

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

October 14, 2016

Titan Journal Center Land, LLC
6300 Riverside Plaza Ln NW, #200
ABQ, NM 87120

Project# 1005283
16EPC-40044 Zone Map Amendment (Zone Change)
16EPC-40043 Site Development Plan for Subdivision

LEGAL DESCRIPTION:

The above actions for all or a portion of Lot(s) 2A-2A-2B-1-A Plat of Tract 2A-2A-2B-1-A, Journal Center, zoned IP to SU-1 Residential not to exceed 75 DU/AC Plus C-2 Uses, located on Headline Blvd. NE, between Jefferson St. NE and Lang Ave. NE, containing approximately 6.5 acres. (D-17)
Staff Planner: Vicente Quevedo

PO Box 1293

On October 13, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1005283/16EPC-40044 Zone Map Amendment (Zone Change) and 16EPC-40043, Site Development Plan for Subdivision, based on the following findings and subject to the following conditions:

FINDINGS 16EPC-40044 – Zone Map Amendment:

NM 87103

www.cabq.gov

1. This is a request for a Zone Map Amendment from IP (Industrial Park) to SU-1 for Residential Not to Exceed 75 Dwelling Units per Acre and C-2 Uses for Lots 2A-2A-2B-1-A, Plat of Tracts 2A-2A-2B-1-A, Journal Center located on Headline Blvd. between Jefferson St. and Lang Ave. and containing approximately 6.5 acres.
2. The existing IP zoning designation does not provide the residential development densities required in order for the applicant to implement the Centers and Corridors concept of the Comprehensive Plan.
3. The existing residential zones within the Comprehensive Zoning Code only allow for a maximum density of up to 30 dwelling units per acre (Per the R-2 zone, Section 14-16-2-11(F)).
4. 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 Subdivision to fulfill this requirement.

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 2 of 10

5. The Planning Department archives contain a summary plat action dated March 1980 (SP-80-398) that includes the subject site and contained a total acreage of approximately 315 acres. The annexation was officially completed in November of 1980 and IP zoning was secured at that time according to the Journal Center Project Standards document. No additional information is available in the Planning Department archives.
6. The Albuquerque/Bernalillo County Comprehensive, North Valley Area Plan and 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 Established Area of the Comprehensive Plan. The request furthers the following applicable goals and policies of the Comprehensive Plan:

- A. 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 proposed location, intensity of the proposed new mixed use development will serve to support the existing Journal Center commercial service and retail uses, and will be designed to directly integrate into the existing surrounding development because all site development plans will be required to undergo a Journal Center Architectural Review Committee evaluation to ensure that all new development respect existing development values, natural environmental conditions and carrying capacities, and resources of other social, cultural, and recreational concern. The proposed mixed use development will also be located near an existing Major Activity Center and fulfill several Comprehensive Plan Activity Center goals.

- B. 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 neighborhood services 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 programmed urban facilities and services. The nearest residential area is located approximately 800 feet away.

- C. 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 Site Development Plan for Subdivision includes a detailed set of design guidelines that will also be reviewed by the Journal Center Architectural Review Committee (ARC). The ARC, with representation from design professionals and Journal Center management are responsible for reviewing and approving all plans and specifications, ranging from initial construction or alteration of existing improvements, to landscaping.

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 3 of 10

- D. Policy II.C.1.b.: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.**

The request furthers Policy II.C.1.b. because it will result in commercial and high-density residential mixed use development that promotes the efficient placement of housing in close proximity to a designated Major Activity Center and within an existing employment center in order to facilitate a more walkable, pedestrian friendly environment that will serve to reduce the adverse effects of automobile travel.

- E. Policy II.D.4.o.: Peak hour demands on the circulation system should be decreased.**

The request furthers Policy II.D.4.o. because it will allow the future residents of the high-density residential mixed use development the option of multimodal transportation options (other than the car) in order to access surrounding jobs and commercial and retail services.

- 8. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:**

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

- i. In designated Activity Centers.**
- ii. In areas with excellent access to the major street network.**
- iii. 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.**
- iv. 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.**
- v. 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 partially furthers Policy II.B.5.h. because the subject site is located near a Designated Activity Center, within the North I-25 corridor with excellent access to the major street network, the proposed zoning is compatible with existing area land uses as it will create high-density infill development in an area where commercial service and retail uses exist and infrastructure is readily available, not within an area predominantly zoned single-family, and is not located in an area where a transition is needed between single-family homes and more intensive development.

- 9. The request furthers the following goals and policies of the North Valley Area Plan:**

- A. Transportation Policy 2: The City and County shall actively promote sustainable transportation in and through the plan area by encouraging reduced automobile use and improving the safety of non-motorized travel.**

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 4 of 10

The request furthers the NVAP Transportation Policy 2 because it will ensure that new high-density housing will be strategically placed near new and existing commercial service and retail uses thereby creating sustainable multimodal transportation options. The request also fulfills the Centers and Corridors concept contained within the Comprehensive Plan.

