

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #:1007412

Property Description/Address: Harper Rd. NE between Ventura Rd. NE and Red Sky Rd. NE being all or a portion of lot(s) B-1 & B-2, tract(s) Portion of A, Yorbe Linda

Date Submitted: October 8, 2008

Submitted By: Diane Grover

Meeting Date/Time: October 7, 2008

Meeting Location: La Cueva High School

Facilitator: Diane Grover

Co-facilitator: Philip Crump
Tracie O'Geary

Parties:

Total Lifestyle Communities, Applicant
McFarlin Group, Applicant
La Vida Llena, proposed managing entity
Consensus Planning, Jackie Fishman, Agent
Cherry Hills Civic Association (CHC)
Tanoan Community Association of Residents (TNC)
Cherry Hills Neighbors (unaffiliated)

Note: Due to time limitations for report submittal, individual names of attendees will not be listed in this report. There were approximately 155 people in attendance.

Background/Meeting Summary:

Applicants Total Lifestyle Communities and McFarlin Group, through their agents Consensus Planning request a Zone Map Amendment from SU-1 for Church and related facilities to SU-1 for Continuing Care Retirement Community, a Site Development Plan for Subdivision and a Site Development Plan for building Permit.

This matter had been scheduled for an EPC Hearing on September 21, 2008. A prior facilitated meeting was held on August 26, 2008. Since it became apparent that a number of neighbors had not been aware of the first meeting nor had the opportunity to become informed or make their feelings on the project known. This led to the applicant requesting a deferral until the October 16, 2008, EPC Hearing.

Applicant's team consisted of Gary Fingar, CEO from La Vida Llena; Bruce Stidworthy of Bohannon-Huston; Greg Irwin of Irwin-Pancake Architects; Kelly Vandever and Matt Wilson of Total Lifestyle Communities; Dustin Pridmore and Matt Johnson of the McFarlin Group; Kyla Thompson of KT Consulting; Jackie Fishman and Justin Montgomery of Consensus Planning.

Jackie Fishman led the team in a presentation of current plans for the Continued Care Retirement Community (CCRC), which will consist of Independent Living, Assisted Living, Memory support and Skilled Nursing residents. (See details in “**Meeting Specifics**” 1a-h))

Research showed that there are 20,711 seniors east of I-25 and North of I-40 and only 3,967 senior units, with a limited number of sites in the NE Heights for such facilities.

The Hoffmantown Baptist Church property is currently under a site plan that allows for 511,000 sq. ft. of building. The church building is 161,000 sq. ft. Applicant sees the CCRC as a complimentary endeavor close to the church.

In response to neighbor concerns, relayed to the applicant by CHC, discussed with neighbors at the last EPC Hearing, and those referred to the applicant by the facilitator from contact with some neighbors in preparation for this facilitated meeting, the applicant has made some modifications (see “**Meeting Specifics**” 1 f))

The meeting continued with a presentation by CHC President Sandra Richardson and Cliff Richardson (see “**Meeting Specifics**” 2), and another presentation by resident Tom Foster, who presented a summary of discussion items amongst other neighbors (see **Meeting Specifics** 3).

Juanita Garcia from Code Enforcement and Tony Loyd from Transportation development responded to questions previously submitted to facilitator from meeting participants (see **Meeting Specifics** 4 and 5).

Neighbors are distressed that many were unaware of project until 3 weeks ago. Some were confused that the staff report seemed to indicate that CHC was in favor of the project, yet CHC representatives pointed out that they had also raised some concerns rather than “rubber stamping” it. There was a large contingent of neighbors at the meeting who have huge concerns about the project as well as their omission from earlier discussions. Some are in complete opposition; some feel the need for additional information and discussion, and some supported the project.

Many neighbors have concerns over traffic, pedestrian safety, a possible liquor license (which applicants stress is for residents only), treatment of some treasured open space and the wildlife that inhabits the open space. They feel that this property is enjoyed, not only by neighbors, but by the community at large. They are concerned about preservation of views, and the prospect of not seeing past a 4-story structure as they make their way through the development.

