

Facilitated Meeting Report

Date Submitted: February 13, 2008
Submitted By: Diane Grover

Project Number: 1005016

Facilitators: Kathleen Oweegon, Diane Grover

Address/Property Description: 8120 La Mirada Pl NE, Lot 2 A 1 La Mirada Addition

Date and Time: February 13, 2008 at 6:00 PM

Location: Mesa Verde Community Center, 7900 Marquette NE

Meeting Participants:

James Seligman, Applicant
DAC Enterprises, Doug Crandall, agent
Tim Flynn-O'Brien, Attorney

AND

Sandia High School Area NA (SHSNA)
Bob Galligan
David Campbell, Attorney and agent for Bob Galligan
Inez N.A. (INZ)
Jerry Cline Park N. A. (JCP)

Note: Individual names and addresses can be found at the end of this report.

Background/Meeting Summary:

Both the applicant and the neighbors expressed frustration about ongoing unresolved differences with regard to this project, which has been in process for 2.5 years - since June of 2006. Both the neighbors and the applicant have been frustrated by lack of inclusivity of all interested parties in past meetings. At least one member of the applicant team thought that the neighbors did not respond to the invitation to participate, while some neighbors said they had not received notification of past meetings before they occurred, and consequently felt omitted from the process.

It appeared that a contributing factor to past communication missteps was the applicant's erroneous belief that Attorney David Campbell represented the whole neighborhood rather than only Bob Galligan and Sara Traub. In past interactions, the applicant believed that when conferring with David Campbell, he was communicating with the whole neighborhood; when extending invitations through David he was extending them to the whole neighborhood. This

inaccuracy contributed to perceptions on the part of both the applicant and some neighbors that there was intentional omissions and ill will.

The applicant admitted to a perception that each solution they sought led to new and different issues being raised; and some neighbors felt they had not had the opportunity to attend some meetings that had taken place and voice their concerns.

One neighbor expressed a desire to like and welcome the project. At the same time, she noted her need to maintain neighbors' quality of life with regards to privacy and other issues. This neighbor had sent the facilitator a list of 5 concerns and 11 goals, which the facilitator forwarded to the applicant prior to the meeting. Although productive negotiation took place during this meeting, due to the 1.75 hour time constraint many concerns and needs were not discussed.

One large concern for neighbors was preserving privacy. The agent clarified that the plans had been previously modified to include wing-walls on the balconies and offered to install glazed glass windows to help address these concerns. Many neighbors were pleased with these features.

There was considerable discussion over landscaping design to mitigate privacy needs, and numerous suggestions were bantered, with no resolution being reached. The architect expressed willingness to meet with neighbors to create an acceptable landscaping design and to brainstorm other ideas to address privacy. In the case of Bob Galligan and Sara Traub, Martha was willing to attempt to design something to work in their yard taking into consideration their existing landscaping features.

Bob Galligan and Sara Traub presented part of their list of concerns, however they were not all discussed in the meeting so did not all get entered into this report. Terms for deferral were discussed, with the applicant stating that they would consider a deferral if some items from the list were taken off the table. No agreement was reached on items to be removed from consideration. The applicant wishes to avoid extended additional delay and additional expense; neighbors want additional opportunity for collaboration leading to a comfortable resolution.

Parties indicated a desire to continue working on this, and there appeared to be a genuine desire to successfully collaborate. It was not clear whether this could be accomplished prior to a hearing.

Outcome:

Areas of Agreement:

- Wing walls will achieve some measure of privacy
- Glazed windows were an attractive feature
- Martha is willing to meet at Bob Galligan and Sara Traub's home to attempt privacy inducing landscaping design

Unresolved Issues, Interests and Concerns:

- Acceptable landscape design to achieve privacy
- Further deferral

- Property owner of adjacent property, whose building is leased to the Public Health Department, has concerns about loss of tenants and economic impact

Key Points:

All parties made a genuine effort to collaborate and resolve outstanding issues.

Meeting Specifics:

