

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: Cherry Hills CCRC
Property Description/Address: Harper Rd NE between Ventura Rd. NE and Red Sky Rd. NE

Date Submitted: December 16, 2008
Submitted By: Diane Grover

Meeting Date/Time: December 11, 2008
Meeting Location: Hope Christian Middle School, 8005 Louisiana
Facilitator: Philip Crump
Co-facilitator: Diane Grover & Kathleen Oweegon

Parties: (including but not limited to)

La Vida Amena
Consensus Planning, Jackie Fishman, agent
Cherry Hills Civic Association (CHC)
Cherry Hills Residents and Homeowners
Tanoan Community Association of Residents (TNC)
Del Rey Mobile Homes
Heritage Hills NA (HHNA)
Various Neighborhood Associations and Coalitions

Note: Individual names can be found at the end of this report, along with their affiliations

Background/Meeting Summary:

This meeting is the third in a series of meetings concerning a CCRC at the subject site. This meeting is a pre-application meeting. The original project, #1007412, was withdrawn by the applicant in order to revise plans in response to some neighbor concerns. The intent of the applicant is to re-apply, and the case may be issued another number at that time.

Facilitator Philip Crump called the meeting to order, and mentioned that Albuquerque's land use facilitation process is one of few of its kind in the nation, giving both applicants and neighbors an opportunity for communication and collaboration over land use issues.

After introductions, the meeting began with comments from Russell Brito, of the Planning Department. (See "**Comments from Russell Brito...**" below). Mr. Brito discussed the Planning and EPC processes, and how the facilitation process interweaves with the other processes...

Following Russell's process discussion, Matthew Conrad, Manager of Albuquerque Code Enforcement, discussed some zoning facts related to this project, and conducted a short question and answer session (See "**Matthew Conrad on zoning**", below).

Jackie Fishman of Consensus Planning, agent for applicant La Vida Amena, gave a short presentation detailing some changes to the plan. She stressed that this meeting was intended to get neighbor's reactions to and input on the redesign of the project prior to its re-submittal to the EPC. The applicant had originally wanted to re-submit in December, but did not want to interrupt Thanksgiving for people to attend a meeting.

She stated that the applicant believes that this is an appropriate use of the location, and that the proposed usage of the land is less intense than what is already allowed by the current zoning.

The new applicant is La Vida Amena.

The purpose of the withdrawal and redesign was to address some of the neighbor's concerns including, but not limited to, height, proximity to Harper Rd., a prison-like appearance and insufficient parking.

Some of the proposed changes include:

- Increased project area
- Expansion of developed area by almost 4 acres
- Increased footprint
- Removal of 4th story and towers
- Break up of larger buildings into Casitas
- Increased parking
- Tallest parts of buildings moved back from Harper increasing setback in some areas
- Single family attached units to mirror residential area across Harper
- No parking facing Harper; no headlights shining onto Harper
- More landscaping and flexibility

Please refer to "**Meeting Specifics**" 1)-6) for additional details of the applicant's presentation.

Comments from Russell Brito, Manager, Development Review Division, Planning Department:
(505) 924-3337 rbrito@cabq.gov

Each plan is submitted to a planner, who reviews and analyzes it. Information is integrated into a staff report which includes all input received from agencies, applicant, neighbors, etc. Recommendations from the planner are based on findings of fact, which come from the analysis, and reflect compliance or non-compliance with City rules, ordinances, sector plans, etc. Planners also consider applicant's justifications and neighbor's input when making their recommendations. The EPC may or may not accept these recommendations, but they will be considered. Planners are trained in land use development review and are familiar with all applicable ordinances. The EPC also considers applicant and neighbor input and makes its determination at a public hearing. The EPC encourages applicants to reach out to neighbors, in

the hope that all concerns can be worked out in these meetings, but that is often not the case. Facilitated meetings do present Planning and the EPC with important perspectives and understandings, including whether the applicant and/or neighbors are willing to meet and discuss the projects. This process doesn't begin with this meeting. The planning department offers applicants pre-application reviews with the planning team, which includes Code Enforcement, ONC, Transportation, and/or other staff members as necessary. Staff can guide applicants, critique justifications, give guidance and feedback on drafts. Planners work hard to stay neutral, and may explain how to write justifications or how to respond, but they do not tell applicants what to write. After the pre-application review, a facilitated meeting can be set up.

