



City of Albuquerque
Planning Department
Development Review Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: August 18, 2006

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1004927**
06EPC-00765 Sector Development Plan Zone
Map Amendment
06EPC-00777 Site Development Plan for
Building Permit

Harvard Mall Partners
P.O. Box 1404
Albuq. NM 87103

LEGAL DESCRIPTION: for all or a portion of Block 1, Lots 6-10 and 16-21, **University Heights Addition**, a zone map amendment from SU-2/UC & SU-2/R3C to SU-2/SU-1 for a Mixed Use Development, located on HARVARD DR. SE, between CENTRAL AVE. SE and SILVER AVE. SE, containing approximately 2 acres. (K-16) Stephanie Shumsky, Staff Planner

On August 17, 2006 the Environmental Planning Commission voted to approve Project 1004927/06EPC-00765, an sector plan map amendment, for Block 1, Lot(s) 6, 7, 8, 9, 10, 16, 17, 18, 19, 20 and 21, University Heights Addition, from SU-2/RC3 and SU-2/UC to SU-2/SU-1 for a Mixed Use Development, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This request is for a University Heights Sector Development Plan map amendment to change the zoning for an approximately 1.8-acre site, located on Harvard Drive between Central Avenue and Silver Avenue SE, known as Block 1, Lots 6-10 and 16-21, University Heights Addition, from SU-2/UC and SU-2/R3C to SU-2/SU-1 for Mixed Use Development.
2. This request is accompanied by a request for approval of a site development plan for building permit (06EPC-00777) for the development of up to 46 dwelling units (31,000 square feet of residential space) and 7,200 square feet of commercial space.
3. The requested zoning and the existing zoning are similar with regard to allowed uses and both further the goals of the University Heights Sector Development Plan.
4. The request is found to be justified per R-270-1980:

- A. The proposed zone change is found to be consistent with the health, safety, morals, and general welfare of the city because it does not allow uses that are considered harmful and it furthers several applicable goals and policies.
- B. The applicant's justification hinges on the accompanying site development plan for building permit, which is not in itself basis of justification for the change. There is both neighborhood support and opposition for the proposed zoning, which is less intense than the existing zoning. The general land use will remain stable since the proposed and existing zoning allow similar uses.
- C. A proposed change is not in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and furthers several policies of applicable plans (University Heights Sector Development Plan).
- D. The applicant demonstrated that the existing zoning is inappropriate for the development as proposed in an accompanying site development plan for building permit. The applicant did not unequivocally demonstrate that the existing zoning is no longer appropriate for development in general. However, evidence was provided in the form of a letter of support from the University Heights Neighborhood Association, which indicates that the proposed zoning may be more appropriate for the neighborhood because of the restriction of uses. In addition, the following City goals and policies were cited by the applicant as being furthered by this request:
 1. Central Urban Area policy b because the proposed development will replace older housing with modern buildings that have more efficient floor plans and will provide a transition between the higher-intensity uses along Central Avenue and the single-family residential uses to the south.
 2. Established Urban Area:
 - a. Policy d is furthered because the project has some neighborhood support.
 - b. Policy i is furthered because the proposed development will not adversely affect adjacent residents and the proposed mix of uses provides a transition from the commercial uses along Central Avenue to the residential uses south of the subject site.
 - c. Policy l is furthered because the proposed building layout, design and architecture are unique yet appropriate to the plan area.
 - d. Policy o is furthered because the subject site is located in an older neighborhood and the proposed redevelopment complies with many elements of the governing sector plan and goals and policies of the Comprehensive Plan and there is support from the surrounding University Heights Neighborhood Association.
 - e. Policy p is furthered because of the proposed improvements to the public infrastructure that will result from this project at no cost to the City.
 - f. Air Quality policy b is furthered because the subject site is located in close proximity to transit and a bike route. The proposed uses will not contribute to air pollution and will not create a land use/air quality conflict.
 - g. Transportation and Transit policy c is furthered because of the site's close proximity to the City's Rapid Ride bus route and other transit routes.

- h. Housing policy b is furthered because the proposed dwelling units will be innovative in their design and the construction materials are of a high quality (brick, metal, stucco, etc.).
 - i. The applicant did not cite the Economic Development goal and policies a, b, and g. This goal and these policies apply but are furthered more by the zoning than the proposed zoning because the existing zoning allows for a wider range of land uses and economic opportunities.
 - E. The uses proposed with this zoning are generally not considered harmful to adjacent property, the neighborhood, or the community.
 - F. The proposed zone change and subsequent development resulting from it will not require the expenditure of unprogrammed capital funds.
 - G. The cost of land and other economic considerations are a major factor driving this request.
 - H. The site's proximity to Central Avenue is one aspect of the justification but it is not the sole reason for the request.
 - I. This request will not create a spot zone.
 - J. This zone change will not create a strip zone.
5. The University Heights Neighborhood Association, Sycamore Neighborhood Association, Silver Hill and Spruce Park Neighborhood Associations as well as property owners within 100' of the subject site were notified of this request. A facilitated meeting was held on Friday July 7, 2006. The subject site is entirely within the University Heights Neighborhood Association Boundary and a letter of support was received from them. There is opposition to this request from some area residents.