During the meeting we heard more from those in opposition, however at one point a participant stood in favor of the project and was also applauded for his sentiments.

A couple of neighbors felt that more discussion was needed, and wanted to see another deferral and additional meeting time.

While there was no real agreement in the group on how to proceed, there are a great deal of people who feel passionately about this property and about their lifestyles, and will continue to make their needs known.

Comment sheets were distributed, and attendees were invited to share their comments, which have been posted on the City website at <http://www.cabq.gov/legal/adr/luf/project-1007412-mtg-2-comment-sheets>

Outcome:

Areas of Agreement:

- There were no noted areas of agreement

Unresolved Issues, Interests and Concerns:

- Neighbors have a variety of concerns and a variety of positions in connection with this application.

Meeting Specifics:

- 1) Applicant presentation
 - a) Plans for Continuing Care Retirement Community (CCRC)
 - i) Four levels
 - ii) Independent living (1-3 meals a day, emergency services),
 - iii) Assisted living (need minimal supervision and some assistance)
 - iv) Memory support (residents have some form of dementia and require additional support and supervision)
 - v) Skilled nursing (licensed by state, custodial and rehab care, accredited by Medicare and Medicaid)
 - b) CCRC benefits
 - i) Allows residents to age
 - (1) Avoid disruptive moves to another community as health declines
 - ii) Monthly service fee will not increase as they move to higher levels of service
 - c) Market analysis findings
 - i) There are 20,711 seniors east of I-25 and north of I-40
 - ii) Only 3,967 senior units are available so needs go unmet
 - iii) Limited number of sites in NE heights to develop a CCRC
 - iv) La Vida Llana experiences 93.5% occupancy
 - d) La Vida Llana
 - i) Founded in 1979 in NE heights
 - (1) Not-for-profit corporation,
 - (2) Philosophy is to create living environments
 - (3) Resident centered to enhance independence, well-being, and security of seniors.
 - ii) Faith based
 - e) Plans
 - i) Subject property is 12.3 acres of the 16 acres owned by Hoffmantown Baptist Church

- ii) 1986 plan approved 511,000 sq. ft. of building; church has 161,000 sq. ft.
- iii) Requesting zone map amendment from SU-1 for Church and Related Facilities to SU-1 for CCRC and related facilities including on-site alcohol consumption (for residents only); site plan for subdivision and site plan for building permit.
- iv) 9.5 acres will be developed by the church (300 feet in width)
- v) Recreation and open space between La Vida Llena and church parking lot (299 ft.)
- vi) Open campus design with no perimeter fence
- vii) Elevations
 - (1) Shortest building elevations on the east side
 - (2) Tallest building elevations on the west side, where land elevation is lower
 - (3) Fourth floor is set back
 - (4) 163 ft. separation between building and property line (plus nearby home setbacks) and lower land minimizes effect of building heights
 - (5) Requirement is that building can not exceed 45 degree angle plane from the center line of Harper to the building site (from the north side of the project)
- viii) Parking
 - (1) Will all be on site
 - (2) None in surrounding neighborhood
 - (3) Arrangements will be made for parking with church on special occasions
- ix) Landscaping
 - (1) 30 types of shrubs and ground cover
 - (2) Xeriscape theme
 - (3) Evergreens to minimize headlights on Harper
- f) Applicant's modifications in response to neighbor input
 - i) Lightened tones (color scheme)
 - ii) 4th floor set back horizontally 42 ft. from building footprint to lessen impact
 - iii) Reduced height of 4th floor
 - (1) Finished floor elevation now varies from 5,493 ft above sea level at the west end to 5,510 ft. above on the east side. (26' change from original)
 - (2) Esperanza is 47 ft. below church elevations
 - (3) Esperanza varies from 19 ft. 8 in. to 54 ft. in overall height
 - (4) Up to 64 ft. at the towers.
 - iv) Increased evergreens on north side
 - v) Concrete tile on flat roof

