

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

June 10, 2016

Albuquerque Development, LLC
8300 Carmel Ave NE, Suite 401
ABQ, NM 87122

Project# 1010809
16EPC-40020 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above actions for all or a portion of Lots 31 and 32, Block 11, Tract 1, North Albuquerque Acres, Unit 3, zoned RD-3 DU/ACRE to RD-7 DU/ACRE, located on Glendale Ave. NE at Wyoming Blvd. NE, containing approximately 1.6 acres. (B-19)
Staff Planner: Maggie Gould

On June 9, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1010809, PO Box 1293 16EPC-40020 Sector Development Plan Map Amendment (Zone Change), based on the following findings and conditions:

Albuquerque
FINDINGS:

New Mexico 87103

www.cabq.gov

1. This is a request for a zone map amendment (amendment to the La Cueva Sector Development Plan) for lots 31 and 32, block 11 tract 1, unit 3 of the North Albuquerque Acres located on the northeast corner of Glendale Ave and Wyoming Boulevard containing approximately 1.6 acres from R-D 3 DU/acre to RD 7 DU per acre.
2. The request was initially heard at the May 12, 2016 EPC hearing as was deferred to allow time for the offer of a facilitated meeting with the interested parties and re-notification of property owners.
3. The request constitutes an amendment to the La Cueva Sector Development Plan because the existing R-D 3 DU per acre zone was imposed by the La Cueva Sector Development Plan.
4. The subject site vacant and has been used as a drainage pond; improvements to the drainage infrastructure in the La Cueva area have made the pond obsolete.

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5. The La Cueva Sector Development Plan was amended in 2007 to clarify that density is based on the net density rather than the gross density of a site. Sites developed before 2007 may have the same zoning, but a different density than sites developed after 2007.
6. The Albuquerque/Bernalillo County Comprehensive Plan, La Cueva Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within the Developing Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
 - A. The goal of the Established and Developing Urban Area is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment."

The request would generally contribute to creating a quality urban environment. The site is subject to the same regulations in the zoning code that apply to all R-D zoned properties within the La Cueva Sector Development Plan and the subdivision requirements of the La Cueva Sector Development Plan. Though the request would not result in variety, it would provide more housing choices. The request generally furthers the Developing and Established Urban Area Goal.
 - B. Policy II.B.5d: 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, or recreational concern.

The site will be developed at a density greater than the parcels directly adjacent to the site, but will be required to meet the same requirements of LCSDP and Zoning Code, including height and setbacks as the surrounding properties. The proposed development will meet the required 2,400 square feet of open space on site for a total of approximately 19,000 square feet as opposed to the 9,600 that would be required on the 4 units that are currently allowed. The request further Policy II.B.5d.
 - C. Policy II.B5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods and can be ensured.

The subject site is vacant. Development would be contiguous to existing urban facilities roads, water and sewer, electricity and existing services, the use of which would not disrupt neighborhood integrity. The request further Policy II.B5e.
 - D. Policy II.B.5.h: Higher density housing is most appropriate in the following situations:

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1. In designated Activity Centers.
2. In areas with excellent access to the major street network.
3. 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.
4. 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.
5. 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 subject site is in an area with a somewhat mixed density pattern. The lots directly adjacent to the site are zoned RD 3DU per acre and developed with lots that are approximately .28 acres in size. There is SU -RD 5DU per acre on the south side of Glendale Ave. with lots that are .21 to .23 acres in size. The housing across Wyoming from the site is zoned RD 5 DU per acre and developed with lots that are between .15 and .18 acres in size. The lots just south of those are zoned 7DU per acre with lots that are between .10 and .16 acres in size. The site has full access to the major street network and adequate infrastructure. The request further Policy II.B.5.h

- E. Policy II.B.5 l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

Without a Site Development Plan for Building Permit or similar plan, it is difficult to assess the quality and /or innovation of the future designs. Staff believes that this policy is not relevant to the request.

- F. Policy II.B.5p: Cost-effective redevelopment techniques shall be developed and utilized.

The proposed zoning and design allows for new development that will result roadway construction while supporting appropriate infill development. The property is vacant and currently the site of a temporary drainage pond that is no longer needed. The redevelopment of the pond will require significant grading and filling that will be done by the applicant. The request further Policy II.B.5p.

