque, NM 87125
Steve Cone, 1217 N Chaco Ave., Farmington, NM 87401
Willa Pilar, 744 Montclair Dr. NE, Albuquerque, NM 87110
Blake Whitcombe Hunt and Davis PC, 2632 Mesilla St. NE, Albuquerque, NM 87110

**Bernalillo County Board of County Commissioners Rules of Procedure
Procedure for Quasi-Judicial Hearings (Verbatim).**

The BCC procedures to be followed for appeals are generally follows: [VRCI]

- A. Appeal or Public Hearing Time Limits: A fifteen (15) minute time limit on each party's argument before the Commission may be established with the understanding that the Chair may alter the time limit when the case is unusually complex. Where numerous speakers sign up to present argument, the Chair may assign a time limit of two (2) minutes per speaker, but in any event, each party's argument shall not exceed the total time allowed. In all cases, the maximum time available for proponents should be equal to the maximum time allowed for the opponents. If necessary, a staff person shall be assigned by the County Manager to be the official timekeeper.
- B. In order to focus the Board of County Commissioners on the issues the party is presenting on appeal, they are encouraged to cite to the facts in the record from the County Planning Commission, and present legal arguments based on the facts in the record. No new evidence shall be presented on appeal to the Board of County Commissioners except as provided in paragraph 22.J below.
- C. The County Manager or designee shall describe the quasi-judicial item to be considered and make a presentation pertaining to the item. This presentation shall be limited to five (5) minutes. The Chair shall then inquire as to whether any Commissioner has questions for the staff members who made the presentation.
- D. The zoning applicant, or appellant, or his/her representative will [VRCI] make a presentation pertaining to the application or appeal. This presentation shall be limited to ten (10) minutes. The Chair will once again inquire as to whether Commissioners have questions of the applicant/appellant and the applicant's/appellant's representatives.
- E. The opponents will make a presentation pertaining to the application or appeal. The presentation will be limited to fifteen (15) minutes. The Chair will once again inquire as to whether Commissioners have questions of the opponents or the opponent's representatives.
- F. There will be an opportunity for applicant/appellant rebuttal and summation. This presentation shall be limited to five (5) minutes.
- G. Staff will then be provided an opportunity to present closing comments. There shall be a time limit of two (2) minutes for closing comments.
- H. The Chair will then inquire of the Commissioners as to whether they have further questions of staff, the applicant/appellant or the opponents and will recognize Commissioners who wish to question the parties or staff.
- I. The Chair will then inquire of the Commissioners as to whether they are prepared to vote on the issue of the application/appeal before them.
- J. No new evidence shall be presented by the applicant/appellant or the opponents. If a party shows good cause why new evidence is necessary for the Commission to act on the case and why the evidence was not available to be presented to the County Planning Commission, the Board of County Commissioners shall either:
 - i. Remand the case to the County Planning Commission to hear the new evidence and any rebuttal evidence, or;

ii. If the proposed new evidence is brief and concise in nature and will not prejudice the other party's opportunity to respond to it the Commission may allow the evidence to be presented and considered; swear any witness; allow the opposing party to rebut the new evidence, and; allow for brief cross examination on the new evidence presented through the Chair.

K. The Commission shall then take action on the item.



County of Bernalillo
State of New Mexico
Planning & Development Services
111 Union Square SE, Suite 100
Albuquerque, New Mexico 87102
(505) 314-0350
APPLICATION

SITE ADDRESS/LOCATION

1300 Gonzales Rd SW,
Albuquerque, NM 87105

PERMIT NO: ZCOA2019-0003

Printed: February 22, 2019

PROPERTY OWNER

SAIZ VALENTIN P
375 SUNSET RD SW
ALBUQUERQUE, NM 87105 2739

UPC

101305700818630240

LEGAL DESCRIPTION

MRGCD MAP #40 TRACT 88A1A1
CONT 3.06 AC M/L

APPELLANT

Vencinos del Bosque Neighborhood
Association

Fees Paid: \$100.00

Description: Requesting an appeal to CSU2019-0001

**I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND
KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND
ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH
WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT
PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF
ANY OTHER STATE OR LOCAL LAW REGULATING LAND USE.**

Signature:

Red May
(Applicant/Owner Or Authorized Agent)

22 Feb 2019
Date

Processed By:

Chloe Rae Padilla
(PDS Staff)

2/22/19
Date

FOR INFORMATION CALL (505) 314-0350

Hearing Date: 04/09/2019

Sign Posting Date(s)