In this case, the EPC gave everyone direction to meet outside the hearing venue to try to come to a consensus. They would like to see if there is any way there can be agreement on any and all issues that come up. If no agreement is reached at a facilitated meeting, the applicant can still apply. It is good for all if concerns can be brought out pre-hearing.

We don't expect you to agree or support an application, but hope that you make a good faith effort to express concerns and issues and seek middle ground if possible. If not, that's fine, but the hope is for constructive discussion.

Please continue participating after this meeting. We need to hear it from the horse's mouth. Show up to hearings, write letters, share your input. Please try to keep your emotions out of your expression to hearing officers. If you are more levelheaded in your presentation, they will be better able to understand what you're trying to say to them. This is just friendly advice.

Case assignments are made on a month-to-month basis, based on a planner's experience with an area, regulations, the type of project and what they have on their plate (i.e., maybe they have a few deferrals from last month) Sometimes geographics play in to how planners are chosen.

In response to a question from a neighbor as to whether a developer or a neighbor can request a certain planner, requests can be taken into consideration, but the other criteria is considered first.

At the EPC hearings, people can send a letter, but messages carry more weight when you show up and speak at the hearing. You get 2 minutes each in the hearing, but the chair has the discretion to give you more time if you request it up front, especially if you are representing a group of people.

**Zoning comments from Matthew Conrad, Manager, Albuquerque Code Enforcement
(505)924-3450 mattconrad@cabq.gov**

All construction on this site will require approval, meetings and hearings. Because no application is currently in place, I can't speak to what approval would need to take place. Zoning is now SU-1 for church and related facilities. If different zoning is desired, applicants have to go through the approval process.

Comprehensive city zoning codes call for parking specifics and address numbers, setbacks, height, etc. Regarding the Academy as “open space”, the Academy area is zoned as RT, which is residential town homes.

At this time Matthew entertained questions from attendees:

Q: Is all area except church area RT?

A: This has changed over years to include residential and potential commercial uses. That’s why your voice is so important. You are welcome to call me at 924-3454. I will return your call, but please be patient - it might take awhile, but it will happen.

Q: What is the current zoning?

A: SU-1 for church and related facilities

Q: What’s zoning for rest of academy area?

A: Only did research to mid-point. If you e-mail me at mattconrad@cabq.gov, and request it, I will try to make more information available to give an idea of zoning in area.

Q: When “incidental uses” is listed, is CCRC one of the possible incidental uses.

A: The City requires review to determine what an incidental use is.

Note: Russell Brito stepped in to answer the next question

Q What generates traffic or environmental impact study?

A: A traffic impact study is required if anticipated traffic impact meets certain thresholds. Rigorous traffic studies are done, and predictions are made regarding how intersections will be impacted. Recommendations are made as to how to mitigate the impact. This leads to requirements for developer to fund these changes, such as new turn lanes, wider intersections, etc. An environmental impact study is not required by any city ordinance

Note: Notes did not reflect whether this question was answered by Matthew or Russell

Q: Would you characterize this property as unique because it is surrounded by R zone?

A: (tentatively) Yes, I could see this as a unique area, but we need to be really careful in what that means. Everyone thinks their area is unique. This area is surrounded by a large school campus and residences, but there are other occurrences of similar characteristics. The open area is privately owned – not open space.

Note: the following questions were answered by Matthew

Q: Have precedents been set elsewhere where SU-1 is surrounded by residences?

A; Yes there are some all over the city.

Q: There are precedents where approval has or has not been made?

A: SU-1 allows applicant to cite special characteristics and the planner can determine how a project fits in an area.

