

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

September 10, 2020

Titan Property Management LLC
6300 Riverside Plaza LN. NW
Albuquerque NM, 87102

Project #2020-004086
SI-2020-00690– Site Improvement

LEGAL DESCRIPTION:

Consensus Planning Inc., agent for Titan Property Management LLC, requests the above action for all or a portion of Tract 1 Bulk Land Plat, Tracts 1 and 2 The Foothills, being a replat of Tracts N-2 and N-3-A, Tanoan Properties; Tract 18, of High Desert and a Portion of Old Tramway Right-of-Way, located on Tennyson St. NE, between Academy Rd. NE, and San Antonio Dr. NE, approximately 16.1 acres (E-22)
Staff Planner: Leslie Naji

On September 10, 2020, the Environmental Planning Commission (EPC) voted to approve PR-2020-004086/SI-2020-00690– Site Improvement based on the following Findings and subject to Conditions:

1. The request is for approval of Site Plan-EPC on a site containing 16.1 acres, described as Tract 1 The Foothills.
2. The applicant is requesting a Site Plan – EPC for a multi-family project with 16 residential buildings, one exercise building and one leasing/recreation building on the site.
3. Seven of the sixteen buildings have garages at ground level and a maximum building height of 37 feet. The remaining nine buildings have a maximum height of 40 feet.
4. The applicant is requesting two variances as shown and noted on the Site Plan - EPC: 1) 10 feet of the 15-foot front setback at one building; and 2) 10-foot variance of the 20-foot buffer between the MPOS.
5. The subject site is located in an Area of Consistency as designated in the ABC Comprehensive Plan.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance are incorporated herein by reference and made part of the record for all purposes.
7. The request is consistent with the following Comprehensive Plan Goal from the Land Use Chapter:

GOAL 5.2 COMPLETE COMMUNITIES:

Foster communities where residents can live, work, learn, shop, and play together.

Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.2.1 Land Uses: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

d) Encourage development that broadens housing options to meet a range of incomes and lifestyles.

The project will provide a range of housing options including townhomes and garden apartments. Unit sizes include 1, 2, and 3 bedrooms. The project is intended as a luxury apartment complex catering to a specific clientele, but will provide a variation from the predominantly single-family developments in the area.

f) Encourage higher density housing as an appropriate use in the following situations: [ABC]

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.

There is adequate infrastructure in the area with similar land use to the south including Multi-family residential (PD) and single-family residential in remaining areas.

8. The request is consistent with the following Comprehensive Plan Goal from the Land Use Chapter:

GOAL 5.3 EFFICIENT DEVELOPMENT PATTERNS:

Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities. [ABC]

The parcel maximizes the use of existing infrastructure required to service the development demands as all required infrastructure surrounds the parcel. Albuquerque Public Schools has expressed concern over the possible impact on Georgia O’Keefe Elementary School that is currently operating at capacity.

9. The request is consistent with the following Comprehensive Plan Goal from the Land Use Chapter:

GOAL 5.6 CITY DEVELOPMENT AREAS

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

Policy 5.6.2 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, and Major Public Open Space.

b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

The scale of development in the area of this project is diverse. Immediately to the north are large lots and small lot single-family homes. Immediately to the south of this project is a similarly scaled multi-family residential development and further south, on Academy Dr., is a neighborhood commercial center.

g) Provide setbacks and/or setbacks to protect solar access and privacy on abutting single-family residential properties

No units are close to the adjoining single-family houses, hence protecting solar rights and privacy.

10. The request is consistent with the following Comprehensive Plan Goal from the Housing:

GOAL 9.1 SUPPLY

Promote housing design that is sustainable and compatible with the natural and built environments.

POLICY 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households. [ABC]

i) Provide for the development of multi-family housing close to public services, transit, and shopping.

This multi-family housing development furthers this policy as it is close to a major commuter corridor, has close access to transit, and is within walking distance of a neighborhood shopping center. It is also accessibly to major public open space across Tramway.

11. The request is consistent with the following Comprehensive Plan Goal from the Housing:

GOAL 9. 2 SUSTAINABLE DESIGN

Support increased housing density in appropriate places with adequate services and amenities.

POLICY 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street. [ABC]

The proposed project provides multi-family housing with similar density and character of neighboring housing projects. Its style and site amenities are appropriate for the area. A large portion of the site is open.

12. The request meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(H)(3) as follows:

A. 6-6(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.
As demonstrated by the policy analysis above, the request is consistent with applicable Comprehensive Plan Goals and policies.