Note: many neighbors at meeting took umbrage due to the fact that so many in the room had no notice of the prior facilitated meeting and no conversations with the applicant prior to tonight, so had no input for them to respond to before this meeting

- g) Traffic Impact per agent
 - i) Retirement facility generates 1/3 the traffic of a similar multiple family unit
 - (1) Seniors 75+ drive less and have fewer cars
 - (2) Shuttle service offers viable alternative
 - (3) Average of 4 deliveries expected per day with loading area facing away from neighborhood
 - h) CCRCs as good neighbors

- i) Less traffic and less noise
 - ii) Creates less crime than other land uses
 - iii) Neighbors will be engaged throughout the process
 - iv) Offers public benefit by providing space and opportunity for continuing education and meetings
 - v) Applicant would like to have some representatives from each of the neighborhood associations to be liaisons for proactive continuing communication
- 2) Presentation from Cherry Hills Civic Association (as presented by Sandra and Cliff Richardson)
- a) CHC is over 30 years old
 - b) Prior facilitated meeting was quickly planned and executed
 - i) Not all who wanted to attend were present
 - ii) Tanoan neighbors and church participated in meeting
 - iii) CHC continues to work on issues
 - c) Existing traffic problems
 - i) CHC would like to partner with Tanoan
 - ii) Discussed proposed entrances to facility
 - (1) Proposed Red Sky entrance
 - (a) Residents have problems with dense traffic
 - (b) 2100 ft. from the next light
 - (2) Old Orchard Drive
 - (a) Hard to get out on Sundays
 - (3) Proposed Moon entrance/exit
 - (a) Is at median cut – will allow left hand turn
 - (b) Concern for danger from older people with slower reaction times
 - (i) Cliff suggested a light at Red Sky and reported it was suggested at last facilitated meeting
 - 1. Several in attendance rejected this suggestion
 - 2. Concern the corner resident was not contacted for reaction to signal at their property
- 3) Presentation from Tom Foster, concerned neighbor
- a) Presentation based on prior discussions with other concerned unaffiliated neighbors
 - b) Neighborhood meeting held on September 30, 2008, to discuss project
 - c) Tom specified he is not a lawyer and is not representing anyone but summarizing his perspective
 - d) Tom invited neighbors to contact him at tjfos4@gmail.com
 - e) Proposed building raises to 60 ft and appears to go back 396 ft. and is 4 stories high
 - i) Picture in staff report look like a prison with guard towers or Holiday Inn – not appealing
 - (1) Tom suggested neighbors read staff report, found at <http://www.cabq.gov/planning/epc/pdf/EPCsr1007412-item11.pdf>
 - f) Tom understood the church owned all of the land but research showed Tract B-1 appears to be owned by someone else
 - i) Per Jackie Fishman, City owns Tract B – previously Hoffmantown Baptist Church but sold to City for drainage, park or Moon Street Alignment.
 - g) Concern for high density housing

- h) Feels transition is needed from residential to a 4-story building
 - i) Currently have residential to valued open space
- i) CCRC is for people 62 years and older
 - i) Attractive to baby boomers who still drive
 - ii) Many 65 year old seniors would refuse to give up their vehicles
- j) Concern for employees parking on residential streets
- k) Insufficient parking at many facilities (i.e. universities) lead to parking in residential areas
 - i) Hard to control
- l) Proposed CCRC belongs in an activity center such as Wyoming/Harper; Wyoming/Academy
- m) Concern for existing wildlife (coyote, hawks, snakes, falcons, roadrunners)
- n) Neighbors believe they have something special they'd like to retain
- o) View from Ventura will have minimum impact; view from Red Sky and Harper will have high impact from 57 ft. towers
- p) Facility will block views to West side of the City
- q) Doubts feasibility and eventuality of Moon extension
- r) Heard that 40% of building is 2 or 3-stories, leaving 60% to be 4-story
 - i) Jackie Fishman clarified actual breakdown is 40-50% one and 2-story; additional for 3 story, leaving 25% for 4-story.
- s) Believes more study, more time, more discussion with neighbors is needed to gather feelings and address them

