

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

February 10, 2017

Cedar Investors, LLC  
c/o Titan Development  
6300 Riverside Plaza Ln NW #200  
ABQ, NM 87120

**Project# 1011115**  
16EPC-40083 Site Development Plan for Building Permit  
16EPC-40084 Sector Development Plan Map Amendment

### LEGAL DESCRIPTION:

The above actions for all or a portion of Lots A-1, A-2, 4 through 12, Block 6, vacated portions of Spruce Street, alleyways within Blocks 5 and 6, and a portion of Lots 1 and 12, Block 5, Brownwell and Lails Highland Addition, zoned SU-2 for CMU to SU-2/SU-1 for MX, located on Central Ave. NE, between Spruce St. NE and Sycamore St. NE, containing approximately 2.85 acres. (K-15)

Staff Planner: Michael Vos

PO Box 1293

Albuquerque, NM 87103  
On February 9, 2017 the Environmental Planning Commission (EPC) voted to **APPROVE** Project 1011115/16EPC-40083, a Site Development Plan for Building Permit and 16EPC-40084, Sector Development Plan Map Amendment, based on the following findings:

### FINDINGS – 16EPC-40084 SECTOR DEVELOPMENT PLAN MAP AMENDMENT:

1. This is a request for a Sector Development Plan Map Amendment from SU-2 CMU (Central Mixed Use) to SU-2/SU-1 for MX (Mixed Use Form Based Zone) for Lots A-1, A-2, 4 through 12, Block 6, vacated portions of Spruce Street, alleyways within Blocks 5 and 6, and a portion of Lots 1 and 12, Block 5, Brownwell and Lails Highland Addition located on Sycamore Street NE between Central Avenue and Copper Avenue NE containing approximately 2.85 acres.
2. The Zoning Code requires that applicants requesting SU-1 Special Use zoning submit a site development plan. The applicant has submitted a Site Development Plan for Building Permit to fulfill this requirement and to be evaluated against the requirements of the Form Based Zones Section of the Zoning Code 14-16-3-22.
3. The subject site and other surrounding lots were zoned through the adoption of the University Neighborhoods Sector Development Plan in July 1986. As such, this action constitutes an amendment to that plan.
4. On June 20, 2016, City Council approved a vacation of public right-of-way for the alleys within the affected blocks, as well as a portion of Spruce Street NE that crosses the subject site (EC-16-126). This action will be finalized when the subject site is replatted.

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5. The Albuquerque/Bernalillo County Comprehensive, City of Albuquerque Zoning Code, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is within the Central Urban Area of the Comprehensive Plan, which is a portion of the Established Urban Area. The request furthers the following applicable goals and policies of the Comprehensive Plan:

Policy II.B.5.d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request furthers Policy II.B.5.d because the uses proposed are similar to those allowed by the existing underlying and surrounding zoning and development. The proposed zone requires approval of a Site Development Plan for Building Permit, so the location, intensity, and design of the proposed new development must be evaluated. The proposed development is located in an infill location within the Central Urban Area and will improve a blighted site, utilize existing infrastructure, improve the pedestrian experience, and create a transition between Central Avenue and the hospital to the neighborhood to the north. As such, the request will respect existing neighborhood values, environmental conditions, and resources.

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e because the subject site is currently vacant and is located within an area contiguous to existing and programmed urban facilities and services including Central Avenue, Albuquerque Rapid Transit and other public transportation options, various restaurants, and Presbyterian Hospital. The request ensures the integrity of the existing neighborhood through the requested form based zoning and design considerations including screening of parking, building access on all sides, and an improved pedestrian realm.

Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

In designated Activity Centers.

In areas with excellent access to the major street network.

In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.

In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The request furthers Policy II.B.5.h because the subject site is located with excellent access to the major street network, specifically to Central Avenue and Interstate 25, as well as quality public transit options. The neighborhood already has a mixed density and mixed use pattern with both

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single-family and multi-family housing, as well as more commercial mixed use along Central Avenue including the existing zoning of the subject site.