- a) Current plans
 - i) 16 Unit individually owned townhouses, each on its own lot
 - (1) Reduced from original 19 unit plan
 - (2) Primarily 3 stories
 - (a) Two 2-story units at southern end
 - (3) 88' from property lines
 - (4) Units face East or West
 - (a) Balconies all East or West facing
 - ii) Windows
 - (1) On South side
 - (2) Bottom of window is 6' high
 - iii) Owner occupancy at owner's discretion
 - iv) Anticipated purchase prices of \$350,000 to \$500,000
 - v) Parking
 - (1) 4 spaces per lot
 - (2) Meets requirements for RT zone low density town homes
 - (3) Allows for 10 to 18 in excess of requirements
- b) Neighbor proposals/suggestions
 - i) Convert minimum of 2 more units (next to 2 already converted) to 2-story
 - (1) Additional 4 units to 2-story would be better
 - (2) All units 2-story is ideal
 - ii) Lower grade of subject property
 - (1) Grade on LaMirada goes up heading North
 - (2) Lowering grade would increase privacy
 - (3) Meet grade at West side of property for continuity; privacy
- c) Applicant response to proposals/suggestions
 - i) 2-story units
 - (1) Areas that are fill, and not natural soil, will need to be removed anyway
 - (2) 1st floor is garage; kitchen is on 3rd floor
 - (3) Cannot convert more to 2-story based on current design
 - ii) Lower grade of subject property
 - (1) Disturbing the soil conflicts with LEED certification requirements
 - (2) Following natural contour of land is LEED pre-requisite
 - (3) Elevation of buildings as planned are staggered to follow the natural grade
 - (a) North side is lowered
- d) Applicant proposals for insuring privacy
 - i) Wing-walls on balconies to impede views into existing properties
 - ii) Glazed windows

- e) Public Health Department
 - i) Leases 1.3M property from neighbor
 - (1) Neighbor concerned approval of project will cause State to vacate
 - (2) Concern for financial impact to owner
 - ii) Solutions
 - (1) State could take longer lease with additional option
 - (a) Neither applicant nor property owner can insure this
 - (2) A neighbor can buy back subject property
 - (a) Option was not explored

Note:

Applicant has discussed this with Ms. Souzi, Director of Public Health, who has assured him they would not vacate.

Neighbor is concerned that Director is subject to appointment and as political power shifts, Director can be replaced, giving him no guarantee.

- f) Neighborhood concerns as expressed by SHSNA President
 - i) Traffic
 - (1) Cut-through traffic from Wyoming
 - (a) Increased traffic on Harwood and Picard
 - (2) Increased speeding
 - ii) Speeding in neighborhood
 - iii) Privacy concerns for Picard Court
 - (1) President suggested mitigation with 8-10' trees on East and South side of property
- g) Privacy
 - i) If 16 Units are approved, some visibility into backyards East to West
 - (1) Applicant is willing to address with design of balconies; wing walls
 - (2) Applicant hears neighbors concerns and promises to address this
 - ii) Landscaping at South end of property (N end of homeowners' property)
 - (1) 8-10' poplars suggested
 - (a) Architect stated fence with 8-10' poplars would not resolve problem sufficiently.
 - (i) Suggested mitigation through working with property owners to create privacy element with landscaping design
 - (2) Trees added in yards of existing homeowners
 - (a) Elimination of existing landscape elements unacceptable (i.e. pond)
 - (3) Neighbors want landscaping to afford year round privacy (not deciduous)
 - (a) Neighbors would like 20-25' trees expected to grow to 40' within 5 years
 - (b) Applicant noted trade-off between deciduous trees being barren in winter but fast growing; evergreens have year-round foliage, but are slower to mature
 - (c) Architect offered to work with Bob Gilligan and Sara Traub to achieve acceptable landscaping design at their home.
- h) Deferral of City Counsel hearing
 - i) Neighbors request deferral
 - ii) Applicant concerned about financial cost of deferral
 - iii) Applicant willing to consider deferral
 - (1) To discuss acceptable landscaping design

- (2) If neighbors will forego some of their eleven concerns presented in a document not fully discussed at meeting.

Action Plan:

- Applicant and neighbors are considering further discussion
- The City of Albuquerque is willing to hold another facilitated meeting for additional collaboration.

Action Items:

- Architect will meet with Bob Galligan and Sara Traub on landscape design.
- Applicant and neighbors will advise Shannon if additional meeting is required

Application Hearing Details:

- 1) This matter is currently scheduled to be heard by the City Council on February 20, 2008
- 2) Comments should be sent to: Shannon Watson
City Of Albuquerque
Alternative Dispute Resolution Coordinator
(505) 768-4660
swatson@cabq.gov

Names and Addresses of Attendees:

Frank Casall (sp?)	Builder
Martha Papadopoulos	Architect
Robert E. Romero	Consultant
Sara Traub	neighbor
Bob Galligan	neighbor
James A. Seligman	Applicant
Ana C. Seligman	Applicant
Doug Crandall	DAC Inc (agent)
Shannon Watson	City of Albuquerque, ADR Coordinator
Jim Brown	property owner
Larry Ashby	Sandia High School Area NA
David Campbell	Attorney
Tim Flynn-O'Brian	Attorney.

NAMES OF ATTENDEES WHO DID NOT REQUEST A COPY OF THE REPORT ARE HIGHLIGHTED IN YELLOW.