From:

To:

BERNALILLO COUNTY

Planning and Development Services
111 Union Square SE, Suite 100
Albuquerque, NM 87102
(505) 314-0350 Fax: (505) 314-0480
www.bermco.gov



Planning

APPEAL TO COUNTY COMMISSION

Application Date: 2/22/19
Appeal Number: ZCOA 2019-0003
Hearing Date: APRIL 9, 2019

APPELLANT Vecinos del Bosque Neighborhood Association		PHONE 505-681-3600
MAILING ADDRESS PO Box 12841	CITY Albuquerque	ZIP 87105

AGENT FOR APPELLANT (if applicable) Rod Mahoney		PHONE 505-681-3600
MAILING ADDRESS 1838 Sadora Rd SW	CITY Albuquerque	ZIP 87105

PROPERTY OWNER/APPLICANT FOR REQUEST Valentin P Sais and Ron A Perea		PHONE Unknown
MAILING ADDRESS PO Box 27633	CITY Albuquerque	ZIP 87105

SITE ADDRESS 1300 Gonzales Rd SW	Case # CSU2019-0001
-------------------------------------	------------------------

DIRECTIONS/LOCATION East end of Gonzales Rd, Property Adjacent to Atrisco Westside Drain

LEGAL DESCRIPTION Tract 88A1A1 MRGCD Map 40, Tract 88A1A2 MRGCD Map 40, and Tract 87A1A1 MRGCD Map 40
--

ZONE MAP PAGE # K-12-Z & K-13-Z	CURRENT ZONE(S) A1	PROPERTY SIZE IN ACREAGE 3.83
UPC # 10130570088630240 Unknown	PROPOSED ZONE(S) SU-PDA	SUBDIVISION NAME Unknown

EXISTING USE A1; Vacant parcels (3 each)

PROPOSED USE Special Use for a Planned Development Area (Residential and Agricultural Uses)
--

SCOPE OF APPEAL, INCLUDING CASE NUMBER Appeal of the CPC recommendation of approval for CSU2019-0001 for a Special Use Permit for a Planned Development Area (Residential and Agricultural Uses) on three lots located at 1300 Gonzales Rd SW.

DETAILED INFORMATION (JUSTIFICATION MUST BE PROVIDED PER ZONING CODE REQUIREMENTS, ADDITIONAL INFORMATION MAY BE ATTACHED) For CSU2019-0001 the Vecinos del Bosque Neighborhood Association Board of Directors believes that the recommendation approval by the CPC was in error and improper for both Finding 5 and 7 and failed to consider Policies d, h, k, and m of the Comprehensive Plan and failed to meet the burden and justification of Policies D and F of Resolution 116-86. Letter attached.

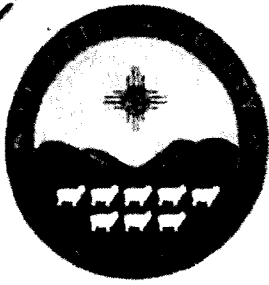
I hereby acknowledge that I have read this entire application and affirm that all of the provided information is correct. I agree to comply with the requirements of Bernalillo County and the State of New Mexico as outlined in all applicable laws, ordinances and regulations.

Rod Mahoney
Printed Name

Rod Mahoney
Signature

22 Feb 2019
Date

6/2017



County of Bernalillo
State of New Mexico
Planning & Development Services Department
111 Union Square SE, Suite 100
Albuquerque, New Mexico 87102
Office: (505) 314-0350 Fax: (505) 314-0480
www.bernco.gov

NOTIFICATION OF DECISION
COUNTY PLANNING COMMISSION

February 7, 2019

Valentin P. Sais and Ron A. Perea
1302 Neetsie Dr. SW
Albuquerque, NM 87105

SUBJECT: FILE NO: CSU2019-0001

LEGAL DESCRIPTION: Rio Grande Huerta LLC, agent for Valentin P. Sais and Ron A. Perea, requests approval of a Special Use Permit for a Planned Development Area (Residential and Agricultural Uses) on Tract 88A1A1 MRGCD Map 40, Tract 88A1A2 MRGCD Map 40, and Tract 87B1 MRGCD Map 40, located at 1300 Gonzales Rd. SW, zoned A-1 and containing approximately 3.83 acres. (K-13)

ACTION: APPROVED A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT AREA (RESIDENTIAL AND AGRICULTURAL USES)

To Whom It May Concern:

At the February 6, 2019 public hearing, the County Planning Commission voted to approve the request for a Special Use Permit for a Planned Development Area (Residential and Agricultural Uses) on Tract 88A1A1 MRGCD Map 40, Tract 88A1A2 MRGCD Map 40, and Tract 87B1 MRGCD Map 40, located at 1300 Gonzales Rd. SW, zoned A-1 and containing approximately 3.83 acres. The decision was based on the following Findings and is subject to the following Conditions.