Policy II.B.5.1: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The request furthers Policy II.B.5.1 because the proposed project will utilize the form based zone from the Comprehensive Zoning Code that requires a higher degree of design controls and is implemented through a Site Development Plan. The requested mixed-use zone utilizes building articulations, balconies, and glazing to create more detailed, attractive façades. Improvements to the pedestrian realm along all street frontages including quality paving, patio seating areas, street trees, and multiple building entrances make the development more inviting to the pedestrian and appropriate for the subject site location.

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5.o because the proposed zoning and related redevelopment will create new housing and retail options on a site that is currently underutilized and was recognized by a Metropolitan Redevelopment Plan as blighted, thus strengthening the neighborhood as a whole.

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The request furthers Policy II.B.6.b because the proposed development, facilitated by the change in zoning, will redevelop a blighted property and improve the neighborhood with additional housing and retail, as well as provide an upgraded streetscape and pedestrian connections to transit that strengthens a link with the hospital and other facilities located along Central Avenue.

Developed Landscape: The Goal is to maintain and improve the natural and the developed landscapes' quality. Applicable policies cited by the applicant include:

Policy II.C.8.d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The request furthers Policy II.C.8.d because the proposed zone change to the form based code requires the applicant to adhere to stringent design guidelines, including those with regard to landscaping. The proposed Site Development Plan shows substantial landscaping surrounding the development in and outside of the public rights-of-way that will improve the pedestrian realm and also function as a buffer to the existing developments to the north and east.

Transportation and Transit: The Goal is to develop corridors, both streets and adjacent land uses that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs. Applicable policies identified by the applicant include:

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**Policy II.D.4.c:** In order to add to transit ridership, and where it will not destabilize adjacent neighborhoods, additional dwelling units are encouraged close to Major Transit and Enhanced Transit streets.

The request furthers Policy II.D.4.c because the proposed zoning has no density limits and the project will add 228 dwelling units immediately adjacent to a major transit corridor. The proposed form based zone and related design standards and Site Development Plan ensure that the development and number of dwelling units are appropriately sited so the adjacent neighborhoods are not destabilized by the additional dwellings.

**Policy II.D.4.g:** Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The request furthers Policy II.D.4.g because site improvements and associated design guidelines require the site to be developed for a better pedestrian experience along all street frontages. In addition, a public pedestrian connection across the site on the western edge of the building is included to provide access from the neighborhood to the north to the relocated, signalized intersection of Spruce Street and Central Avenue. These pedestrian improvements will connect to the proposed direct access units, entrances to commercial spaces, and public transit stops thus integrating the pedestrian experience into the development itself.

**Housing:** The goal is to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing. Applicable policies identified by the applicant include:

**Policy II.D.5.b:** Quality and innovation in new housing design and construction shall be promoted and quality of existing housing improved through concentrated renovation programs in deteriorating neighborhoods.

The request furthers Policy II.D.5.b because the proposed development will replace blighted property with new housing. The proposed housing will provide a variety of options for future residents in a building constructed of quality materials with proper relation to the street and pedestrian realm, and including amenities such as balconies, patios, a pool, and fitness center.

**Economic Development:** The goal is to achieve steady and diversified economic development with other important social, cultural, and environmental goals. Applicable policies identified by the applicant include:

**Policy II.D.6.a:** New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request furthers Policy II.D.6.a because the proposed mixed use zoning allows for a variety of residential and commercial options that will provide for a variety of jobs utilizing different skill and salary levels including leasing managers, maintenance workers, retail employees, and construction labor to start. These jobs will be located in a convenient area in proximity to various public transit options.

7. The request furthers the following applicable goals and policies of the University Neighborhoods Sector Development Plan:

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**Goal 1:** Improve the quality of life in the area.