- B. Housing Policy 2: The County and City shall encourage mixed use development and redevelopment which incorporates housing.

The request furthers the NVAP Housing Policy 2 because it will result in a mixed use development that incorporates housing on the subject site and within the North Valley Area Plan boundary.

10. The request partially furthers the following North Valley Area Plan goals and policies:

- A. Village Centers Policy 1: The City and County shall encourage new development and redevelopment that incorporates Village Center Principles including: pedestrian attraction and accessibility, mixed use development, and valley scale and character.

The request partially furthers the NVAP Village Centers Policy 1 because while the request fulfills the NVAP Village Center goal of encourage development which provides for community, civic and commercial needs, the NVAP goes on to state that a Village Center is more than a standard commercial center because it is further defined by both the special relationship of buildings and local landmarks and serves as the heart of community life. While it is entirely possible that the future development may eventually achieve this goal, it only currently partially fulfills the NVAP Village Center definition.

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

- A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has demonstrated with response to Section C. The applicant has fulfilled the requirements of R270-1980 Section 1.A.
- B. The request achieves land use stability because there is already an existing SU-1 zoned parcel north of the subject site and the intent of the request is to fulfill the Comprehensive Plan concept of creating Centers and Corridors by encouraging the strategic placement of higher-density housing near existing centers. The subject site is within the existing Journal Center development and is in close proximity to the existing Journal Center Major Activity Center.
- C. Refer to Findings 7 – 10 above.
- D. The existing zoning is inappropriate because the requested zoning is more advantageous to the community in that it will fulfill a public need of providing high-quality mixed use residential and commercial infill development within the existing Journal Center development and in close proximity to the existing Journal Center Major Activity Center, as articulated in the Comprehensive Plan

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 5 of 10

- E. Per the requested site plan controlled SU-1 for Residential Not to Exceed 75 Dwelling Units per Acre and C-2 Uses zoning designation, high-density residential and commercial uses are proposed for the subject site. The C-2 Uses portion of the zoning designation entitles the applicant to permissive and conditional C-2 uses. However, the parcels surrounding the subject site are zoned IP and SU-1 for IP Uses the uses of which will be more intense than that of the subject site if the requested zoning is approved. Therefore, 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 factor is that the request furthers a preponderance of Comprehensive Plan and other applicable plan policies related to the subject site.**
 - H. The request for high-density residential and commercial zoning is not being justified based on the subject site's location near a major street (Jefferson St.), rather the request is being justified by demonstrating that it furthers a preponderance of applicable Comprehensive Plan and other applicable plan policies.**
 - 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 creates a justifiable spot zone because the applicant has demonstrated in the response to Section C that the proposed change will clearly facilitate realization of the Comprehensive Plan and other applicable plans. The response to Section I is sufficient.**
 - J. While the requested zoning includes C-2 Uses, the request would not result in strip commercial zoning because subject site is not a strip of land along a street.**
- 12. The Alameda North Valley Association and District 4 Coalition of Neighborhoods Associations as well as property owners within 100 feet of the subject site were all notified as required.**
- 13. The project was recommended for facilitation by the Office of Neighborhood Coordination on September 7, 2016. The applicant agreed to meet with neighborhood association representatives and participate in the facilitated meeting process.**
- 14. Neighborhood Association representatives declined to hold a meeting and a No Facilitated Meeting Report was issued by the assigned facilitator on September 12, 2016.**
- 15. Staff has received three letters of support from surrounding property owners and no letters of opposition.**

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 6 of 10

CONDITIONS 16EPC-40044 – Zone Map Amendment:

1. The zone 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-40043 – Site Development Plan for Subdivision:

1. This is a request for a Site Development Plan for Subdivision for Lots 2A-2A-2B-1-A, Plat of Tracts 2A-2A-2B-1-A, Journal Center located on Headline Blvd. between Jefferson St. and Lang Ave. and containing approximately 6.5 acres.
2. The existing IP zoning designation does not provide the residential development densities required in order for the applicant to implement the Centers and Corridors concept of the Comprehensive Plan.
3. The existing residential zones within the Comprehensive Zoning Code only allow for a maximum density of up to 30 dwelling units per acre (Per the R-2 zone, Section 14-16-2-11(F)).
4. 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 Subdivision to fulfill this requirement. The proposed uses are permissive under the SU-1 for Residential Not to Exceed 75 Dwelling Units per Acre and C-2 Uses zoning for the subject site.
5. The Planning Department archives contain a summary plat action dated March 1980 (SP-80-398) that includes the subject site and contained a total acreage of approximately 315 acres. The annexation was officially completed in November of 1980 and IP zoning was secured at that time according to the Journal Center Project Standards document. No additional information is available in the Planning Department archives.
6. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan, Journal Center Park Development Standards, Journal Center Project Standards and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. 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, and other applicable Plans.