Note: Numerous points made by Tom drew substantial applause from attendees

- 4) Zoning presentation from Juanita Garcia, Assistant Planning Manager, Code Enforcement (in response to questions previously submitted by neighbors)
 - a) Juanita explained SU-1 zoning
 - i) Typically used for unique properties that need special review or attention
 - ii) Requires Site Development Plan to specify setbacks, grading, utility issues, etc.
 - (1) To be approved by planning commission
 - iii) Approval needs to come from planning commission (9 members appointed to represent council districts)
 - (1) Applications involving 10% or less of building can be handled by administrative amendment
 - b) EPC decisions can be appealed (can go all the way to district court)
 - c) Building height
 - i) Factors for approval include planning commission discretion
 - (1) Arguments/concerns should be referred to planning commission
 - d) Should business fail would City have to zone for apartments?
 - i) Juanita saw that as a likely outcome

Note: Jackie Fishman stated applicant will not break ground unless 70% of units are pre-sold.

- e) If approved and built would it make it easier for Academy to rezone as apartments?
 - i) Part of that land is already zoned SU-1 for PRD

- (1) Does allow apartments up to 25% of zoned area
- (2) Private owners have discretion as to what they do with property
- 5) Traffic presentation from Tony Loyd, Traffic Engineer with Transportation Development (in response to questions previously submitted by neighbors)
 - a) Other city groups involved with traffic
 - i) Traffic Operations (run by Kevin Broderick)
 - ii) Transportation planning (municipal development)
 - iii) Transportation Development (Tony's area) –more localized
 - b) Clarification about impact on traffic along Ventura and Harper
 - i) Based on overall traffic volumes on Harper and traffic impact studies (TIS)
 - ii) Threshold for TIS not met so study not required
 - (1) Would be needed if 100 trips entering/exiting sites per hour between 7-9 a.m. and 4-6 p.m.
 - (2) Developer's traffic engineer found they'd expect 33 cars entering, 14 exiting per hour in am; 41 entering 38 exiting per hour p.m; 743 cars per day
 - (a) Numbers are typical to other such facilities
 - iii) MRCOG showed Harper and Ventura to have 7706 vehicles
 - iv) Traffic flow map near Barstow showed 11,500 vehicles
 - v) Development area is 10%
 - c) Would city install traffic light on Harper?
 - i) City will probably not install light as thresholds haven't been met.
 - d) How will City stop employees from parking on Red Sky?
 - i) City would not be in a position to police
 - ii) Would hope that developers provide enough parking
 - iii) Unsure why employee would park on street and walk across 4 lanes for work.
 - e) Plan exists for Moon Street extension
 - i) Without Hoffmantown Church and developer reworking their plans, Tony did not see Moon Street being extended or bridging arroyo between church and Academy
 - ii) Conversation with Kevin Broderick concerning cut-through traffic on Red Sky
 - (1) Traffic operations applied striping on Red Sky (no speed humps)
 - (2) 1,000 cars use Barstow and Cherry Hills Drive
 - (3) East of Barstow at Rosewood shows 500 cars to get to Harper
 - (4) 250 to 1,000 cars per day is considered typical
 - iii) Cherry Hills/Rosewood traffic has Kevin wanting to consider retiming nearby lights.
- 6) Traffic discussion (attendee questions and comments)
 - a) Neighbor did recent traffic count at entrance to the Academy in the morning
 - i) Over 1,000 cars entering on Harper on Monday; 750 on Tuesday
 - ii) Substantial traffic backup at curve
 - iii) Many children cross at Red Sky.
 - iv) Know of 7 accidents last month. – concern for more
 - b) Neighbor from Heritage Hills NA believes planned parking inadequate
 - i) Both existing retirement facilities on Palomar have parking on streets and in vacant lots.