**Goal 2:** Conserve and renew the unique qualities of this neighborhood.

**Goal 3:** Encourage infill residential construction in appropriate places.

**Goal 4:** Encourage pedestrian orientation.

**Goal 5:** Improve conditions in business areas.

**Goal 6:** Foster positive social and physical interrelations between businesses, institutions and residents.

The request **further**s Goal 1 and Goal 2 because the subject site is currently underutilized and the request will redevelop the property with a mixed use development that is well designed and pedestrian oriented, as well as providing additional new retail options for the surrounding neighborhood.

The request **further**s Goal 3 because the proposed project will provide infill residential construction in an appropriate location with access to the major street network and a variety of public transit and non-motorized transportation options.

The request **further**s Goal 4 because the form based zone requires development to address the pedestrian realm with smaller building setbacks, patio seating spaces, street trees and other landscaping, and appropriately located building entrances that encourage pedestrian activity.

The request **further**s Goal 5 by adding additional residents to the area who will patronize existing businesses. In addition, the proposed mixed use project includes a retail space that will add to the business mix of the area.

The request **further**s Goal 6 because utilization of the form based zone means that the future development must appropriately address how the building relates to the street and pedestrian realm. The design standards and proposed Site Development Plan for Building Permit show improvements to the sidewalks and landscaping that make it more inviting to passersby and improve the physical relation between residents and customers entering and exiting the building. The improved pedestrian environment will also improve the relation between area residents, Presbyterian Hospital, and the adjacent public transit that connects to numerous other businesses and institutions.

8. The request **further**s the following applicable goals and policies of the Sycamore Metropolitan Redevelopment Plan:

**Objective 1:** To improve the existing "mixed use" characteristics of the area by encouraging compatible relationships between related uses and buffering incompatible uses.

**Objective 2:** To improve pedestrian circulation, transit and bicycle circulation by providing better internal connections to nearby urban centers.

**Objective 3:** To prevent neighborhood decline by stimulating private reinvestment, while providing sufficient controls and guidance to ensure mutually beneficial relationships between existing and new development.

The request **further**s Objective 1, Objective 2, and Objective 3 because the proposed project is a privately-funded redevelopment of an underutilized property. The requested form base zone

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provides sufficient controls and guidance for future development to ensure mutually beneficial relationships between the proposed development and the existing neighborhood. The proposed zone and project will be mixed use and appropriately buffered. Parking will be located within a screened structure and rooftop patio spaces with help reduce the mass of the upper portion of the building. Improved pedestrian realms and connections through the project site will improve circulation and access to transit and bicycle options.

**Central Avenue Redevelopment Policy One:** Redevelopment with Commercial/Mixed-Uses serving the neighborhood and employee population shall be encouraged along Central Avenue.

The request furthers Policy One because the proposed project will create a new mixed use development adjacent to Central Avenue that will serve the existing neighborhood, new residents, and the employee population including those at Presbyterian Hospital.

**Central Avenue Redevelopment Policy Two:** New Development shall serve to upgrade the neighborhood character and quality.

The request furthers Policy Two because the requested form based code requires a high degree of design consideration. A Site Development Plan for Building Permit that is being reviewed concurrently with the request for the change in zoning ensures that the proposed development is reviewed against the design standards and meets the intent of new development to upgrade the neighborhood character and quality.

**Central Avenue Redevelopment Policy Three:** Development along Central Avenue shall be oriented to a pedestrian scale at ground level.

The request furthers Policy Three because the form based code puts a focus on the pedestrian realm and how a building relates to it and associated pedestrian improvements. The Central Avenue street frontage will have multiple entrances, storefronts with glazing, and landscaping improvements to ensure pedestrian orientation.

**Transition Areas Policy One:** Transition areas should provide a buffer between the residential and non-residential areas and between low density residential and medium density residential.

