

Dec. 31, 2019

Ms. Jolene Wolfley, Chair
Development Review Board
Planning Department, City of Albuquerque
PO Box 1293
Albuquerque, NM 87103

RE: Project PR-2019-002496 (Barstow and Alameda NE)

Dear Ms. Wolfley and DRB Members:

The information outlined below is submitted for the record. The table below contains a timeline of the recognition of the development on Tierra Morena Place NE as a single-family residential development for nearly two decades, the Voluntary Zone Conversion process to correct zoning errors, and the 2019 application for a proposed development of the neighboring property on the SE corner of Alameda and Barstow.

Phase 2 Zoning Conversions - Tierra Morena Timeline

Date	Description
Sept. 2001	Environmental Planning Commission approves site development plan for 24 residential lots (See <i>Attachment 1 - Tierra Morena Site Development Plan_Sept 28 2001.pdf</i>).
June 2004	Tierra Morena platted for single-family residential development (See <i>Attachment 2 - Project 1001090 Tierra Morena Subdivision Site Plan_June 2004.pdf</i>).
May 7, 2018	City Council adopted <u>Resolution 18-29</u> directing the Planning Department to create a process for property owners to request a zoning conversion to address issues not resolved by the IDO for one year from the IDO's effective date of May 17, 2018.
May 17, 2018	Effective date of IDO.
Oct. 26, 2018	8419 Tierra Morena PI NE (Duran) – Property owner recognizes issue with IDO zoning change and applies to correct the problem; application submitted for Zone Map Change and accepted as complete by the Planning Department. From Resolution 18-29 (p. 6): 4 <u>B. Acceptance</u> . Such form must be submitted to and accepted as complete 5 by the Planning Department within one year of the IDO becoming effective, but 6 will not be accepted prior to the IDO effective date. For purposes of this 7 section, participation forms will be deemed complete upon submittal of a 8 signed and fully completed participation request and agreement form together 9 with any supplemental material required by the Planning Department. Any 0 professional services costs associated with the preparation of materials 1 required for this submittal shall be borne by the individual property owners;
Nov. 29, 2018	8419 Tierra Morena PI NE (Duran #53) published as property in Batch 1 Zoning Conversion by CABQ Planning Department (https://abc-

	zone.com/sites/abc-zone.com/files/document/pdf/7-TableOfProperties-IDorder-2018-11-29.pdf , page 7).
Nov. 29, 2018	Batch 1 Properties submitted to Environmental Planning Commission for review and recommendation (Project #2018-001843) with accompanying letter from David Campbell, Director of Planning (ref. p. 246-255 DRB Record for LUHO Hearing).
January 10, 2019	Step 1 (Batch 1): EPC Recommends Approval of Batch 1 Zoning Conversion (Project #2018-001843).
Feb 10, 2019	8427 Tierra Morena PI NE (Scarpa - #468) – application submitted for Zone Map Change and accepted as complete by the Planning Department.
April 9, 2019	8505 Tierra Morena PI NE (Wray - #824) - application submitted for Zone Map Change and accepted as complete by the Planning Department.
April 12, 2019	8423 Tierra Morena PI NE (Bland - #918) - application submitted for Zone Map Change and accepted as complete by the Planning Department.
April 30, 2019	8501 Tierra Morena PI NE (Gregos- #995) - application submitted for Zone Map Change and accepted as complete by the Planning Department.
May 21, 2019	Pre-Application Facilitated Meeting – developer’s agent statement recorded as follows (Jessie Lawrence report, p. 11): <i>The Agent stated that he understands that the City is processing the voluntary zoning conversions in batches. Batch 1 hasn’t yet made it to City Council. When this project application is submitted, it’s the conditions in effect at that time of application that apply. The second batch is taking longer than people expected and may be in a few batches.</i>
June 12, 2019	Step 2 (Batch 1) - City Council Land Use, Planning and Zoning Committee moves to send Batch 1 properties to City Council (O-19-65).
June 17, 2019	Application submitted for PR-2019-002496 – Alameda/Barstow apartment complex.
June 17, 2019	R-19-157 – protections for neighborhood edges debated at City Council
Aug. 5, 2019	Step 3 (Batch 1) – City Council approves Batch 1 Zone Conversions (O-19-65).
Sept. 3, 2019	Notice published by City Clerk: “Ordinance Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, by request).”
Sept. 8, 2019	Batch 1 Zone Conversions become effective (O-19-65; enactment #O-2019-021).
Sept. 11, 2019	During the meeting, DRB members notified in error that the Batch 1 changes were not yet in effect; DRB grants conditional approval for site plan for PR-2019-002496 without neighborhood edge protections.
Oct. 11, 2019	Brennon Williams, Planning Director states in an Inter-Office Memorandum to Klarrissa Peña, President, City Council that the neighborhood edge protections for the Batch 1 property “should have been considered” in the Sept. 11, 2019 DRB hearing.
Oct. 31, 2019	Land Use Hearing Officer – appeal hearing.
Nov 16, 2019	LUHO Decision issued; remands PR-2019-002496 to DRB for due process violations.
Nov. 18, 2019	Step 3 (Batch 2) – City Council approves Batch 2 Zone Conversions (O-19-