Note: Jackie Fishman reports that 140 employees spread over 3 shifts. Day shift is only 40-50.

- c) Views will be obliterated at “ground zero”
- d) Neighbor at Rosewood and Cherry Hills Drive concerned for additional drivers with potential for impaired ability – safety concern
 - i) Request denial of project or enhanced traffic mitigating devices
- e) Red Sky resident notes large volume of student pedestrian activity and see potential traffic increase as health concern
- f) Red Sky Court neighbor was attracted to beauty and open space. Respects wild life and barren areas. Opposes project

Note: Jackie Fishman stated that the current open space is privately owned undeveloped land rather than dedicated open space. Site plan currently in place allows for 511,000 sq. ft. of building. The church accounts for only 161,000 sq. ft. of building space.

- g) Red Sky resident does not see 183’ distance from houses as sufficient (pointed out distance across meeting room as 125’ – asked attendees to picture additional to 183. Feels project injurious to neighborhood and wants to retain more views than just sky
- 7) Facilities discussion (attendee questions and comments)
 - a) Neighbors will see only a bank of lights
 - b) Wildlife will be driven away
 - c) Cherry Hills 30+ yr resident feels project is not consistent with any City plans for area
 - d) Colfax Ave neighbor drives Harper daily states 4-stories on west side of property is only 2 stories above terrain behind it where land drops off 40 ft. Suggests proposed retirement center is needed and consistent with Hoffmantown Baptist Church.

Note: significant amount of applause was heard in response to item 7(d)

- e) Resident unhappy that meeting was planned for night of Presidential debate and believed it to be City attempt to avoid hearing from everyone.

Note: Jackie Fishman later clarified that October 7, date was chosen at last month’s EPC hearing by one neighbor, who may not have realized the debate was scheduled. Facilitator added that when case was assigned to her on September 23, the understanding was that the date had been agreed on by all parties. By the time she discovered this not to be true, and spoke with the gentleman who originally suggested the date and now expressed flexibility, it was too late to change the meeting date. Facilitator apologized for the miscommunications and the inability to adjust accordingly.

- f) Resident believes several other more appropriate sites are available and that project is not appropriate at this site.
- g) Neighbor suggested project should be deferred and additional meeting held with all stakeholders
- h) Resident opposes project; La Vida Llena is a sprawling campus with no residences around it; sees this project as an apartment building. Expressed concern for La Vida Llena’s past Chapter 11 and the restructuring of 25M debt. Sees risk and potential for vacancy.

- i) Concern for lights shining in homes; opinion of Real Estate agent who said existing home values will instantly drop 10-25% if project is completed. Stated Palomas facilities cannot rent out all of their units.
- j) Neighbor wanted to know if City Planners would want this facility in their neighborhood.
- k) NM per capita income is 47th in nation and that majority of residents cannot afford such a facility
- l) Concern that facility is over twice as large as Hoffmantown Baptist Church, on 25% of the acreage of the church
- m) Neighbor suggests neighbors collaborate with the City, Hoffmantown Baptist Church and the Academy to preserve open space
- n) Developer's estimate of 40 vehicles would only consider employees and exclude potential for residents to be travelling in and out.
- o) Concern that applicant states that modifications have been made in response to neighbors concerns. Neighbor feels too many neighbors were omitted from the process and had no input. Received no information from CHC.
- p) Height and mass is out of character with neighborhood. Nearest 4-story building is over 2 miles away (Hilton Garden Inn).
- q) Neighbor requested additional deferral and additional meeting.