Outcome:

Areas of Agreement:

- There were no clear areas of agreement

Unresolved Issues, Interests and Concerns:

- Application has not yet been made
- It is unknown if a zone change will be approved

Meeting Specifics:

Note: Numbers 1-6 are from agent presentation

- 1) Intent for meeting
 - a) Originally to get reaction to and input on redesign of project
 - b) No intent to omit zoning from discussion
 - c) Wanted to resubmit in December, but did not want to interrupt Thanksgiving for people
- 2) CCRC
 - a) Applicant believes this is an appropriate use at this location
 - b) Less intense use than what is allowed by current zoning
 - i) Area is designated by comprehensive plan
 - ii) Project is consistent with City's growth strategy and infill development
- 3) New applicant is La Vida Amena
- 4) Project area has expanded
 - a) Previous submittal less by 1.7 or 1.8 acres
 - b) Previous submittal excluded notch at SE corner of property, now included
- 5) Purpose of withdrawal and redesign was to address some neighborhood concerns such as:
 - a) Too tall with 4th story at 54 ft. plus 10 ft towers
 - i) Now removing 4th story
 - ii) 3-story will be 40' tall with no towers
 - (1) Height from ground level, not street
 - (2) Hill will be knocked down substantially
 - iii) Graphics show yellow for 1-story; pink for 2-story brown/red for 3-story
 - b) Only 7 ft. off Harper Rd.
 - c) Looked like a prison facing Harper
 - d) Insufficient parking
- 6) Revised plans
 - a) New plans have Concept A and Concept B (both rough)

- b) Now expanding site by 1.8 acres to create more rectangular area
 - i) Expanded south towards the arroyo
 - (1) Can't develop in arroyo easement
 - (2) Developing more on floodplains
 - (a) More expensive to develop
 - ii) Expanded developed area by almost 4 acres to lower site and reduce massing
- c) Broke up larger building into some Casitas in both Concept A and Concept B
 - i) Each casita has its own 2 car garage and driveway
 - ii) Parking for larger part of building will meet zoning code
- d) Concept A along Harper and west side
 - i) More casitas surrounding the project
 - ii) More single-story near Harper
 - iii) 321 parking spaces (previous design was 231 spaces)
 - iv) Occupancy
 - (1) 19 casitas
 - (2) 148 independent living residents within larger building
 - (3) 48 assisted living residents
 - (4) 22 Alzheimer beds
 - (5) 42 skilled nursing
 - (6) Total is 279 (previous plan had 267)
- e) Concept B only along Harper
 - i) No casitas on west
 - ii) See more of tall buildings coming up Harper
 - iii) 317 parking spaces (previous design was 231 spaces)
 - iv) More stepping
 - v) Occupancy
 - (1) 12 casitas
 - (2) 161 independent living apartments
 - (3) 48 assisted living
 - (4) 22 Alzheimer beds
 - (5) 42 skilled nursing beds
 - (6) Total of 285 (previous plan had 267)
- f) All single-family attached units to mirror what's across Harper
- g) Tallest parts of buildings are 140 feet from Harper on the north and west sides
 - i) Were 77'
- h) No parking areas facing Harper; no headlights facing Harper
- i) Increased parking
- j) "Football field" changed to 3 "fingers"
 - i) Landscaping in between to break up massing in both concepts
 - ii) More landscaping and flexibility than before
- k) Increased footprint in response to neighbor concerns
- l) Grading
 - i) Will be grading on-site but not on arroyo easement
 - ii) Have not done all grading analysis
 - (1) Will strive for balance in cut and fill
 - (2) Unknown if will have to import more dirt.

- m) Entry remains as in previous plans
- n) Wall
 - i) CMU wall (cinder block) similar to across the street
 - (1) City requires design on wall
- 7) Zoning comments from neighbors
 - a) Neighbor A
 - i) If zoning change goes through, any of an infinite number of possible options could be built
 - ii) Developers will build once 70% of capacity is sold. If not sold they could come up with a different plan and sell to other developers.
 - iii) If they build one of the plans, they could get another 10% of footage approved; then more
 - iv) Once zoning is changed, it will never go back
 - v) We don't feel they are trustworthy
 - b) Neighbor B
 - i) Area is unique for park to the north and open space to the south
 - ii) Our streets were 2-lane in the old days but are now maxed out
 - iii) Opposed to project in particular
 - iv) Opposed to rezoning in general
 - c) Neighbor C
 - i) Opposed to zone change of any kind
 - ii) Bought home because of zoning
 - iii) Color and style of building is irrelevant
 - iv) Fear for loss of habitat for coyotes, rabbits, lizards, all other species
 - v) Fearful that EPC seems to feel that a zone change is inevitable
 - vi) Fear for loss of vegetation
 - vii) Negative impacts to recreation
 - d) Neighbor D
 - i) Opposed to zone change
 - ii) Property values and quality of life will be negatively impacted
 - iii) Benefits we sought in moving here are diminished
 - e) Neighbor E
 - i) Opposed to zone change
 - ii) No transition to high density
 - iii) Fear for precedent being set – beginning of the end
 - iv) Fear that everything will be developed after this
 - f) Neighbor F
 - i) Lives on the other side of Barstow and feels unaffected
 - ii) In favor of the zone change
 - iii) Mother was miserable in a nursing home
 - iv) Feels applicants have addressed setbacks, parking, design and height well
 - v) Number of units are necessary to make a profit
 - g) Neighbor G
 - i) No Zone Change! (repeated emphatically throughout presentation)
 - ii) Feels Concepts A and B are “Lipstick on a Pig”