B, 6-6(H)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

The subject property was zoned PD with the IDO conversion because it was undeveloped at the time. The site was rezoned to R-MH through the voluntary rezoning process. There is no previously approved or submitted site plan for this property.

C. 6-6(H)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

With the application of conditions of approval, the site plan will comply with all applicable provisions of the IDO. The request will need to be reviewed by the Development Review Board (DRB) to ensure compliance with applicable provisions of the Development Process Manual (DPM).

- D. 6-6(H)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

The project site is within an area of existing infrastructure and services. The request will provide improvements to trails and drainage and will be reviewed by the Development Review Board (DRB), to ensure that infrastructure has sufficient capacity to serve a proposed development.

- E. 6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

The Applicant has carefully considered the impacts of the proposed development on the surrounding area. Site lighting has been kept to 15 feet and walls are strategically located to minimize glare from headlights off the subject property. Many residents utilize this property as an informal access to the culverts under Tramway Boulevard to reach the MPOS trails and multi-use path along Tramway. Access from the site via Tennyson St. is handles with a signal at Academy Rd. regulating left turns towards Tramway.

13. The request meets the Variance-EPC Review & Decision Criteria IDO Section 6-6(m)(3)(a) in as follows:

- A. There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the Property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.

There are several special circumstances applicable to the subject property that are not self-imposed and do not apply generally to other property in the same zone district and vicinity.

The subject site is bisected by the Pino Arroyo and significantly encumbered by a floodplain and grading challenges created by the topography. The arroyo will remain on the property within a buried box culvert. This culvert requires a 60-foot wide easement in which buildings may not be constructed. Site improvements to the culvert area at the eastern edge of the site, with landscaping and natural pathways, pushes the block of housing units further to the south creating the need of the 10-foot variance to the 15- foot front setback.

The designated front of the site was determined as the south edge because access to the site is from Tennyson Street. The units nearest Tennyson and the southern property line where the variance is requested are actually the side of the unit. South of the site is undevelopable right-of-way with no concern for additional construction later.

The variance of 10 feet for the buffer adjacent to the MPOS is warranted as the project site, though by definition, is adjacent, it is actually separated by the Tramway Blvd. public right-of-

way which extends from 300 to over 350 feet. IDO Section 14-16- 5-2(H)(2)(a) states that “development on properties of any size adjacent to Major Public Open Space shall:

Be platted and/or designed to incorporate a single-loaded street between the Major Public Open Space and development, with access generally not allowed unless approved by the Open Space Division of the City Parks and Recreation Department. Where a single-loaded street is not desired by the Open Space Division of the City Parks and Recreation Department, a landscape buffer with a minimum width of 20 feet may be substituted as approved by the Open Space Superintendent.”

The intention of this buffer or single-loaded street is to provide a separation. That separation is more than provided by the four lanes of Tramway. Between the buildings and the eastern property line as designed, there is only about 360 linear feet of the 760 feet where the setback is less than 20 feet.

- B. The variance will not be materially contrary to the public safety, health, or welfare.

This variance request will not be contrary to the public safety, health, or general welfare. The units nearest Tennyson and the southern property line where the variance is requested are actually the side of the unit. South of the site is undevelopable right-of-way with no concern for additional construction later.

- C. The variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.

The variances will cause no adverse effects on the surrounding area; whereas, the accompanying site improvements will be beneficial to the surrounding with better access to the under-roadway culvert, an accompanying park and improvements to the flood plain.

- D. The variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.

This site has long been designated for multi-family high intensity development. It will provide an option in housing types to the area with access to basic amenities and major roadways. The requested variances do not undermine the applicable zoning district or the intended growth of the area.

- E. The variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

The variance requested is the minimum necessary to avoid hardship given the dimensional site constraints produced by the culvert easement. Only through the removal of the southernmost unit, on a site providing 17 DU per acres as opposed to the 24 DU per acre permissible, can the design work without this variance.

The variance of 10 feet along the eastern boundary is necessary to prevent a grave redundancy of separation.

14. IDO criteria 5-3(D)(3)(c) Materials to Alert Motorists calls for a change in material, level, or color, specifically stated not paint on material. The onsite crosswalks are only demarcated with painted stripes which is insufficient. The number of crosswalks also seems insufficient with none being provided to the dog walk area, nor along the longest run of buildings on the west side of the site.
15. IDO criteria 5-5 Parking and Loading is not sufficiently met as garages are calculated as the only bicycle parking spots. The applicant needs to provide a minimum of 30 bicycle parking slots located around the site to meet the requirement.