Findings:

1. This request is for a Special Use Permit for a Planned Development Area (Residential and Agricultural Uses) on Tract 88A1A1 MRGCD Map 40, Tract 88A1A2 MRGCD Map 40, and Tract 87B1 MRGCD Map 40, located at 1300 Gonzales Rd. SW, zoned A-1 and containing approximately 3.83 acres.

COMMISSIONERS

Maggie Hart Stebbins, Chair, District 3 Debbie O'Malley, Vice Chair, District 1
Steven Michael Quezada, Member, District 2 Lonnie C. Talbert, Member, District 4 Charlene E. Pyskotsy, Member, District 5

ELECTED OFFICIALS

Tanya R. Guddings, Assessor Linda Stover, Clerk Cristy J. Carbone-Gaul, Probate Judge Manuel Gonzales III, Sheriff Nancy M. Bearce, Treasurer

COUNTY MANAGER

Julie Morgas Baca

2. The site development plan illustrates the location of 27 dwelling units inside 5 buildings, a pool and recreation area, agricultural uses including gardens, orchards and greenhouses, parking for vehicles and bicycles, a garage, workshop, storage buildings and a monument sign.
3. The applicant indicates that the site will accommodate a "co-housing" type development with shared responsibilities amongst homeowners, although this use is not listed in the County Zoning Code.
4. The subject property is located within the Comprehensive Plan's Established Urban Area and within the Southwest Area Plan's Residential Area 5, thereby allowing up to 9 dwelling units per net acre.
5. The request furthers goals and policies of the Comprehensive Plan and the Southwest Area Plan related to density, land use, housing, developed landscape, energy management and water management.
6. As required by Zoning Code Section 18 for a Planned Development Area, the applicant demonstrated the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features, or to facilitate development as allowed by an approved Master Plan. The site plan includes areas dedicated to open space, agricultural and recreational uses.
7. The applicant provided adequate justification for the request that met the criteria of Resolution 116-86. Specifically, the applicant described changed conditions in the area and how approval of the Special Use Permit is more advantageous to the community than the existing zoning because it furthers goals and policies of the Comprehensive Plan and Southwest Area Plan.
8. Although not required, the applicant provided evidence of support in the form of a petition. There is both support and opposition to this request.
9. According to the Albuquerque Bernalillo County Water Utility Authority, the applicant requested a water and wastewater availability statement but it has not been completed as of the printing of this report.
10. The request is consistent with the health, safety and general welfare of the County.

Conditions:

1. Development of the site shall comply with the approved site plan including the multi-family dwelling units, open space, storage, recreational areas, parking, landscaping, fencing and agricultural areas.
2. The Site Development Plan shall be revised, as follows:
 - a. Revise "Building Footprint" note and "General" note to read "height will conform to A-1 zone, Section 7.C", which allows heights up to 26' or 2 ½ stories.
 - b. The sign shall comply with sign regulations of the C-1 zone.
 - c. A note shall indicate the type of paving approved by County Public Works.
3. The Landscape Plan shall be revised, as follows:
 - a. Clarify the concrete vs. porous paving areas (as on the site development plan).
 - b. Revise paving material as approved by PW.
 - c. Provide a legend detail for the pedestrian walkway material.
 - d. Identify the "Bosque Restoration Area" on the plan.

- e. Identify the square footage of "Agriculture Areas".
 - f. Identify the square footage of "Play Field/Blue Gramma Field".
 - g. Identify location of the "Chicken Run".
4. The covered parking structure shall comply with Zoning Code Section 22.D.2.e. (fire resistive) since it is located less than 5' from the north property line.
 5. Obtain permits required by Bernalillo County Building Ordinance Section 110.
 6. Within 60 days of approval, the applicant shall submit to the Public Works Division construction plans (PWCO) for the driveway connection to Gonzalez Road SW and any other work within the County right-of-way.
 7. Within 60 days of approval, the applicant shall submit to the Public Works Division a final Grading and Drainage Plan that includes all proposed site features.
 8. Prior to issuance of a building permit, water and wastewater utilities shall be approved by ABCWUA.
 9. This Special Use Permit shall be issued for the life of the use.
 10. A replat is required to combine the three lots into one, prior to issuance of any building permits.
 11. Three copies of a revised site development plan, consistent with the conditions of approval, shall be submitted for review and approval to the Zoning Administrator within 60-days of approval of this Special Use Permit.
 12. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
 13. The foregoing conditions shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.
 14. The applicant shall add a Responsibility for Maintenance Statement to the Landscape Plan.