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

Wyoming Boulevard is a Comprehensive Plan designated Enhanced Transit Corridor south of Alameda, approximately .5 miles south of the site. Although the site is not directly located on the transit corridor, this development could potentially increase transit ridership and will contribute to the existing character of the adjacent neighborhoods furthering this policy. The request partially furthers Policy II.D.4c.

The applicant cites additional policies that staff did not consider:

- H. Air Quality Policy II.C.1b: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of

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housing, employment and services.

The proposed development will place additional housing near employment and services and may decrease the need for auto mobile travel. The request furthers Air Quality Policy II.C.1b

- I. Energy Management Policy II.D.3c: Land use planning that will maximize potential for efficient use of alternative and renewable energy sources shall be undertaken.
The proposed development will place additional housing at a slightly higher density near existing goods and services. This may decrease traffic. This policy seems to be directed at the use of alternative and renewable energy and does not seem applicable to the request.
- J. Solid Waste Policy IIC.3c: Illegal dumping shall be minimized.
The proposed development will minimize any illegal activity, including dumping, on the site. However, if the lots were developed under the existing zoning the result would be the same. The request furthers Solid Waste Policy IIC.3c, but other types of development on the site would also further this policy.
- K. Service Provision Policy II.D.1c: The existing public service area should be highest priority for service, capacity, use, maintenance, and rehabilitation.
The development will further Policy II.D.1c; this is also discussed in Policy II.B5e.
8. The subject site is within the boundaries of the La Cueva Sector Development Plan. The following policies are applicable to the request:
- A. 1.3 Overarching Guiding Principles (p. 4): Principle 4: Land uses that are compatible with existing development.
The request generally furthers overarching Guiding Principle 4 because the resulting single-family homes would be compatible with the existing single-family homes nearby and would be subject to the same Zoning Code and LCSDP requirements as the existing development.
GUIDING PRINCIPLES (P. 25-26):
- B. Principle 2 (existing): The plan area is intended to be urban , with a mix of residential densities and a variety of retail and service businesses to meet the needs of the area's growing population.
The request adds appropriate density that is similar to the existing nearby density to the area furthering the goals of making the plan area more urban. The request is consistent with Principle 2(existing).
- C. Principle 3 (existing): The diverse ownership and platting of land is problematic for higher density land uses. Current Zoning and recent development decisions have eroded the ability of the City to require land Assembly by window as specified in the La Cueva Land Use Guide.
The proposed zoning and development will occur on assembled parcels and will add housing that is higher density than some of the adjacent lots, but is still low enough to be compatible with the character of the area.

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- D. **Principle 9 (existing):** Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.

The request generally furthers Guiding Principle 9 because it would be subject to the proposed Design Standards and the housing will be similar to what has already been developed in the area. Therefore, the future homes would contribute to the identity for the Plan area and be compatible new development.

- A. **Principle 2 (zoning):** The predominant residential zone is R-D, which allows single family and townhouse development, according to maximum density established by the Plan. Lowest densities are in areas with the least land assembly potential.

The proposed zone change furthers Zoning Principle 2 because the zoning would be R-D, the predominant residential zone, and the density would be greater than adjacent parcels but consistent with nearby residential densities. The proposed development will be single family residential development at approximately 6 DU per acre. The La Cueva Plan RD density map density shows densities between 3 DU per acre and 7 DU per acre. The subject site consists of two parcels that have been assembled and have access to urban infrastructure.

- B. **Principle 5 (zoning):** New development should contribute to the identity of this part of Albuquerque, reinforcing its relationship to the Sandia Mountains, Rio Grande Valley and the natural environment of the east mesa. A variety of design standards are prescribed to reinforce the community identity and to improve land use compatibility, street and neighborhood character, and overall community design.

The site is subject to the same regulations in the zoning code that apply to all R-D zoned properties within the La Cueva Sector Development Plan and the subdivision requirements of the La Cueva Sector Development Plan.. These design regulations serve to reinforce community identity and improve land use compatibility. The request furthers Zoning Principle 5.

- C. **Principle 6 (zoning):** Site Plan review of higher density uses is recommended to assure positive relationship between land uses.