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. This sector plan amendment shall not set a precedent for future sector development plan map amendments in compliance with the neighborhood residents' request.
4. The subject site shall be replatted to ensure that lot lines correspond to the zone lines.

5. The retailing of alcoholic drinks shall be deleted as a use within the zoning designated for the subject site.
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On August 17, 2006 the Environmental Planning Commission voted to approve Project 1004927/06EPC-0777, a site development plan for building permit, for Block 1, Lot(s) 6, 7, 8, 9, 10, 16, 17, 18, 19, 20 and 21, University Heights Addition, zoned SU-2/SU-1 for a Mixed Use Development, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This request is for a site development plan for building permit for an approximately 1.8-acre site, zoned SU-2/SU-1 for Mixed Use Development for Block 1, Lots 6-10 and 16-21, University Heights Addition, located on Harvard Drive between Central Avenue and Silver Avenue SE.
2. This request is accompanied by a sector development plan map amendment request (06EPC-00765).
3. The proposed development consists of up to 46 one-bedroom and two-bedroom apartment dwelling units (31,000 square feet) above 7,200 square feet of commercial space.
4. This request furthers the Central Urban Area policy b because the proposed development will replace older housing with modern buildings that have more efficient floor plans and will provide a transition between the higher-intensity uses along Central Avenue and the single-family residential uses to the south.
5. This request furthers or partially furthers the Established Urban Area goal and policies:
 - a. The goal is partially furthered because the proposed development is of a quality design and the structures are of high quality materials. The development will provide high-density housing adjacent to a major transit corridor and within an activity center.
 - b. Policy a is furthered because the site plan will both allow and provide for a full range of land uses that will complement existing uses in the area.
 - c. Policy d is partially furthered because the project has some neighborhood support.
 - d. Policy h is partially furthered because higher density housing is appropriate at the subject site. However, the existing zoning already allows for higher density housing up to 30 DUs/acre.
 - e. Policy i is furthered because the proposed development will not adversely affect residents and the proposed mix of uses provides a transition from the commercial uses along Central Avenue to the residential uses south of the subject site.
 - f. Policy j is furthered because the subject site is located in an existing commercially zoned area.
 - g. Policy l is furthered because the proposed building layout, design, and architecture are unique yet appropriate to the plan area.

- c. Policies c and o are furthered because of the site's close proximity to the City's Rapid Ride bus route and other transit routes and peak hour transportation demands may be reduced.
 - d. Policy g is partially furthered because the proposed development is integrated into the existing pedestrian routes adjacent to and through the site. A recommended condition will require the proposed pedestrian walkway be extended through the parking area to Yale Boulevard in compliance with sector plan and zoning code requirements.
8. The Housing goal and policy a are partially furthered by these requests because additional housing options will be available for area residents. However, it is not clear from the application if the units will be considered affordable. Policy b is furthered by this request because the dwelling units will be innovative in their design and the construction materials are of a high quality (brick, metal, stucco, etc.).
 9. The Economic Development goal and policies a, b, and g are furthered more by the existing development and zoning than the proposed development because the existing zoning allows for a wider range of land uses and economic opportunities.
 10. The Water Management goal and policy a are not furthered because the site plan does not demonstrate that any water management techniques are utilized.
 11. The Energy Management goal and policies a, b, and c are not furthered because the site plan does not demonstrate that any energy management techniques are utilized.
 12. This request generally complies with the University Heights Sector Development Plan. The recommended conditions of approval will bring the plan into greater compliance.
 13. This request generally complies with Zoning Code regulations. The recommended conditions of approval will bring the plan into greater compliance.
 14. The University Heights Neighborhood Association, Sycamore Neighborhood Association, Silver Hill and Spruce Park Neighborhood Associations as well as property owners within 100' of the subject site were notified of this request. A facilitated meeting was held on Friday July 7, 2006. The subject site is entirely within the University Heights Neighborhood Association Boundary and a letter of support was received from them. There is opposition to this request from some area residents.