This decision is final unless it is appealed by 12:00 noon on **February 22, 2019** in the manner described below. A filing fee of \$75.00 is required for properties consisting of one (1) acre or less, and \$100.00 is required for all others.

APPEALS: Appeal of any denial or approval of an application by the County Planning Commission may be submitted in writing to the office of Planning and Development Services within 15 days after the date of the notice of decision by the County Planning Commission.

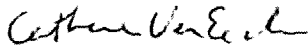
The date of the notice of decision in question shall not be included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday, the next working day shall be considered as the deadline for filing the appeal.

A building permit or Certificate of Occupancy & Compliance shall not be issued until any appeal is decided, or the time for filing such appeal has expired.

WRITTEN NOTICE OF APPEAL SHALL BE FILED WITH THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT ON THE PRESCRIBED FORM ALONG WITH PAYMENT OF THE REQUIRED FILING FEE.

If you have any questions, please feel free to contact me directly at 314-0387.

Sincerely,



Catherine VerEecke
Planning Manager

CV/fs

cc: File

Kevin Grovet, Public Works
Raeleen Marie Bierner, Public Works
Blaine Carter, Public Works
Rene Sedillo, Technology Manager
Jeff Senseney, Building Official
Joel Kurzawa, Project Coordinator
Monica Gonzales, GIS Tech
Rio Grande Huerta LLC, Marlise Metodi, 624 Amherst Dr. SE, Albuquerque, NM 87106
Peter Rehn, 4519 Compound North Ct. NW, Albuquerque, NM 87107
Faith Okuma, 3105 El Toboso Dr. NE, Albuquerque, NM 87104
Rod Mahoney, 1838 Sadora Rd. SW, Albuquerque, NM 87105
John Padilla, 1573 Trujillo Rd. SW, Albuquerque, NM 87105
Evelyn Fernandez, 1585 Trujillo Rd. SW, Albuquerque, NM 87105
Dory Wegrzyn, 1404 Gonzales Rd. SW, Albuquerque, NM 87105
Christy McCarthy, 1413 El Oriente Rd. SW, Apt. A, Albuquerque, NM 87105
Albert Sanchez, 224 Five Points SW, Albuquerque, NM 87105
Charlotte Walters, 1424 Dennison Rd. SW, Albuquerque, NM 87105
Penina Bellen, 2299 Campbell Rd. SW, Albuquerque, NM 87105
Aaron and Olivia Hill, 10804 Wolf Creek Rd. SE, Albuquerque, NM 87123
Felix Lucero, 1020 La Vega SW, Albuquerque, NM 87105
Maggie Seeley, 407 Amherst Dr. SE, Albuquerque, NM 87106
Jennifer Cruz, 1512 Cero Vista Rd. SW, Albuquerque, NM 87105
Anne Witherspoon Bolger, 1278 Tapia Rd. SW, Albuquerque, NM 87105
Amily Reem Musallam Berthdd, 1413 Dennison Rd SW, Albuquerque, NM 87105
Marianne Dickinson, 2328 Rio Grande NW, Albuquerque, NM 87104
Martin Ortega, 1417 Neetsie Dr. SW, Albuquerque, NM 87105
Michael O'Hearr, 1734 Hooper Rd. SW, Albuquerque, NM 87105
Ruben Garcia, 832 Madison St. NE, Albuquerque, NM 87110
Amanda Webb Knox, 2016 Poplar Lane SW, Albuquerque, NM 87105
Karen Loring, 1407 Gonzales Rd. SW, Albuquerque, NM 87105
Marygold Walsh-Dilley, 443 Hermosa Dr. NE, Albuquerque, NM 87108