16. PNM has concerns with some building locations. These details will need to be worked out between the applicant and PNM prior to DRB submittal.
17. The District 8 Coalition of Neighborhood Associations, North Albuquerque Acres Community Association, and Antelope Run NA were notified by the applicant. Property owners within 100 feet of the subject site were also notified, as required. A community meeting was requested and held. There is no known opposition to the request.

CONDITIONS OF APPROVAL

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB) to ensure all technical issues are resolved. The DRB is responsible for ensuring that technical EPC Conditions have been satisfied and that other applicable City requirements have been met.
2. 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.
3. The applicant shall meet with the Staff planner prior to applying to the DRB to ensure that all conditions of approval are addressed and met. Upon receiving sign-off from the DRB, the applicant shall submit a finalized version of the site plan for filing at the Planning Department.
4. Pursuant to IDO Section 14-16-5-2(H)(1)(a) Properties within 330 Feet of Major Public Open Space, roof material and color shall be submitted for compliance with light reflective value (LRV) rating between 20 percent and 50 percent.
5. Exterior surface colors range from 20 – 50 percent; however, no color or LRV has been given for the metal roof. This will need to be provided prior to DRB approval.
6. Pursuant to IDO Section 14-16-5-3(D)(3)(b) Network of Walkways, pedestrian driveway crossings are insufficient for the layout of the site. An additional crosswalk should be provided along the western length of units at the point of connection to amenities sidewalk location.
7. Pursuant to IDO Section 14-16-5-3(D)(3)(b)2b, continue soft-surface Nature Path at north property line in order to connect with informal trail that connects with the Pino Dam gravel road/trail for recreation purposes. The applicant shall consult and coordinate with the Parks and Recreation Department, Municipal Development Department and Bernalillo County about best practices for the alignment, improvement, and maintenance of publicly accessible private trails on the subject site, including connections to public trails, sidewalks, public open space, and public rights-of-way, as required by the IDO.
8. Pursuant to IDO Section 14-16-5-2(E)(4)(d) Parking lots abutting major arroyos shall provide a buffer pursuant to Subsection 5-6(F)(3)(a) Walls or fencing a minimum of 6 feet high; fencing requires landscaping with evergreen shrubs or vines to form a screen at least 75 percent opaque. , provide space and vine symbol at base of 6-foot wrought iron fence located at surface parking where it abuts arroyo property, and add vine symbol in plant schedule.

OFFICIAL NOTICE OF DECISION

Project #2020-004086

September 10, 2020

Page 7 of 8

9. Pursuant to IDO Section 14-16-5-3(D)(3)(c) Materials to Alert Motorists, provide a change in material color or texture for crosswalk areas and provide a minimum of two additional crosswalks on the site.
10. Pursuant to IDO Section 14-16-5-5(C)(5)(d) Electric Vehicle Charging Station Credit, the applicant will provide ten (10) EVC stations on the site, not all of which are to be in designated garages.
11. Applicant will establish are required utility easements with the appropriate agencies.
12. The vehicular access point along San Antonio shall be for emergency access only and shall be explicitly noted as such. Any change to this condition shall be a major amendment to this site plan approval.
13. Have all the trees that are overhanging the trash enclosure relocated to another location on this property.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 25, 2020**. 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

OFFICIAL NOTICE OF DECISION

Project #2020-004086

September 10, 2020

Page 8 of 8

cc: EPC file

avarela@cabq.gov

Titan Property Managemnet LLC, 6300 Riverside Plaza LN. NW, Albuquerque NM, 87102

Dan Regan, 4109 Thomas St. Albuquerque NM, 87122

Art Haze & Virginia Hammond, 2148 Black Willow Dr NE, Albuquerque NM, 87122

Daniel Dufield, 12401 San Antonio St. NW, Albuquerque, NM 87104

District 8 Coalition of Neighborhood Associations, Donald Couchman, dhc@zianet.com

District 8 Coalition of Neighborhood Associations, Mary Ann Dix, dix.mary.ann@gmail.com

North Albuquerque Acres Community Association, Carol Ambabo, cracpa@swcp.com

North Albuquerque Acres Community Association, Doug Cloud, theracingdentist@gmail.com

Antelope Run NA, Dean Willingham, dwillingham@redw.com

Antelope Run NA, Alex Robinson, alexlrnm@comcast.net