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. As per the University Neighborhood Sector Development Plan (pg.77), this site development plan for building permit will be void two years after approval unless building permits for the structures have been issued. The Planning Director may give one-six month extension to each two-year approval. This extension may be given without public notice or hearing but the Planning Director shall record it in the file. Extension may be given when the Planning Director finds that a building permit for all or a major part of the approved development will probably be obtained within six months and that there is no public purpose in holding a hearing on the site development plan prior to such extension.
4. Replatting of the subject site shall be a concurrent DRB action.
5. The applicant shall conduct a Historic Inventory of the existing structures. The applicant shall contact the City's Historic Preservation Planner to determine the requirements and procedure for conducting the inventory. The inventory may include photographing and documenting the existing structures for community archival purposes.
6. In order to comply with minimum Zoning Code Regulations and University Heights Sector Development Plan requirements, the applicant shall address the following parking lot deficiencies prior to DRB submittal:
 - a. The parking lot shall comply with all Zoning Code Regulations (O-1 zone Parking Lot Regulations, Landscape Regulations and Off-Street Parking Regulations) and University Heights Sector Development Plan Regulations.
 - b. Provide a detail of the 3-foot screen wall adjacent to the parking area along Yale Boulevard (#45 on Sheet A001).
 - c. A minimum 5-foot wide landscape buffer is required to separate the parking lot from the public sidewalk and 1 tree every 20' is required to be planted (*Staff note: 25' is acceptable for healthy growth and so as to be consistent with other City requirements*). Barriers shall be placed in the parking lot to prevent destruction of the landscape area (SDP requirement).
 - d. The pedestrian walkway at the south end of the project (on lot 6) shall extend through the parking lot and shall connect to the public sidewalk adjacent to Yale Boulevard.

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- e. Parking spaces must be 8.5' x 20' minimum except those with a designated concrete planter may be 8.5' x 16'.
7. Landscape Plan deficiencies to be addressed by the applicant prior to DRB submittal:
 - a. The Landscaping Plan (Sheet L101) approved by the EPC is final. Changes to the Plan are through the administrative amendment process, or if the changes are significant, are through the EPC process.
 - b. 27 trees are required in order to comply with minimum Zoning Code requirements for multi-family development. The site plan shows that 17 trees are provided. 6 additional trees are required per EPC.
 - c. Replace Modesto Ash with low allergen species of similar size and spread.
 - d. Parking lot trees are required at a rate of 1 tree/10 parking spaces. Planters must be a minimum of 36 sf. in a raised or buried Planters are acceptable.
 - e. Revise the landscape calculations to include Lots 6-10.
 - f. The Landscape Calculations must be revised to reflect the total site area as 1.76 acres as identified in the site plan. Site landscaping is required to comply with Zoning Code requirements. The required amount of landscaping, street trees, groundcover, parking lot trees and other site trees and vegetation as required by the Zoning Code and University Heights Sector Development Plan is required.
 - g. Street trees are required along Yale Boulevard at a rate of one tree per 25 to 30 feet. Several street trees exist already. The applicant shall replace any diseased or dead street trees and ensure spacing of new trees every 25 to 30 feet on-center.
 - h. Street trees shall and landscaping shall be as mature at planting as possible.
 8. Drainage Plan deficiencies to be addressed by the applicant prior to DRB submittal:
 - a. Include and identify all lots involved in this request.
 - b. Identify all existing and proposed easements. The proposed 8' wide pedestrian easement is not identified on the plan.
 9. Utility Plan deficiencies to be addressed by the applicant prior to DRB submittal:
 - a. Include and identify all lots involved in this request.
 - b. Identify all existing and proposed fire hydrants.
 - c. Include standard Utility Plan notes/description and a legend.
 10. The residential square footage shall be limited to the proposed 33,4000 square feet and the number of dwelling units is limited to a total of 46.
 11. Recycling bins shall be provided for residents and/or other recycling options shall be available.
 12. The applicant shall demonstrate how the Water Management Goal, Section II.D.2 of the Comprehensive Plan, is furthered. A note on the site plan describing water management/water harvesting techniques or lack thereof shall suffice.

13. The applicant shall demonstrate how the Energy Management Goal, Section II.D.3 of the Comprehensive Plan, is furthered. A note on the site plan describing energy management techniques or lack thereof shall suffice.
14. Conditions from the City Engineer, Municipal Development, Water Authority and NMDOT:
 - a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
 - b. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - c. The Developer will need to provide additional right-of-way to accommodate a 20' wide alley (City Standard). The requirement can be up to 4'.
 - d. Site plan shall comply and be designed per DPM Standards.
15. Provide additional motorcycle parking and handicap parking spaces where appropriate.
16. 6 foot walkways shall be provided adjacent to buildings instead of the 5 feet.
17. Pavers shall be used instead of striping to indicate HC parking areas.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **SEPTEMBER 1, 2006** IN THE MANNER DESCRIBED BELOW. 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.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

for *CMarone*
Richard Dineen
Planning Director

RD/SS/ac

cc: Consensus Planning, 302 8th St. NW, Albuquerque, NM 87102
Danny Hernandez, University Heights, 402 Harvard SE, Albuquerque, NM 87106
Ben Roberts, University Heights, 315 Harvard SE, Albuquerque, NM 87106
John Gates, 219 1/2 Cornell SE, Albuquerque, NM 87106
Gordon Reisel, P.O. Box 40012, Albuquerque, NM 87106
Bill Cobb, 1701 Silver SE, Albuquerque, NM 87106
Mardon Gardella, 4114 Maple St. NE, Albuquerque, NM 87106
Don Hancock, 324 B Harvard SE, Albuquerque, NM 87106