Mary and James Brown, 5215 Montano Plaza Dr. NW, Albuquerque, NM 87120
Patti Lentz, 415 Amherst NE, Albuquerque, NM 87106
Aryon Hopkins, 1703 Gonzales Rd. SW, Albuquerque, NM 87105
Jeffrey Holmes, 3227 Rio Grande Blvd. NW, Albuquerque, NM 87107
Suzanna and Joshua Garcia, 1143 Desert Sunflower Dr. NE, Rio Rancho, NM 87144
Johnnee Cunningham and Joan Pickard, 186 Caminito Alegre, Corrales, NM 87048
Jonathan or Ellen Craig, 937 La Font Rd. SW, Albuquerque, NM 87105
Setso Metodi, 624 Amherst Dr. SE, Albuquerque, NM 87105
Gilbert Morales, 13108 Calle Azul SE, Albuquerque, NM 87123
Stevey Hunter, 3227 Rio Grande Blvd. NW, Albuquerque, NM 87107
Beth Moore-Love, 1738 La Vega SW, Albuquerque, NM 87105
David Ryan, 813 Mountain Rd. NW, Albuquerque, NM 87102
Priscilla Sais, P.O. Box 27633, Albuquerque, NM 87125
Steve Cone, 1217 N Chaco Ave., Farmington, NM 87401
Willa Pilar, 744 Montclair Dr. NE, Albuquerque, NM 87110
Blake Whitcomb Hunt and Davis PC, 2632 Mesilla St. NE, Albuquerque, NM 87110



Vecinos del Bosque

Neighborhood Association

P.O. Box 12841
Albuquerque, NM 87105

To: Bernalillo County Commission
One Civic Plaza NW, Suite 10111
Albuquerque, NM 87102

Date: 22 February 2019

Subject: Appeal of CPC Recommendation for Approval for CSU2019-001; Special Use Permit for Planned Development Area for Co-Housing Development east of Gonzales Rd SW and adjacent to the west side drain of the Rio Grande State Park

Dear Chairperson Stebbins and Commissioners:

The Vecinos del Bosque Neighborhood Association Board of Directors believes that the County Planning Commission erred in its determination of the approval of the Planned Development Area for a Co-Housing Development east of Gonzales Rd SW and adjacent to the Atrisco (west side) Riverside Drain of the Rio Grande Valley State Park and disagree with Finding 7. listed in the CPC Notification of Decision letter that the applicant met the burden and justification needed as stated in Resolution 116-86.

In addition, the Vecinos del Bosque Neighborhood Association Board of Directors believe that the County Planning Commission failed to consider in its determination for approval, as listed in Finding 5. of the CPC Notification of Decision letter, that the proposed project fails to comply with a number of policies cited in the 2003 adopted Albuquerque/Bernalillo County Comprehensive Plan for an appropriate and acceptable development within the Established Urban area of the near South Valley.

Resolution 116-86 states that for a zone map change the applicant must show the following:

- D. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - (1). there was an error when the existing zone map pattern was created; or
 - (2). changed neighborhood or community conditions justify the land use change; or
 - (3). a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other County Master Plan, even though (1) or (2) above do not apply.
- F. A land use change of zone shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.

The Vecinos del Bosque Neighborhood Association Board of Directors believes that the County Planning Commission failed to consider that the proposed Co-Housing Development is inappropriate and not consistent with the health, safety and general welfare of our area because it does not follow **Policy 'd'** of the Comprehensive plan that states that a **'new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, and recreational concern'** and that the applicant has failed to meet the necessary burden for the zoning change as required by **Policy F of Resolution 116-86**.

The Vecinos del Bosque Neighborhood Association Board of Directors believes that this proposed infill project is significantly out of character with the 'sense of place' established by the proximity of the adjacent Rio Grande Valley State Park and Bosque Trail network and is unmistakably mismatched with the adjacent properties along both Maricopa Dr SW and Neetsie Dr SW. The small lots and single family homes along these residential streets were established in the 1950s and 1960s and have been stable since that time. **Policy D of Resolution 116-86**

states that stability of land use and zoning is desirable and the Vecinos del Bosque Neighborhood Association Board of Directors believe that the burden to destabilize the surrounding neighborhood has not ^{can} ~~be~~ ^{met} by the applicant.

The Vecinos del Bosque Neighborhood Association Board of Directors also believes that the County Planning Commission recommendation for approval of the Special Use Planned Development Area (PDA) on the currently zoned A1 property will irreversibly harm the 'sense of place' of this property and its potential for either open space and/or for small urban farming operations in the future.

This unique property is one of a very limited number of sites situated along the western boundary of the Rio Grande Valley State Park and within the residential areas in the near South Valley and should continue to be held in reserve as recommended by Policy 'm' of the Comprehensive plan that states: **'urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged'**.