- iii) Has heard applicant message numerous times but does not feel opponents have been heard
 - iv) A 500,000 sq. ft. bldg does not belong across from our homes
 - v) “Your building is impossibly out of scope with its surroundings”
 - vi) Land is zoned for church use rather than intensive elder-care
 - vii) “The hospital you are running has had repeated safety and care violations per my sources”
- 8) Design
- a) Neighbor H
 - i) I recommend heights not to exceed 2 story – be consistent with school
 - ii) If 3-story, bring to rear of the property
 - iii) Retain the shared parking agreement with Hoffmantown church
 - iv) Recommend you move entrance away from Red Sky
- 9) Other
- a) Neighbor I
 - i) Recreational space, height, parking and traffic were previous concerns; some are addressed by the new plan
 - ii) I agree with 2-story recommendation
 - iii) Would like further setback from Harper to reduce visual impact
 - iv) Parking and traffic have been addressed, but I agree that entrance should be moved to the east
 - v) High density from previous application not addressed and will have to be addressed by City
 - b) Neighbor J
 - i) I live in the area and wonder if there is revenue through the church for this project
 - (1) Per applicant team mate, the church does not fund this project
 - ii) If zoning changes, but 70% is not sold before developing, can you sell to someone else we will have to deal with
 - iii) Previously you were trying to put a size 16 shoe on a size 2 foot; now you’re trying to put a size 10 shoe on a size 2 foot
 - iv) Overflow parking to neighborhood has not been addressed (Red Sky, etc)
 - c) Neighbor G (spoke for both “zone change” and “other”)
 - i) Applicant is making money at the cost of residential property values
 - ii) Project is out of scope and out of scale – No Rezone!
 - iii) Lack of trust; meetings changed (applause)
 - iv) Neighbor is a nurse and is concerned that MRSA will breed in the facility and spread to the surrounding neighborhoods. Stated he realizes this is a stretch, but does have concerns.
 - d) Neighbor L
 - i) Old site plan was for approximately 345,000 sq ft of building, and maximum 47 ft in height
 - ii) Of all 62 acres it took up 20% of land
 - iii) Now additional 1.8 acres makes for 23% of land. This is out of place and much too dense
 - e) Neighbor M
 - i) I see acquiescence on some items

- ii) Please do an environmental impact study-animals don't have a voice. Huge impact on animals that will be displaced. Please do the study

Response from management team: A biological survey was done, not an EIS, and it can be given to you

- f) Neighbor N
 - i) Moved here to escape traffic and get increased quality of air
 - ii) I'm concerned about impact on traffic, air and quality of life
 - iii) Property value is going down
 - iv) Developers don't care about our quality of life
 - v) Believes this is about money

The following are miscellaneous questions/concerns brought up by attendees:

- g) Air quality
 - i) Per Russell Brito, air quality has not been negatively affected in many years and is not an issue now. CO2 is not an issue in Albuquerque any more.
- h) Could an unfinished eyesore be there for years?
 - i) Russell stated, yes, that could happen
- i) Could the City buy this property?
 - i) Yes, if the City had any money.