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 7 of 10

8. The Journal Center Architectural Review Committee (ARC) has reviewed and approved this Site Development Plan for Subdivision prior to the applicant submitting the plan set for EPC review and approval.
9. Per the Journal Center's established review and approval process, all development within the Journal Center must conform to the Journal Center Development Standards.
10. These regulations are tailored specifically to generate the intended character desired for the park and are often more stringent than the City's Comprehensive Zoning code.
11. All future Site Development Plans for Building Permit on the subject site will be first delegated to the ARC for approval prior to being submitted to the DRB for final sign-off.
12. The ARC will evaluate all future Site Development Plans for Building Permit against the EPC approved Site Development Plan for Subdivision Design Standards for 16EPC-40044, as well as against the approved Journal Center Project Standards (the more restrictive design standard / project / park standard shall prevail).
13. The applicant is requesting delegation of future Site Development Plans for Building Permit to the Development Review Board (DRB) for final sign-off.
14. The EPC has complete discretion over whether DRB delegation will be approved.
15. Design standards must be clear and provide sufficient direction with regard to the design and pad site layout for future requests for Site Development Plans for Building Permit.
16. The proposed design guidelines (in conjunction with the Journal Center Park Development Standards, Journal Center Project Standards) warrant delegation to DRB as they provide sufficient design and pad site layout for future requests for Site Development Plans for Building Permit.
17. The New Mexico Department of Transportation (NMDOT) submitted agency comments stating "a Traffic Impact Analysis (TIA) is required because the City Engineer indicated that one was required per the City's TIS form."
18. The City of Albuquerque's TIS form states that the proposed development does not meet the threshold requiring a new Traffic Impact Study (see attached City of Albuquerque Traffic Impact Study form).

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 8 of 10

19. Planning Staff attempted to contact the NMDOT for more details regarding their agency comments however, the Planning Department has not received a formal response.
20. The applicant's agent, however has informed Planning Staff that several meetings with NMDOT staff have recently taken place regarding traffic impacts as a result of potential development within the Journal Center, and that all traffic impact considerations for the potential impacts on Paseo del Norte and the I-25 SB frontage will be addressed as development is approved for building permit.
21. The Alameda North Valley Association and District 4 Coalition of Neighborhoods Associations as well as property owners within 100 feet of the subject site were all notified as required.
22. The project was recommended for facilitation by the Office of Neighborhood Coordination on September 7, 2016. The applicant agreed to meet with neighborhood association representatives and participate in the facilitated meeting process.
23. Neighborhood Association representatives declined to hold a meeting and a No Facilitated Meeting Report was issued by the assigned facilitator on September 12, 2016.
24. Staff has received three letters of support from surrounding property owners and no letters of opposition.

CONDITIONS OF APPROVAL – 16EPC-40044 – Site Development Plan for Subdivision:

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. All future Site Development Plans for Building Permit shall be reviewed and approved by the Journal Center Architectural Review Committee (ARC) and delegated to the DRB for review and final sign-off.

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 9 of 10

4. A notation shall be added to Section "XI. Process" stating that "The ARC shall evaluate all future Site Development Plans for Building Permit against the EPC approved Site Development Plan for Subdivision Design Standards for 16EPC-40044, as well as against the approved Journal Center Project Standards (the more restrictive design standard / project / park standard shall prevail)".
5. City Engineer Conditions of Approval:
 - 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.
6. Albuquerque / Bernalillo County Water Utility Authority Condition of Approval:
 - a. Proposed Tract A-3 shall utilize a private water service easement across either proposed Tract A-1 or A-2 for water service along Lang Ave.
7. Public Service Company of New Mexico Conditions of Approval:
 - a. An existing underground distribution line is located along Jefferson NE at the boundary of the subject property. It is the applicant's obligation to abide by any conditions or terms of those easements.
 - b. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:
Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3697
8. The subdivision of the site shall comply with the purpose, intent, and regulations of the Subdivision Ordinance (14-14-1-3).
9. 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 **October 28, 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.

OFFICIAL NOTICE OF DECISION

Project #1005283

October 13, 2016

Page 10 of 10

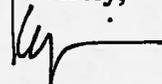
For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City 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).

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/VQ

cc: Titan Journal Center Land, LLC, 6300 Riverside Plaza Ln NW, #200, ABQ, NM 87120
Dekker/Perich/Sabatini, 7601 Jefferson St NE, #100, ABQ, NM 87109
Steven Wentworth, Alameda North Valley Assn, 8919 Boe Ln NE, ABQ, NM 87113-2328
Mark Rupert, Alameda North Valley Assn, 909 Tijeras Ave. NW, Apt 214, ABQ, NM 87102
Michael Pridham, Dist. 4 Coalition of NA's, 6413 Northland Ave. NE, ABQ, NM 87109
Tony Huffman, Dist. 4 Coalition of NA's, 9712 San Verbena Trl. NE, ABQ, NM 87122