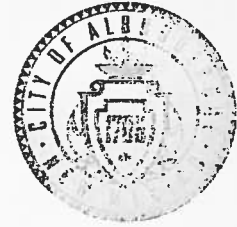


# CITY OF ALBUQUERQUE



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

August 12, 2016

Dave & Jennifer Soule  
P.O. Box 93924  
ABQ, NM 87199

Project# 1010902  
16EPC-40028 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above action for all or a portion of Lot 12A, Paradise Hills Investment Properties, Unit 1, zoned SU-1 for C-1 Uses, located on Buglo NW, between Lyons NW and Justin NW, containing approximately .76 acre. (B-11)  
Staff Planner: Michael Vos

PO Box 1293

On August 11, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1010902/16EPC-40028, a Site Development Plan for Building Permit, based on the following findings and conditions:

Albuquerque

### FINDINGS:

NM 87103

www.cabq.gov

1. This is a request for a site development plan for building permit for Lot 12A of Paradise Hills Investment Properties, Unit 1 located on Buglo Avenue NE and containing approximately 0.76 acres.
2. The subject site was annexed by the City of Albuquerque in 1985, was zoned SU-1 for C-1 Uses at that time, and has remained undeveloped since.
3. The applicant proposes to develop 12 dwelling units within four 2,250 square foot buildings with a fifth 600 square foot common building also located on the site.
4. The requested use, apartments, is a conditional use of the C-1 zone; however, a conditional use permit is not needed because the SU-1 zoning refers to "C-1 Uses," thus allowing both permissive and conditional uses on the subject site.
5. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Northwest Mesa Escarpment Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

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6. The subject site is within the Established Urban Area of the Comprehensive Plan and is within the View Area of the Northwest Mesa Escarpment Plan.
7. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
  - i. Policy II.B.5.a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request is for a small apartment complex on commercially-zoned property that allows for a variety of land uses. Based on the size of the subject site and the number of units proposed, the density for this individual project is approximately 16 dwelling units per acre in an area generally characterized by lower density single-family residential. Another apartment complex is located in the area of the request, but the intent is for these new units to cater to the older population. The request increases housing choice in the area by utilizing a poorly located commercially-zoned property. Policy II.B.5.a is furthered by this request.

- ii. 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 it generally respects neighborhood values, is designed appropriately for the plan area, and is consistent with adjacent land uses. The maximum proposed height is 15 feet, which is less than allowed by the zoning code for the C-1 zone. The proposal has minimal impacts on natural environmental conditions and follows the regulations for protection of the Northwest Mesa Escarpment plan area. The subject site is surrounded by similarly intense uses and property that could develop with other similarly intense uses. As of the writing of this report, there is little known neighborhood opposition to the project.

- iii. 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.

The request is to develop a vacant property in the established urban area adjacent to previously developed land. The proposed buildings have been designed to have minimal effect on the surrounding parcels of land and ensure the integrity of the existing neighborhoods. The subject site is located outside of the adopted service area for water service and will need to request and be approved for serviceability

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by the Water Authority, and depending on the Authority's requirements extend the appropriate infrastructure to the property. Policy II.B.5.e is partially furthered by this request.

iv. 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.

Policy II.B.5.h is partially furthered by the request because the proposed apartments are located in an area where a mixed density pattern is established by the existing uses nearby. The subject site is also on the edge of a group of properties that are zoned to allow for much more intense uses and can serve as a transition from the existing single-family homes to any future non-residential development that may occur in the area. However, some concerns have been raised as to the adequacy of infrastructure with the major road networks only available via local streets shared by neighboring single-family residential subdivisions.

v. Policy II.B.5.i: 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 generally furtheres Policy II.B.5.i because the proposed buildings are of basic design, but will meet the color and reflectance regulations of the Northwest Mesa Escarpment Plan. The materials and color will be similar in color to the surrounding structures.

8. The request is in general compliance with the following applicable goals and policies of the West Side Strategic Plan:

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- i. WSSP Policy 1.1: Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers (page 38).

The request furthers WSSP Policy 1.1 by proposing medium density apartments on a property in proximity to the Paradise/Lyon Neighborhood Center similar to other nearby higher density development in the area. Low density development is not proposed and will not be approved within the neighborhood center with this request.

9. The request is in general compliance with the following applicable goals and policies of the Northwest Mesa Escarpment Plan:

- i. Policy 8-2: Site development plan review is required for development as follows:
  1. Development on parcels zoned SU-1 shall be reviewed through procedures described in the Comprehensive City Zoning Code.
  2. Site development plans on all other parcels including site development plans for single family detached housing will be reviewed by the City Planner for compliance with this plan.

Policy 8-2 is furthered by the submittal and review of this site development plan for building permit by city staff and the Environmental Planning Commission.

- ii. Policy 20-1: Predominant exterior surfaces of commercial and multi-family buildings shall be Approved Colors (Appendix E). Metal items such as vents, cooling units and other mechanical devices on roofs are subject to this regulation, as are fences. Dish antennae shall not be placed on roofs. Up to 20% of the opaque materials on any façade may be colors other than approved colors.