The request furthers Policy One because the site is located partly within the transition area, and will use its building design to buffer certain uses from the existing neighborhood to the north. Parking will be screened within a structured garage and the commercial retail space is located at the farthest corner from existing residential homes. The building itself will act as a transition from the busy Central Avenue corridor and the height of Presbyterian Hospital back to the more moderate scale residential to the north.

9. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
  - A. The cited policies in the applicant's justification letter and summarized in the staff report and Findings 6, 7 and 8 for this project support the statement that the request is consistent with the health, safety, morals, and general welfare of the city.
  - B. The request achieves land use stability because the requested zoning is focused more on design than use. The uses of the requested zone are largely the same as those allowed under the current zoning, but the form based zone allows greater flexibility for site design while also requiring more attention to the relationship between the proposed development, the pedestrian

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- realm, and the existing neighborhood surrounding the subject site. The proposed zone is appropriate for an infill site along a major transit corridor such as Central Avenue.
- C. The request is generally consistent with and furthers a preponderance of the applicable goals and policies of the Comprehensive Plan, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan as summarized in Findings 6 through 8.
- D. The existing zoning is inappropriate because changed community conditions, including the development of the Albuquerque Rapid Transit project, justify a more pedestrian-oriented mixed-use development. The subject site is an infill location with good access to transit and non-motorized transportation options, so zoning that focus on the pedestrian realm is more advantageous to the community than the existing SU-2 CMU zone, by making the pedestrian experience a focus for new development. In addition, as stated in Findings 6, 7 and 8, the request furthers numerous goals and polices of the Comprehensive Plan, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan showing that the proposed zoning and related project is more advantageous to the community. Further, the form based zone provides for development that is more advantageous to the community as articulated by the policies of Centers and Corridors and the Planned Growth Strategy, by guiding a development pattern that creates the mix of uses that reduce vehicular miles traveled and vehicular emissions, reducing the city's carbon footprint as well as improving air quality while providing a range of lifestyle opportunities to the city's residents. As stated in Zoning Code §14-16-3-22(A)(3)(c)4, mixed use development makes for more efficient use of existing and new infrastructure while reducing overall growth at the fringes, thereby protecting the valued open space and working landscapes around Albuquerque along with the tourism, jobs, watershed protection and quality of life that these places provide.
- E. The requested zoning allows for similar uses as what the existing zoning of the subject site allows with some additional uses allowed; however, the greater variety of uses and flexibility in design given by the form based code is offset by additional design standards and requirements that focus on the relation of the building to the pedestrian realm and adjacent development. With these additional standards and the design as proposed on the Site Development Plan for Building Permit, the request will not be harmful to adjacent property, the neighborhood, or the community.
- F. The request will not require major or un-programmed capital expenditures by the city.
- G. While economic considerations are always a factor with regard to development proposals, they are not the determining factor for the requested change of zone. The applicant has sufficiently demonstrated that the determining factors are changed community conditions necessitating a more urban development at the proposed infill location, as well as the request furthering a preponderance of Comprehensive Plan policies related to the subject site making it more advantageous to the community.
- H. The proposed mixed uses are allowed under the existing zoning, and the request is being made to allow flexibility in design and to further multiple Comprehensive Plan policies; therefore, its location is not a justification for the request.
- I. SU-1 zones create spot zones by definition as they are unique to the parcel that they are being applied to; however, the request is for a form based zone recognized by the Zoning Code for

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locations along major transit corridors. As stated in Zoning Code §14-16-3-22(A)(3)(c)5, the request creates a justifiable spot zone because the applicant has demonstrated that the proposed change to a form based zone will clearly facilitate realization of the Comprehensive Plan and provide a transition between Central Avenue and the moderate density residential to the north of the subject site.