Note: Gary responded to some items of discussion. Stated that entrance age to La Vida Llana is 62 but average entrance age is 82. La Vida Llana has 205 employees for 400 residents, similar density to proposed facility, and 13 independent living apartments per acre, also similar to proposed facility. Stated debt restructuring occurred some years ago but in solid financial shape at this time. He also stated that all residents and employees park on site.

- 8) General Discussion (attendee questions and comments)
 - a) Tom Foster stated that residents of Cherry Hills will be notified of EPC Hearing There is a petition in progress with over 300 signatures reaching as far as 90th street of people who utilize the open space.
 - b) Neighbor asked when project started – feels neighbors have only had 2 weeks to get involved in this development
 - i) Jackie stated developers were looking for a site for a year. Project team started talking in January and has been involved with the City for a number of months. Applicant suggested deferral of the decision from last month to this month. The sign that was posted at the property with an incorrect date of September 19, was a City error.
 - c) Neighbor asked how applicant felt they did communicating to CHC and CHC in turn with neighbors
 - i) Jackie stated received NA contacts from City and sent certified mail to contacts as required.
 - d) Neighbor wanted to know how Jackie knew of neighbors concerns
 - i) Some from Sandra Richardson; some from Kevin Schaum and other neighbors; some referred from those received by facilitator. Feels they acted on issues as soon as they heard about them.
 - e) One neighbor contested Gary's assertion of 13 residents per acre. Since only 9 acres are being developed this equates to 17 residents per acre reflecting a 27% increase.

- f) Economics – how much will residents pay
 - i) Gary states will be comparable to La Vida Llena: Entry fees of \$75,000 to \$300,000 based on type of dwelling (apartments to casitas) Monthly fees of \$1,100 to \$3,300. Skilled nursing care is \$6,500 in a nursing home.
 - ii) Expect 85% of residents from 6 zip codes in 5 mile radius.
- g) Neighbor concerned that several agencies did not provide comment for initial staff report
 - i) Tony Loyd reported that all were informed but many did not provide input
- h) Cost of land?
 - i) Per Gary, still in negotiation. When deal is made numbers will have to be made public.
- i) Time Line if project is approved
 - i) 16-18 months for completion, starting in 2010.
- j) Bradbury-Stamm was mentioned in Journal article as hired.
 - i) They were hired for pre-construction services to review plans

Next Steps:

- Should project proceed, Jackie mentioned involving representatives from both CHC and TNC as liaisons for proactive continuing communication

Action Plan:

Applicant will continue to EPC Hearing; neighbors urged neighbors to appear at the hearing.

Action Items:

- Tom Foster suggested residents look at staff report on this project, which can be found at <http://www.cabq.gov/planning/epc/pdf/EPCsr1007412-item11.pdf>
- Tom Foster invited folks to contact him at tjfos4@gmail.com
- Residents were urged by some neighbors to show up at the hearing on the 16th to support their perspective.
- Meeting report will be posted at <http://www.cabq.gov/legal/adr/luf>
- Comment sheets from attendees have been posted at <http://www.cabq.gov/legal/adr/luf/project-1007412-mtg-2-comment-sheets>

Application Hearing Details:

1. Hearing scheduled for October 16, 2008
2. Hearing Time:
 - a. The Commission will begin hearing applications at 8:30 a.m.
 - b. The actual time this application will be heard by the Commission will depend on the applicant's position on the Commission's schedule
 - c. The agenda is posted on www.cabq.gov/planning/epc/index on the Friday immediately prior to the EPC Hearing
3. Hearing Process:
 - a. Comments from facilitated meetings will go into a report which goes to the City Planner.
 - b. City Planner includes facilitator report in recommendations.

- c. The Commission will make a decision and parties have 15 days to appeal the decision.
- 4. Resident Participation at Hearing:
 - a. Written comments must be received by Noon on Thursday, October 9, to be included as an addendum to the file. Comments may be sent to:

Catalina Lehner, Staff Planner
600 2nd Street NW, Third Floor
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(505) 924-3935

OR

Laurie Moye, EPC Chair
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