

Hope+in+the+Desert Episcopal Church
Hope Plaza
8700 Alameda Boulevard NE
Albuquerque, NM 87122-3789

(505) 830-0572 Phone
(505) 821-3116 Fax
office@hopeepiscopal.org = Email
www.hopeepiscopal.org = Website

August 7, 2019

Ms. Kym Dicome, Chairwoman
Development Review Board
Planning Department
City of Albuquerque
PO Box 1293
Albuquerque, New Mexico 87102

Reference: DRB Project #PR-2019-002496
Site Plan – Alameda Luxury Apartments

Dear Ms. Dicome:

I am writing you in my capacity as Senior Warden of the Vestry of Hope-in-the-Desert Episcopal Church. Our vestry is the governing body of our church. Hope is located at 8700 Alameda Blvd. NE in Hope Plaza. The project referenced above abuts Hope's property to the west.

We have reviewed the Site Plan package submitted by Consensus Planning as agent for the developer. While we are not opposed to an apartment project per se, it is nonetheless our position that this project as designed is too dense for this site and as such will have significant negative impacts on adjoining properties and the neighborhood. Further, we do not believe that the new MX-L zoning category for this property is an accurate reflection of the former SU-2/C-1 zone as it allows much greater density along with other impacts than prior zoning.

We have met with a group of our neighbors at which the following concerns emerged:

- Density of development
- Loss of privacy due to 35' high three story buildings
- Pedestrian and bicycle safety as relates to nearby schools
- Traffic generation; lack of traffic study
- Lack of adequate buffering
- Environmental – noise, carbon monoxide generation, and heat island effect
- Alameda/Barstow improvements
- No review by the Environmental Planning Commission

When changing this property to a MX-L zone, the new IDO largely ignored existing zone code requirements in general and more specifically requirements of The Vineyard Sector Plan in effect from 1987 to 2018. All of the immediate area surrounding this site has been developed following the Vineyard Plan. With the exception of some single-family residential lots further to the east along Alameda, this is the only remaining underdeveloped property in the vicinity. For that reason, it was the expectation of all area property owners that this property would be developed under the requirements of the former SU-2/C-1 zone defined as Neighborhood Commercial. On page 37 of the Vineyard Plan SU-2/C-1 is the following description:

“SU-2/C-1 (neighborhood commercial) zoning is proposed at the southeast corner of Alameda and Barstow to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods. Permissive and conditional uses of the C-1 zone as provided by the City Zoning Code are allowed in areas mapped SU-2/C-1 on the zoning map with the following exceptions:

1. The sale of alcoholic drink for consumption off-premises is a permissive use provided that it is an ancillary use within a grocery store.
2. The Design Regulations of the La Cueva Sector Development Plan (Section 5.4.6, page 30) shall apply to all properties zoned SU-2/C-1 in the Vineyard Plan.
3. Sites are subject to Site Development Plan approval by the EPC.”

As noted in this description, conditional uses of the C-1 zone are allowed. Multi-family residential is listed as a conditional use so an apartment project on this property is allowed under specific conditions. These conditions include a maximum height of 26’ and setbacks same as the O-1 zone. Parking was governed by Off-Street Parking regulations outlined in Section 14-16-3-1 of the Zone Code. Site Development Plan approval was required by the EPC.

The new MX-L zone is very similar to the former SU-2/C-1 zone. The description of this zone, on page 25 of the IDO, reads:

“Mixed Use – Low Density Zone District (MX-L)

2-4(B)(1) Purpose

The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.”

These descriptions of zones are quite similar; the new MX-L zone and the former SU-2/C-1 zone seem to be aligned as to intent. Given the great similarities between the old and new descriptions of these zones, the neighborhood could not anticipate that somehow a higher density, three story, apartment project would be allowed. In particular, the new zone specifies that multi-family residential shall be low density. The problem with this description lies in the fact that IDO does not provide the meaning of “low density”. In that regard, I posed a direct question to Chairwoman Dicome by e-mail on August 1 as to the meaning of “low density multi-family residential”. Her reply was “The IDO does not address density. Must meet all the other requirements like height, buffering, parking, etc.”