- J. The requested zoning includes uses allowed on surrounding properties, and the request would not result in a strip of land along a street, so the request will not create strip zoning.
10. The Sycamore, Silver Hill, Spruce Park, University Heights, and Victory Hills Neighborhood Associations, as well as the District 6 Coalition were notified of this request. In addition, property owners within 100 feet were notified of the request. A facilitated meeting was held on January 24, 2017 to discuss this request and the request for a change and zoning and Site Development Plan for Building Permit approval for a hotel two blocks west of the subject site.
11. According to the facilitator's report, most concerns were addressed with one outstanding related to architecture, primarily with regard to the hotel project. No written comments have been submitted with regard to this application. No known opposition to the request exists.

**CONDITION OF APPROVAL – 16EPC-40084 SECTOR DEVELOPMENT PLAN MAP AMENDMENT:**

1. The sector development plan map amendment does not become effective until the accompanying site development plan is approved by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

**FINDINGS – 16EPC-40083 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT:**

1. This is a request for a Site Development Plan for Building Permit for Lots A-1, A-2, 4 through 12, Block 6, vacated portions of Spruce Street, alleyways within Blocks 5 and 6, and a portion of Lots 1 and 12, Block 5, Brownwell and Lails Highland Addition located on Sycamore Street NE between Central Avenue and Copper Avenue NE containing approximately 2.85 acres.
2. The Zoning Code requires that applicants requesting SU-1 Special Use zoning submit a site development plan. The applicant has submitted this Site Development Plan for Building Permit to fulfill the requirement and be evaluated against the requirements of the Form Based Zones Section of the Zoning Code 14-16-3-22.
3. The subject site and other surrounding lots were zoned through the adoption of the University Neighborhoods Sector Development Plan in July 1986. As such, this action constitutes an amendment to that plan.
4. On June 20, 2016, City Council approved a vacation of public right-of-way for the alleys within the affected blocks, as well as a portion of Spruce Street NE that crosses the subject site (EC-16-126). This action will be finalized when the subject site is replatted.
5. The Albuquerque/Bernalillo County Comprehensive, City of Albuquerque Zoning Code, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan are incorporated herein by reference and made part of the record for all purposes.

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6. Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, University Neighborhoods Sector Development Plan, and Sycamore Metropolitan Redevelopment Plan.
7. The applicant is proposing to replat the existing lots along with vacated Spruce Street right-of-way and alleys into a single tract for the purpose of developing a mixed use development containing 228 dwelling units and approximately 4,000 square feet of retail.
8. Review of the Site Development Plan for Building Permit has shown there to be necessary minor corrections for typographical errors and to provide more specific information in notes.
9. There appear to be minor discrepancies between the site plan, landscape plan, and elevations with regard to the exact entrance locations of the direct access units along Sycamore Street and Copper Avenue that need clarification.
10. The applicant has requested modification to height and shading requirements of the Form Based Zones Section of the Zoning Code. EPC has discretion over approval of major modifications to the SU-1 Form Based Zones standards in accordance with Zoning Code Section 14-16-3-22(A)(6) Administration of form based zones.
11. The Sycamore, Silver Hill, Spruce Park, University Heights, and Victory Hills Neighborhood Associations, as well as the District 6 Coalition were notified of this request. In addition, property owners within 100 feet were notified of the request. A facilitated meeting was held on January 24, 2017 to discuss this request and the request for a change and zoning and Site Development Plan for Building Permit approval for a hotel two blocks west of the subject site.
12. According to the facilitator's report, most concerns were addressed with one outstanding related to architecture, primarily with regard to the hotel project. No written comments have been submitted with regard to this application. No known opposition to the request exists.

**CONDITIONS OF APPROVAL – 16EPC-40083 SITE DEVELOPMENT PLAN FOR BUILDING PERMIT:**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Minor errata shall be corrected or clarified:
  - a. In the site plan legend, the parking space descriptor "NO. OF RETAIL SPACES" shall be updated to reflect what the number is actually for rather than retail spaces.

