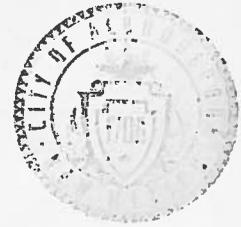


CITY OF ALBUQUERQUE



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

September 9, 2016

Ceja Vista LLC
6330 Riverside Plaza Lane NW
ABQ, NM 87120

Project# 1004428
16EPC-40037 Sector Development Plan Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lots RR-3-A and RR-3-B, Bulk Land Plat, Westland South Tracts RR-3A through RR-3-E, zoned R-LT to R-2, located on Dennis Chavez Blvd., SW, between 98th St., SW and 118th St., SW, containing approximately 26.86 acres. (P-9)
Staff Planner: Maggie Gould

PO Box 1293

Albuquerque

NM 87103

On September 8, 2016 the Environmental Planning Commission (EPC) voted RECOMMEND APPROVAL to the City Council for of Project #1004428/16EPC-40037, Sector Development Plan Map Amendment (Zone Change) based on the following findings:

FINDINGS:

1. This is a request for a Sector Development Plan Map Amendment (Zone Change) for Tracts RR-3-A and RR-3-B Bulk Land Plat, Westland South Tracts RR-3A through RR-3-B, located on Dennis Chavez Boulevard between 98th street and 118th street and containing approximately 26.86 acres.
2. The proposal would change the underlying zoning from R-LT, Residential with Limited Townhomes and Houses to R-2, Residential with Apartments, Townhomes and houses.
3. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic, Rio Bravo Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The subject site is within the Developing Urban Area of the Comprehensive Plan. The following goals and policies of the Comprehensive Plan are applicable :

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- A. 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, and recreational concern

Policy II.B.5d is partially furthered because the proposed zoning will allow residential development in proximity to residential and institutional development, the proposed use adds density in an area indicated by the Rio Bravo sector development plan and will provide a new housing choice for the west side. However, the additional traffic from the development may impact the area.

- B. Policy II.B.5 e: 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 can be ensured.

Policy II.B.5 e is furthered because the site has access to a full range of urban services including roads, water, electric grid and transit. Future development on the site will likely require a traffic impact study, the mitigation measures from such study should help to address any traffic issues.

- C. Policy II.B.5h: Higher density housing is most appropriate in the following situations:
- In designated Activity Center.
 - 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 acres.
 - 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 acres according to the intensity of development in adjacent areas.

Policy II.B.5h is furthered because the subject site is adjacent to two activity centers and in an area with access to the existing street grid. The zoning in the area allows for both single family and multifamily development and commercial and institutional development near Dennis Chavez and 118th. The request will allow development that may act as a transition between the commercial and institutional development to the west and the lower density residential development to the east.

B.7. Activity Centers

- D. Policy II.B.7f: The most intense uses in Activity Center shall be located away from nearby low-density residential development and shall be buffered from those residential uses by a transition area of less intensive development.

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Policy II.B.7f is furthered because the proposed zone will allow the development of higher density housing in between the more intense commercial and institutional development to the west and the less intense single family development allowed to the east. The area around the corner of Dennis Chavez Boulevard and 118th street is a designated community activity center in the Comprehensive Plan, the area to the east is the Rio Bravo 2 neighborhood activity center

- E. Policy II.B.7f i: Multi-unit housing is an appropriate use in Neighborhood, Community and Major Activity Centers.

The area around the corner of Dennis Chavez Boulevard and 118th street is a designated community activity center in the Comprehensive Plan, the area to the east of the site is the Rio Bravo 2 Neighborhood Activity Center, however the zoning on the that center makes it unlikely that the area will develop as an activity center. The proposal would add multi-unit housing near an activity center. The request furtheres policy II.B.7f i.

D.5. Housing

- F. Policy II.D.5a: The supply of affordable housing shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

The applicant proposes to develop affordable senior housing on a portion the site; however the proposed zone would allow the development of houses, town houses or apartments at market rate or as part of an affordable development. Policy II.D.5a is partially furthered because the proposed zone will allow a wider variety of residential uses and so may be more likely to develop with affordable housing, but there is no way to guarantee the affordable development.:

5. The following policies of the West Side Strategic Plan are applicable:

- A. Policy 2.5: When considering approval of subdivision for residential development, the City Planning Department shall consider whether local public schools have sufficient capacity to support the increased number of homes.