The requirements of the R-D zone, page 26 of the LCSDP, require site development plan approval for R-D zoned lots that are less than 5,000 square feet (standard R-1 density). The applicant proposes 8 units on 1.3 acres, with lots that will be between 6, 000 and 8,000 square feet in size. The proposed zoning would allow lots of approximately 6,000 square feet, above the threshold for additional review. The LCSDP makes a distinction between the SU-2 zoned sites and the straight zones sites in the plan area. The stated intent of the SU-2 zones is to "ensure compatibility of higher density land uses. The R-D zone is not listed among the SU-2 zones. The request is consistent with principle 6.

1. The applicant has justified the zone change request pursuant to R-270-1980 as follows:

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A. The proposed use is consistent with the health, safety, morals, and general welfare of the city. The proposed zoning will allow the development of single family residential use which is compatible with the surrounding uses in the area, the proposed development will have minimal impact on local schools and the area is served by existing infrastructure.

B. The uses allowed under the proposed zone are similar to the surrounding uses. The site is subject to the same regulations in the zoning code that apply to all R-D zoned properties within the La Cueva Sector Development Plan and the subdivision requirements of the La Cueva Sector Development Plan. These standards help to ensure that the future housing units will be of a similar quality the existing housing units. The area is developed with mixture of R-D uses ranging from 3DU/Acre to 7DU/Acre and county A-1.

C. Policy Analysis- see findings 5 and 6

D. The applicant cites several policies in the Comprehensive Plan and La Cueva Sector Development Plan to demonstrate that the request is more advantageous to the community as articulated in the goals and polices of the applicable plans.

The applicant states that changed neighborhood conditions justify the zone change because the La Cueva area has experienced substantial growth from the time when the Sector Plan was originally adopted and subsequently amended. Infrastructure development in the area has not only vacated the site as a drainage pond, but has allowed additional infrastructure that can more dense single-family development to take place.

E. the permissive uses in the proposed zone will not be harmful to the adjacent properties. The proposed zone allows additional density, but the underlying use is still single family residential.

F. The development on the site will be private and not be paid for by the City. The applicant will be responsible for building the section of Wyoming Boulevard directly adjacent to the site

G. The applicant has not cited the economics of the request in the justification. The applicant has justified the request through furtherance of goals and policies of the applicable plans and site conditions.

H. The applicant is not requesting apartment, office or commercial zoning. The location is relevant to the request because the plan mostly shows lower density RD sites to the east and higher density site to the west.

I. The proposed zone would be an R-D zone, allowing single family residential use at a higher density than the adjacent property, but still similar to the surrounding uses. Additionally, the intent of the prohibition against spot zone is to make sure that adjacent land uses are compatible.

J. As discussed in the section on spot zoning, the intent of the prohibitions on spot and strip zoning is to prevent incompatible land uses from developing adjacent to one another. The proposed uses are compatible with surrounding uses because the allowed uses in the existing and proposed zones are single family residential.

2. Property owners within 100 feet of the site were notified of the original request and re-notified of this request.

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3. Prior to the May hearing the Nor Este Neighborhood Association, Quivera Estates HOA and the District 4 Coalition of Neighborhood Association were notified. Staff received a phone call expressing concern about the density of the request and loss of views for residents living west of Wyoming Blvd. Staff received calls from the president of the Desert Ridge HOA asking for more information about the project. He stated that they are not concerned about the proposed development. Staff received 4 additional calls regarding the project one person was not opposed; staff is awaiting comments from three callers.
4. The affected neighborhood associations were re-notified of this request for the June hearing.
5. A facilitated meeting occurred on May 25 at the North Domingo Baca Multigenerational Center. Some meeting participants expressed concerns about the proposed density and the precedent that it might set for future higher density development. Other concerns included two story homes blocking views and impacting the privacy of adjacent neighbors, drainage, obstruction of views by street trees, the desire to have the development gated and a preference for the previous SU-1 zoning.
6. Staff received an additional letter of opposition from a nearby property owner and a letter of conditional support from the Mountain Trails HOA.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JUNE 24, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th 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 decision.

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).

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

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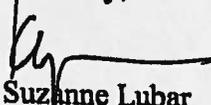
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such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

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.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/MG

cc: Albuquerque Development, LLC, 8300 Carmel Av. NE, Suite 401, ABQ, NM 87122
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