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- b. Under Development Data, Building Height, the allowed height bonus descriptor shall be updated to reflect the bonus being given for location along a "major transit corridor."
  - c. Under Development Data, Density, the descriptor of "DUNITS" shall be changed to either "Dwelling Units" or "DUs."
  - d. The number of parking spaces shown on the plans and the number in the parking space requirements table do not appear to match exactly and shall be updated accordingly.
  - e. On the West Elevation, a keynote (#3) shall be added for the proposed sign location at the corner of the building.
  - f. On the Pedestrian Realm Exhibits, please update the wording of the L/S Area adjacent to the building to "Frontage Zone" and the L/S Area adjacent to the roadways as "L/S and Edge Zone."
4. General note #5 regarding lighting shall be updated to include specific references to the applicable code section 14-16-3-22(C)(6) where the requirements are found.
  5. A location for the site directory map shown on sheet A1.21 (3 of 13) shall be identified on the site plan.
  6. The site plan, building floor plans, and landscape plan shall be updated to ensure all direct access units and entryways along Copper Avenue and Sycamore Street have a paved pedestrian connection to the adjacent sidewalk. Specifically, one entry facing Sycamore Street appears to be blocked by landscaping, which should be corrected.
  7. The signage note on the building elevation sheets shall be updated to clarify the code sections of the applicable requirements 14-16-3-22(B)(3)(n) and 14-16-3-22(C)(7).
  8. The shading requirements note on the building elevations should be updated to include reference to the request for modification similar to what was noted on the site plan for the modification to building height.
  9. On the landscape plan notes, it should be noted that the plans must also comply with Zoning Code Section 14-16-3-22(C)(10) in addition to 14-16-3-10 because the Form Based Zones include specific exceptions to the basic landscaping regulations.
  10. Transportation Development Conditions:
    - a. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
    - b. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
    - c. Developer shall obtain approval of Traffic Circulation Layout (TCL) for the parking areas prior to DRB.
  11. Public Service Company of New Mexico Conditions of Approval:
    - a. An existing overhead electric distribution line bisects the subject property east-west along with other electric lines internal to the site. The developer has met with PNM to discuss

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relocation/reconfiguration of this line. The developer should continue to coordinate with PNM's New Service Delivery Department regarding electric service for this project. Contact:

Mike Moyer

PNM Service Center

4201 Edith Boulevard NE

Albuquerque, NM 87107

Phone: (505) 241-3697

- b. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.
12. The replat of the subject site shall comply with the purpose, intent, and regulations of the Subdivision Ordinance (14-14-1-3).
13. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **FEBRUARY 24, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

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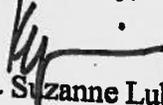
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**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,

  
Suzanne Lubar  
Planning Director

SL/MV

cc: Cedar Investors, LLC, c/o Titan Development, 6300 Riverside Plaza Ln NW #200, ABQ, NM 87120  
Consensus Planning, 302 8<sup>th</sup> St. NW, ABQ, NM 87102  
Sycamore N.A. (SYM) "R", Peter Schillke, 1217 Coal Ave. SE, Albuquerque, New Mexico 87106  
Sycamore N.A. (SYM) "R", Mardon Gardella, 411 Maple St. NE, Albuquerque, New Mexico 87106  
Silver Hill N.A. (SHL) "R", James Montalbano, 1404 Silver Ave. SE, Albuquerque, New Mexico 87106  
Silver Hill N.A. (SHL) "R", Elizabeth Doak, 1606 Silver SE, Albuquerque, New Mexico 87106  
Spruce Park N.A. Inc. (SPK) "R", Peter Feibelman, 1401 Sigma Chi NE, Albuquerque, New Mexico 87106  
Spruce Park N.A. Inc. (SPK) "R", Alan Paxton, 1603 Roma Ave. NE, Albuquerque, New Mexico 87106  
University Heights N.A. (UHT) "R", Julie Kidder, 120 Vassar SE, Albuquerque, New Mexico 87106  
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