The proposed zone will allow the development of houses, townhouse and apartments. Three new schools, a K-8, a K-5 and a high school have developed in the past 10 years. Also, in 2016 voters approved a bond for an additional K-8 school on the west side. In spite of this new construction, comments from APS shows that Atrisco Heritage Academy is over capacity by 326 students, and APS predicts that the K-8 school will be over capacity by 374 students in the 2017-2018 school year. Harrison Middle school has excess capacity of 254 students.

The applicant states the existing zoning would allow about 200 dwelling units while the proposed zoning would allow about 540 units, 120 of which would be senior housing. The additional units would be a mix of multi-family and townhomes and would be less likely to generate the same level of students as a single family development.

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The applicant also states that the provision of a range of residential forms and densities that meets the needs of different demographic groups is an important component of the growth and development of healthy economy and that economic growth will be needed to pay for school bonds and establish a higher permanent base.

Additionally, the applicant states that the site is near the boundary of Rio Grande High School, where enrolment is lower. APS explores solutions to overcrowding that include the construction of new schools or additions to existing schools, the addition of portables, the use of non-classroom spaces for temporary classrooms, lease facilities, and the use of other public facilities

Policy 2.5 requires that the City consider the school capacity. The comments from APS show that the area schools closest to the site are over capacity. The proposed zone may have other benefits to the community, but will likely contribute the school overcrowding in the short term.

- B. Gun Club Community Policy 3.48: Promote low-density development consistent with the rural character of the area within most of the Gun Club Community. Exceptions to this are in residential areas of the community north of Senator Dennis Chavez Boulevard and in Activity Centers in key locations of the Rio Bravo corridor where mixed use commercial services, public facilities, high density residential, and employment uses are appropriate. These areas should have a greater variety of densities and land uses.

Gun Club Community Policy 3.48 is furthered because the proposed zone will allow the development of higher density residential uses along the Rio Bravo/Dennis Chavez Corridor near 98th Street and close to 118th street. The area has existing schools (public facilities and employment uses). The new zone will add additional housing opportunities in proximity to these uses.

- C. Rio Bravo Community Policy 3.69a: Support the location of mixed-use development that includes multi-family residential developments within designated Activity Center in the Rio Bravo Community

Rio Bravo Community Policy 3.69a: is furthered because the subject site is located between the 118th and Dennis Chavez Blvd. Community Activity Center (per the Comprehensive Plan) and the Rio Bravo 2 Neighborhood Activity Center (per the WSSP and the Rio Bravo SDP). The site has access to a major roadway with transit service.

- D. Density and Character Issues, Page 50: This plan does not limit residential densities. More high density development is appropriate on the West Side and desirable, especially near transit facilities and along transit corridors, in order to decrease sprawl and promote transit use. The higher densities, which could be 20 dus/acre or more, will occur close to the Community Centers and in proximity to transit corridors. Performance and design criteria for these areas will reflect the goals and spirit of the plan. Growth will be guided by development patterns rather than a specific density to be met. Densities and boundaries may differ among communities, yet meet overall objectives.

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The proposed zone change from R-LT to R-2 furthers the intent of this discussion on density. The subject site is located along a major corridor, Dennis Chavez Blvd., designated a Regional Principal Arterial, and has transit service today (Route 133 transit service may expand in the future as the area develops. The site is located adjacent to the 118th/Dennis Chavez Community Activity Center.

6. The following policies of the Rio Bravo Sector Development Plan are applicable to the request:

II.D.1. Land Uses Parcelization and Development, page 25: Zone Designation Concentrations. After City adoption of this regulation, no more than 25 contiguous gross acres shall be designated R-LT. Each 25 acres with an R-LT designation shall be surrounded in all directions by land uses that are not detached houses.

The Rio Bravo Sector Development Plan contains R-LT as the predominant residential zone; the intent of the policy seems to be the encouragement of a variety of housing types. The area has developed with detached, single family housing almost exclusively. The proposed zone reintroduces the possibility of land uses that are not detached houses. II.D.1. Land Uses Parcelization and Development, is furthered by this request.

Page 51 A. Developmental Goal: Plan Objective: A mixed use community with housing and employment opportunities in close proximity.

The proposed change furthers the intent of the RBSDP by adding the possibility of multi-family development as proposed within the plan area. The proximity of the subject site to the 118th and Dennis Chavez Community Activity Center furthers the goal of the plan, by placing multi-family housing in close proximity to existing (APS) and future employment opportunities.

7. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
 - A. The applicable plans express a need for this type of development. The location is appropriate for residential development with a mix of densities. Additionally there is policy support for this request. The zoning will allow the development houses, townhouses or apartments in an area with existing residential and commercial development. The proposed uses are generally compatible with the existing development and will not have a negative impact on the area.
 - B. The proposed zone change does not negatively affect the stability of land use and zoning in the area. This proposed zone change maintains the residential use, furthers the intent of the applicable plans, and maintains the stability of land uses as planned within the plan area. The proposed zone will allow residential development, at a mix of densities, in an area with existing residential and commercial development. There is R-2 zoning to the east of the subject site.
 - C. See findings 4,5 and 6

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D. The applicant states that there are changed conditions in the form of a new Community Activity Center designated by the Comprehensive Plan in 2013, the recommendation of a new community activity in the Southwest Strategic Action Plan in 2009 and the development of the multi-family zoned areas with single family development. Additionally, the construction of new schools in the area addresses the previous issue of school overcrowding. Finally, Bernalillo County adopted a master plan for the area near the site that envisions a residential community with mixed densities.

The designation of new community activity centers makes the proposed higher zone appropriate. The additional density may support transit and future commercial development in the commercial areas near the subject site. The school capacity issue has been addressed. The Rio Bravo Sector Development Plan contained R-2 zoning that could have allowed multifamily development, but these zones were developed with higher density single family. The additional multi-family zoning will allow for multi-family development in the area.

E. The allowed uses in the R-2 zone are residential and will be of higher density than the existing residential development but will still be a compatible residential use.

F. The area has existing infrastructure and future development will be the responsibility of the owner or a developer. The proposed zone will not cause unprogrammed capital expenditures.

G. The applicant has not cited the cost of land as part of the justification, but has cited changed conditions and has demonstrated that the request is consistent with applicable plans.

H. The location on Dennis Chavez Boulevard is relevant to the request because the Rio Bravo Sector Development Plan calls out the area as an appropriate place for more intense development. However, the applicant has provided justification beyond this for the request.

I. The proposed zone will give these two parcels a zone that is different from the adjacent parcels and so they could be considered a spot zone. However, the applicant has stated that proposed zone could act as a transition between the school to the west and the single family zoning to the east. Additionally, the prohibition against spot zoning is also about keeping incompatible land uses apart. The proposed zone is compatible with the adjacent zoning and allowed uses.

J. The proposed zone does technically create a strip of zoning along a street that is different from the adjacent zones; however it is a large area, not a small, out of place strip and as stated in section I, will be compatible with adjacent land uses.

8. Because the request amends the zoning imposed by the Rio Bravo Sector Development Plan, it constitutes a Sector Development Plan Amendment. Because the request is for a parcel that is covered by a Sector Development and exceeds an area of one block, City Council will be the final decision making body (14-16-4-1(15)(c)).

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9. The Anderson Hills Neighborhood Association, Anderson Hills Home Owner's Association, Los Volcanes Neighborhood Association, South Valley Coalition of Neighborhood Associations, South West Alliance of Neighbors (SWAN), Westside Coalition of Neighborhood Associations were notified of the request. A facilitated meeting was not recommended or requested.
10. Property owners within 100 feet of the site were also notified of the request.
11. Staff received comment after the 48 hour deadline expressing opposition to the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 23, 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 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.

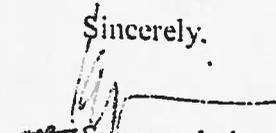
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Sincerely,


Suzanne Lubar
Planning Director

SL/MG

cc: Ceja Vista LLC, 6330 Riverside Plaza Lane NW, ABQ, NM 87120
Consensus Planning, Inc., 302 8th Street NW, ABQ, NM 87102
Larry LaPitz, Anderson Hills HOA, 3120 Rio Plata Dr SW, ABQ, NM 87121
Cindy Lewis McCormick, Anderson Hills HOA, 2823 Richmond NE, ABQ, NM 87107
Ray Bailey, Anderson Hills NA, 3316 Rio Canon Ct SW, ABQ, NM 87121
Johnny Pena, SWAN, 6525 Sunset Gardens SW, ABQ, NM 87121
Jerry Gallegos, SWAN, 417 65th St SW, ABQ, NM 87121
Rod Mahoney, S.V. Coalition of Neighborhood Assoc., 1838 Sadora Rd SW, ABQ, NM 87105
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