

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

January 22, 2021

Frank and Clarissa Gonzales
7828 Aguila St. NW
Albuquerque, NM, 87120

Project #2018- 001743
VA-2020-000375- EPC Variance

LEGAL DESCRIPTION:

Frank and Clarissa Gonzales request the above action for all or a portion of Lot 1, Block 11, Volcano Cliffs Subdivision, Unit 18, located at 7828 Aguila St. NW, between Petirrojo Rd. NW and Aguila St. NW, approximately 0.38 acre (D-10-Z)
Staff Planner: Sergio Lozoya

On January 21, 2021, the Environmental Planning Commission (EPC) voted to approve Project #2018-001743 VA-2020-00375, a Variance-EPC, based on the following findings and subject to the following condition:

1. This request is for a variance to the 15-foot height limit in the Northwest Mesa Escarpment VPO-2 for a property described as Tract 1 Block 11, Volcano Cliffs Subdivision, Unit 18 owned by Clarissa and Frank Gonzales, located at 7828 Aguila St N.W., at the corner of Petirrojo Rd NW and Aguila St NW, approximately 0.38 acre.
2. The subject site is zoned R1-D (Residential - Single-Family Zone District). The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. An additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood.
3. The applicant is requesting a variance to the 15-foot structure height limit in the Height Restriction Sub-Area of the Northwest Mesa Escarpment – VPO-2. The request is for an additional 2-feet and 5 inches for a total of 17 feet and 5 inches. The maximum height allowed through the Variance-EPC process in the Northwest Mesa Escarpment – VPO-2 is 19 feet from finished grade. A final review of the drawings was made and the appropriate height was determined as written above.
4. The EPC has the authority to review the Variance – EPC for conformance to applicable IDO height development standards, including variances for the 15-foot structure height limit in the Height Restriction Sub-Area of the Northwest Mesa Escarpment – VPO-2. IDO Subsection 14-16-3-6(E)(3)(c) also indicates that any request for height variance will be decided by EPC, which will make its decision pursuant to 14-16-3-6(E)(3) 1 and 14-16-3-6(E)(3) 2.

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5. The applicant is required to provide all the necessary materials, including architectural drawings, described in 14-16-6-6(M)(2)(e) for review.
6. The subject site is in an Area of Consistency and is not located on a corridor or center as designated by the Comprehensive plan.
7. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
8. The request meets the Variance – EPC Review & Decision Criteria in IDO section 14-16-6-6(M)(3)(c) 1 & 2 as follows:
 - A. 6-6(M)(3)(c) 1. Hardship: As demonstrated by the review of the grading and drainage plan for the subject site and surrounding area, the applicant has demonstrated that the elevation of the roadway adjacent to the site was built at a lower elevation than the surrounding subdivision. Considering the conditions, the height of the subject lot was built at a low elevation to accommodate the nearby storm drains.
 - B. 6-6(M)(3)(c) 2 Visual Impact: The applicant has provided sufficient evidence that the proposed structure will have a visual impact that will be the same as, or less than the impact if the 15-foot height limit were met.
9. The request meets the Variance – EPC Procedure requirements pursuant to 14-16-6-6(M)(2)(e) 1 through 14-16-6-6(M)(2)(e) 4 as follows:
 - A. 14-16-6-6(M)(2)(e) 1: Site plans, site elevations and site sections showing the location of the major public views.

The applicant has provided all required architectural drawings pursuant to 14-16-6-6(M)(2)(e) 1.

- B. 14-16-6-6(M)(2)(e) 2: View plan exhibits that illustrate the expected impact of structure height on major public views given the relationship of slopes, building heights, setbacks, escarpment height, and view corridors.

The applicant has provided such exhibits pursuant to IDO subsection 6-6(M)(2)(e) 1, the view plan is shown on the site elevations and demonstrates the relationships of slopes, building heights, setbacks, escarpment height, and view corridors.

- C. Analysis and demonstration of at least 1 of the techniques required by Subsection 14-16-3-6(E)(3) (i.e. height/slope, view corridors, or height/slope/setback) to minimize the impact of additional structure height on views to and from the escarpment.

The applicant has demonstrated that a naturally occurring height and slope technique is occurring on site as the subject site is lower than the surrounding properties and the streets Petirrojo Dr and Aguila St slopes downward toward the site. This combined with a lower elevation of the sight create a Height/Slope scenario. Also, the drawings provided demonstrate that several view

corridors remain intact and that the structure will have minimal impact on existing major public views.

D. A Grading and Drainage Plan that has been approved by the City Engineer.

The applicant has provided a Grading and Drainage Plan that has been approved by the City Engineer.

10. The request is consistent with the following Comprehensive Plan policy from Chapter 4: Community Identity

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The subject site maintains the general requirements in both CPO-12, and VPO-2 which are regulatory standards in place to protect communities. The proposed development is consistent with the character of the area and will enhance, protect, and preserve the surrounding community by maintain the public views to and from the escarpment, to the Volcano's, and to the Sandia Mountains. The request is consistent with Policy 4.1 Character.

B. Policy 4.1.4 - Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The proposed project will contribute to this goal by fulfilling the intent of the planned development on the Westside. This proposed project will contribute to the neighborhood. The new home ensures development consistent with Areas of Consistency. The public views will be maintained, and the neighborhood will be strengthened with the addition of this proposed home. The request is consistent with policy 4.1.4 Neighborhoods.

11. The request is consistent with the following Comprehensive Plan policy from chapter 5: Land Use:

A. Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers of Corridors, parks, and Major Public Open Space.

The proposed single-family home will be a welcome addition to the Volcano Mesa CPO. It maintains the intent of this area by adding a single-family home to the neighborhood. The addition of a new home will strengthen the integrity of the community by developing pursuant to an Area of Consistency. As demonstrated in the View Analysis, the major public views will be maintained, and the character of this neighborhood will be enhanced. The request is consistent with Policy 5.6.3 Areas of Consistency.

12. The request is consistent with the following Comprehensive Plan policy from Chapter 7: Urban Design:

A. Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

A key asset of this neighborhood are the protected views of the Volcanoes, to and from the escarpment, and to the Sandia Mountains. The analysis of the view impact below indicates that the requested addition in height will maintain these views and cause no more of an impact the allotted 15' height. The request is consistent with Policy 7.3.2 Community Character.

13. The Long-Range Planning team has expressed support for approval of the Variance-EPC, pending view analysis. As demonstrated in the view analysis portion of this report, the applicant has provided sufficient evidence that the proposed structure will not have a greater impact on views than if it were built at the 15-foot height limit.
14. Commenting agencies declared that they had “no adverse comment”, or “no comment”.
15. The affected, registered neighborhood organization is the Westside Coalition of Neighborhood Associations. The applicant notified the neighborhood association and property owners within 100-feet. Both the neighborhood association and the property owners expressed support for this request.
16. Three different property owners within the Volcano Cliffs subdivision expressed support for this request. There were no requests for a neighborhood meeting concerning this project.

Condition:

1. Building Permit that is currently under review and future construction shall adhere to all requirements in IDO subsection 14-16-3-6(E) Northwest Mesa Escarpment – VPO-2 and requirements in IDO subsection 14-16-3-4(M) Volcano Mesa – CPO -12.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC’s decision or by **February 5, 2021**. 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 14-16-6-4(U) of the IDO, Administration and Enforcement. 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).

Sincerely,

for Brennon Williams
Planning Director

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BW/SL

cc: Frank & Clarissa Gonzales, fgonzal2@outlook.com
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