Policy 20-1 is furthered by this development intending to use colors in accordance with the plan and blending with the natural colors found along the escarpment. To ensure the correct color palette is used through completion of the project, a condition of approval to reflect the need to use colors identified in the plan has been recommended by staff.

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- iii. Policy 21-1: The height of structures within the View Area shall comply with the requirements of the Comprehensive City Zoning Code, except that no structure shall exceed 40'0" in height.

The request furthers Policy 21-1 because it is proposing a maximum building height of 15 feet, which is less than the 26 feet generally allowed by zoning of the property and significantly less than the 40-foot maximum imposed by the plan.

10. Representatives of the Paradise Hills Civic Association and Westside Coalition of Neighborhoods, as well as property owners within 100 feet of the subject site were notified of this request. A facilitated meeting was not recommended nor held.
11. Based on discussions during the hearing regarding architectural design, the applicant has agreed to add at least 2 additional features or elements to the building facades to better integrate with the surrounding neighborhoods.

**CONDITIONS:**

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. The proposed colors of the building, including awnings and other accents shall conform to the color palette identified by the Northwest Mesa Escarpment Plan. A minimum of 2 additional architectural features or elements that are found in the surrounding neighborhoods shall be added to the building facades.
4. The applicant shall place the exact calculations of usable open space provided by the proposed development on the site plan.
5. Clearer, more detailed notes shall be added to the landscaping plan indicating that the landscaping meets the requirements of the zoning code, including but not limited to parking lot trees, required trees for multi-family development, placement of such trees, and the size and dimensions of the trees and shrubs provided.

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6. Notes shall be added to the site plan referencing the restrictions on signage to a maximum of 25 square feet per building façade and that no freestanding signs are permitted on the subject property.
7. Conditions of Approval from Transportation Development:
  - a. Identify the right of way width, medians, curb cuts, and street widths on Buglo Ave. and cross streets north of project area.
  - b. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing." Please call out detail and location of HC signs.
  - c. Show all drive aisle widths and radii.
  - d. Per DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details.
  - e. Per DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the HC parking stall access aisles to the building entrances. Please clearly show this pathway and provide details. Provide striped access isle across drive pad from Dayroom HC parking to access isle leading to residential units.
  - f. All sidewalks along streets should be placed at the property line.
  - g. Provide a min 6" or max 8" high concrete barrier curb or other acceptable barrier between landscaping and parking areas and/or drive aisles. Please call out detail and location of barrier curb.
  - h. Service vehicle and/or refuse vehicle maneuvering must be contained on-site; provide a copy of refuse approval.
  - i. It is not apparent what type of pavement surface is being proposed. A hard driving surface will be required as part of this proposed project for parking area and drive aisles.
  - j. Please provide a sight distance exhibit (see the *Development Process Manual, Chapter 23, Section 3*). Please provide this detail or the entrance/exit on Buglo Ave.
  - k. Please add the following note to the clear sight triangle: "Landscaping and signage will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."

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- l. Please add a note on the plan stating "All improvements located in the Right of Way must be included on the work order."
  - m. 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).
8. Conditions of Approval from the Albuquerque Bernalillo County Water Utility Authority:
- a. Serviceability statement #151107 is still current but a new request is needed as the fire marshal requirements were never submitted. This is required prior to future condition as indicated in the aforementioned serviceability statement.
  - b. The development is located outside of the adopted service, therefore Board approval is required. If extensions of public waterline or sanitary sewer are required, a Board approved development agreement is required.
  - c. Extension of waterline is required to cover the property frontage. This is required to allow for future extensions for the properties to the west.
  - d. The utility plan indicated a private grinder pump for discharge into the exiting manhole along Sierra Morena St. This may not be acceptable as a public sanitary sewer extension (force main) may be required to cover the property frontage. The requirements will be determined by the serviceability statement.
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 **AUGUST 26, 2016**. 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 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

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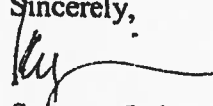
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other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within 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.

Sincerely,  
  
Suzanne Lubar  
Planning Director

SL/MV

cc: Dave & Jennifer Soule, P.O. Box 93924, ABQ, NM 87199  
Rio Grande Engineering, P.O. Box 93924, ABQ, NM 87199  
Tom Anderson, Paradise Hills Civic Assoc. 10013 Plunkett Dr. NW, ABQ, NM 87114  
Maria Warren, Paradise Hills Civic Assoc. 5020 Russell Dr. NW, ABQ, NM 87114  
Harry Hendriksen, Westside Coalition of NA's, 10592 Rio Del Sole Ct. NW, ABQ, NM 87114-2701  
Rene Horvath, Westside Coalition NA's, 5515 Palomino Dr. NW, ABQ, NM 87120  
Joan Walsh, 9800 Basha St. NW, ABQ, NM 87114  
Robert Shultis, 9812 Sierra Morena St. NW, ABQ, NM 87114  
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