The unique 'sense of place' of this local area was enhanced by the establishment of the Valle del Bosque Park and Open Space several years ago that allows access to the Bosque Trail system and river via the park trail network. The proposed project location is just north of the open space and the eastern most boundary of the park.

Even though community conditions have changed with the construction of numerous single family homes and infill on the R-1 city zoned property located along Sunset Rd SW north of the

proposed location, the Vecinos del Bosque Neighborhood Association Board of Directors believes that any additional intensive development with densities approaching nine (9) dwellings per acre would alter the current semi-rural balance that exists as a result of ongoing and future small urban farming operations in the immediate area, the Valle del Bosque Park and the access to the Bosque Trail system and river by the Valle del Bosque Park trail system and would irreversibly harm the current stable character of the local neighborhood. **Policy E Item 2 of Resolution 116-86 states that the applicant must demonstrate that the existing zoning is inappropriate.** The Vecinos del Bosque Neighborhood Association Board of Directors believes that due to the limited remaining A1 zoned properties within this local neighborhood with its semi-rural character, the County Planning Commission recommendation of approval was improper.

The Vecinos del Bosque Neighborhood Association Board of Directors has considered the impact of the additional traffic load of potentially 54 additional vehicles, and is concerned with the further degradation of the local air quality and the already unsafe traffic challenges faced every day by our local residents. **Policy 'h' of the Comprehensive plan states that 'higher density housing is most appropriate in...areas where mixed density pattern is already established by zoning and use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available'.** The Vecinos del Bosque Neighborhood Association Board of Directors is unaware of any current or future plans to address the significant changes and degradation to the immediate area roadway infrastructure that would result with the approval of the proposed project.

The current road conditions along Sunset SW are marginal at best. The northern portion of the roadway from Gonzales SW to Central is maintained by the City of Albuquerque and was refurbished with a small roundabout installed at Osage Rd SW and Sunset Rd SW several years ago. The Central Ave and Sunset SW intersection was recently updated during the Albuquerque Rapid Transit (ART) project. The Mid-Region Council of Governments (MRCOG) has designated Sunset Rd SW as a 'Major Collector' street that connects Central Ave to Goff Ave SW after passing through the Five Points intersection on Bridge Blvd.


The roadway portion south of the Gonzales Rd SW and Sunset Rd SW intersection is maintained by the county. The intersection at Gonzales Rd SW and Sunset Rd SW, when approached from the east, proceeding west, crosses the MRGCD Armijo Acequia. The current condition of Gonzales Rd SW is in marginal-to-poor condition and is subject to significant residential and light commercial north-south traffic volumes on a daily basis.

The most recent traffic counts for Sunset SW show ~6000 vehicles on the roadway on a daily averaged basis. Even though some traffic calming features have been added in recent years to this roadway, a significant number of drivers exceed the posted speed limits of 25-30 mph. The sightlines for a number of the intersections feeding into Sunset SW from the adjacent neighborhoods is extremely poor resulting in numerous 'close calls' and daily traffic safety hazards.

The Vecinos del Bosque Neighborhood Association Board of Directors believes that with the recommended approval of the proposed Co-Housing development several additional harmful

factors would result. The increased daily number of vehicles on the eastern portion of the Gonzales SW roadway and the associated intersection at Sunset SW would create excessive traffic loads beyond the current design thresholds and would experience more rapid roadway damage. The Vecinos del Bosque Neighborhood Association Board of Directors is unaware of any near to long-term capital improvement priorities for this specific area and consider this a significant risk to the local residences due to limited capital outlay funds. In addition, the potential for the increased traffic load in this localized neighborhood would be an undue burden on the long-term residents of this area and would significantly increase the occurrences of the potential for severe traffic accidents. **Policy 'k' of the Comprehensive plan states that 'land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation'.**

The Vecinos del Bosque Neighborhood Association Board of Directors has taken the position to oppose the proposed Co-Housing development project located in our near South Valley neighborhood. The Vecinos del Bosque Neighborhood Association Board of Directors believes that the applicant has failed to provide a sound and compelling justification to consider the approval of the Special Use request for the Planned Development Area based upon the conditions established in Resolution 116-86 and the Albuquerque / Bernalillo County Comprehensive Plan. For the reasons stated above, we respectfully request that CSU2019-001 be denied.

Sincerely,
Rod Mahoney, President 
Vecinos del Bosque Neighborhood Association
Email: rmahoney01@comcast.net; Cell: 505-681-3600