The following questions are answered by Deanne Eaton, CFO for La Vida Llana

- j) Explain Financing
 - i) Deanne Eaton, CFO for La Vida Llana stated that the project is not funded by the church or any church member. The facility will be a 501(c)3, so no financing will come from variable demand bonds or fixed rate bonds. A marketing phase is up front to reach 70% purchased; then 100% of the money is put in escrow. All this is done before a shovel is put into the ground. This project cannot be half built and then cancelled.
- k) Is there revenue sharing with the church?
 - i) No funding agreements exist with the church. There is a 2-tiered finance structure. One pool of funds comes from entrance fees from residents. The second comes from monthly service fees for ongoing services and care. We are a non-profit faith-based operation and won't evict residents due to lack of funds. Cost varies from \$100,000 for smallest casita to \$400,000 for higher-end casitas if a refund policy is in the agreement. People can choose the refund policy, which refunds to a family up to 90% of the entrance fee if the resident passes away. Monthly fees can be \$2,000 and pay for food, activities, recreation, health care, etc.
- l) What percentage of residents do you expect to come from this area?
 - i) 85% is common in this industry
- m) Have you done income studies in this area
 - i) We have done market studies

Note: Some neighbors expressed doubt that the facility could fill up, due to unaffordable prices, or that folks living nearby could afford the prices.

Next Steps:

Applicant plans to submit an application

Action Plan:

None noted

Action Items:

- Neighbors are invited to contact Russell Brito with additional questions,

Application Hearing Details:

1. No application has been made; no hearing is scheduled at this time
2. Resident Participation - comments can be sent to:

Shannon Watson, ADR Coordinator and Assistant City Attorney
600 2nd Street NW
Albuquerque, NM 87102
swatson@cabq.gov

Names & Affiliations of Attendees:

Sandra P. Richardson	CHCA
C. E. Richardson	CHCA
Rosina Johnson	CHCA
Eldon Johnson	CHCA
T. Strause-Bollinger	CHCA
Susan Dulaney	CHCA
Jeff Dulaney	CHCA
Phillis Nelson	CHCA
Bill Farmer	TNC
Carl Davidson	HHNA
Peter Nichols	HHNA
DeAnn Eaton	LVL
Garry Fingar	LVL
Amy Whitting	D4C
Heather Whitting	D4C
Don Couchman	D8C, D4C
Darlene Couchman	D8C, D4C
Irene Minke	AANNA
Jim Stephens	Cherry Hills

Kathryn Stephens	Cherry Hills
Chrissy Salazar	Cherry Hills
Vern Akes	Cherry Hills
Michael Durant	Cherry Hills
Rich Preston	Cherry Hills
Joan Preston	Cherry Hills
Wayne Deskin	Cherry Hills
Sylvia Deskin	Cherry Hills
Tom Hemphill	Cherry Hills
Gardner Kroeter	Cherry Hills
Mark Canavan	Cherry Hills
Katherine McAndrew	Cherry Hills
Jeffrey Newman	Cherry Hills
Joey Root	Cherry Hills
Douglas Gautreaux	Cherry Hills
Charles Kubler	Cherry Hills Association
Sharon Kubler	Cherry Hills Association
Linda Marie Lendino	Cherry Hills Homeowner
Rose Fischbach	Cherry Hills Homeowner
Karen Riley	Cherry Hills Homeowner
Saulena Wenger	Cherry Hills Homeowner
Margot Teel	Cherry Hills Resident
John Hardin	Cherry Hills Resident
Margo Milleret	Cherry Hills Resident
Vance Bass	Cherry Hills Resident
Rod Gamble	Cherry Hills Resident
Cathy Gamble	Cherry Hills Resident
David Wenger	Cherry Hills Resident
Carolyn Cramer	Cherry Hills Resident
Joan Cady	Cherry Hills Resident
Lori Robertson	Independent of Cherry Hills
Steve Robertson	local resident
Richard Cramer	Resident
Fred Moore	No Affiliation Listed
Linda Moore	No Affiliation Listed
John F. Plunket	No Affiliation Listed
John Teel	No Affiliation Listed
Ellen Dueweke	No Affiliation Listed
James Stewart	No Affiliation Listed
Amy Whitling	No Affiliation Listed
Michele Sandaer	No Affiliation Listed
Steve Sandager	No Affiliation Listed
Tom Foster	No Affiliation Listed
Norma Foster	No Affiliation Listed
Mary Othmer	No Affiliation Listed
Lee Gilmer	No Affiliation Listed

Matt Johnson
Kelly Vandever
Bruce Stidworthy
Jackie Fishman
Brad Winter
Russell Brito

La Vida Amena
La Vida Amena
BH
Consensus Planning
City of Albuquerque
City of Albuquerque, Planning