	79).
Dec. 5, 2019	Notice published by City Clerk: "Adopting Zoning Conversion Rules For Properties In Batch 2 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Benton and Jones, by request)."
Dec. 18, 2019	Batch 2 Zone Conversions become effective (O-19-79; enactment #O-2019-034).

All of the Phase 2 Zoning Conversion applications submitted by Tierra Morena property owners were accepted as complete by the Planning Department by May 2019. The City held the applications until hundreds had been collected and processed them in batches, taking almost a year for the Batch 1 applicants.

Phase 2 Zoning Conversion Process Supports ABC Comprehensive Plan

In his Nov. 29, 2018 letter to the Environmental Planning Commission, David Campbell, former Director of the City of Albuquerque Planning Department, indicated that the Phase 2 Zone Conversion process was intended to address recognized zoning issues following the Phase 1 Conversion to the IDO in May 2018. Campbell outlines the following policies from the ABC Comprehensive Plan as relevant for recognizing the *existing land use* at a site and *surrounding development patterns* for properties such as those identified on Tierra Morena Pl. NE (p.4):

***Policy 4.1.2 Identity and Design:** Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.*

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

***Policy 5.2.1 Land Uses:** Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.*

c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential patterns.

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

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

d) In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

Action 5.7.2.16 Work with property owners to identify mismatches between existing land uses, zoning, and the Comp Plan vision and recommend City-sponsored zone changes for the future.

Map of Phase 2 Zone Conversion residential properties



In summary, Tierra Morena Pl. NE has long been officially recognized as a single-family residential development. As property owners with vested rights and entitled to due process, the applications submitted in 2018 and 2019 to correct the known issues with the IDO zone change in the Vineyard subdivision should have precedence over the subsequent application in 2019 for the Alameda/Barstow apartment complex.

Thank you for your consideration of this information and the referenced documents:

- *Attachment 1 - Tierra Morena Site Development Plan_Sept 28 2001.pdf*
- *Attachment 2 - Project 1001090 Tierra Morena Subdivision Site Plan_June 2004.pdf*

Respectfully submitted,

Paul Scarpa
Signature

PAUL SCARPA- MARIANUZ SCARPA

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8427 TIERRA MORENA PL-NE

Address

Gary Greer
Signature

8501 TIERRA MORENA PI WLF

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GARY GREER

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Nancy Jones
Signature

Nancy Jones

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8504 Tierra Morena PL.N.E.

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Joseph H Valdez
Signature

Joseph H Valdez

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8515 TIERRA MORENA PLINE

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Jeff Bland
Signature

Jeffrey Bland

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8423 Tierra Morena PI NE

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Paul Wever
Signature

Paul Wever

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8409 Tierra Morena PI NE

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John W Skidmore
Signature

8420 TIERRA MORENA PI NE

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Juanita C Durán
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JUANITA DURÁN

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8419 Tierra Morena PI. NE

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8512 Tierra Morena PI NE

Respectfully submitted,

Hua Wang

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HUA WANG

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8500 Tierra Morana PLNE

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