I agree with Ms. Dicome as I cannot find a description of this term either. Nonetheless the authors of the IDO must have been intended to place a limit on density. It is not logical to define density as "low" as opposed to "medium" or "high" and then conclude that the term has no meaning.

For that reason, I have researched the former zone code for answers. Under the R-G Residential Garden Apartment Zone, a permissive use in the zone is described as "low density apartments". Section F of this zone defines density. It states "for apartments other than townhouses, density of a lot may not exceed 20 dwelling units per acre." Therefore low density was defined as no more than 20 DU/acre. This definition appeared in various iterations of the zone code for decades. Thus we conclude that the limit on low-density apartment development for this property has always been 20 DU/acre.

To further this conclusion, the former R-2 zone allowed "medium density apartments" with a density limit of 30 DU/acre. The distinction between low density at 20/DU/acre and medium density at 30 DU/acre is quite clear.

As to height limits, the former R-LT, R-T, and R-G zones all specified a limit of 26' that is effectively a maximum of two stories. It is only under the R-2 zone, allowing medium density apartments, that a greater height was permitted and then under specific conditions. The former C-1 zone also placed a limit of 26' height on structures.

The proposed development is not sufficiently buffered from Tierra Morena, the adjoining single-family residential property to the south. Adjacent to the rear yard walls along its north side, the apartment parking area contains 125 spaces that run virtually the entire length of the property. This parking area provides most of the spaces required; it is 62' wide by more than 600' long or at least 37,200 sf in area. It also contains two large dumpsters serving the entire development. An area this large will have major environmental impact on adjoining homes in the form of noise, carbon monoxide, and the heat island effect.

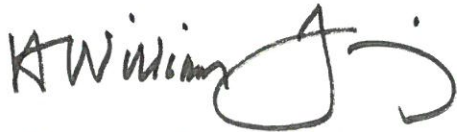
The Vineyard Sector Plan had specific requirements for buffering. It anticipated that the site in question would be developed as a commercial site per its zoning with a drive area running behind buildings. As such, the first requirement for landscape buffering, defined on page 60 of the Plan, specifies "The Standard buffer landscaping shall be a landscaping strip at least twenty feet wide, located along the residential/non-residential boundary. The buffer shall include a screen wall or continuous hedge at the property line at least 6 feet in height." Another provision was that the buffer would "consist of primarily trees and shrubs which grow to a height of at least fifteen feet within five years of planting. The trees and shrubs in the landscaping strip shall form largely an opaque screen." The site plan under review shows a landscape strip 6'-4" wide with three tree species. This buffer is substantially narrower than specified and is not reasonable or adequate given prior requirements.

Improvements to the Alameda/Barstow intersection and the south half of Alameda eastward are not delineated in the Site Plan submitted. It is therefore impossible to understand the nature and extent of street improvements that are planned. We are concerned with the proposed new curb and gutter on Alameda; we would like confirmation that it will align with the curb and gutter installed in front of Hope Plaza as well as alignment with Alameda west of its intersection with Barstow.

The Albuquerque Comprehensive Plan enumerated various policies that guide development and in particular, the impact of different uses on one another. Neighborhoods are to be "enhanced, protected and preserved as key to long-term health and vitality." Neighborhoods should be protected by "ensuring an appropriate scale and location of development, mix of uses, and character of building design." The immediate area surrounding Barstow and Alameda is defined as an Area of Consistency. Policies in such areas should "protect and enhance the character of single-family neighborhoods. Development should reinforce the scale, intensity, and setbacks of the immediately surrounding context. In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses."

We do not believe that the proposed apartment project, at the proposed density, meets these criteria. Further, we conclude that the MX-L zone was the wrong category for re-zoning this property under the new IDO and in fact, for reasons enumerated herein, is a de-facto up-zone. We therefore request that the DRB reject the Site Plan as submitted in favor of a lower density apartment development in line with former zoning requirements.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. William Fanning". The signature is stylized, with the first name "H. William" written in a cursive-like script and the last name "Fanning" written in a more blocky, capital-letter style.

H. William Fanning
Senior Warden
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