



**Environmental
Planning
Commission**

*Agenda Number: 2
Project Number: 1001090
Case Number(s): 09EPC-40047
September 17, 2009*

Staff Report

Agent	None
Applicant	Newman Homes, Inc.
Request(s)	Site Development Plan for Subdivision Amendment
Legal Description	Lots 1-20, Tierra Morena
Location	Signal Avenue NE between Barstow and Ventura NE
Size	Approximately 3.4 acres
Existing Zoning	SU-2 for O-1 and RT
Proposed Zoning	same

Staff Recommendation

APPROVAL of 09EPC-40047, based on the Findings beginning on Page 11, and subject to the Conditions of Approval beginning on Page 13.

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

The request is a site development plan for subdivision amendment for lots 1-20, Tierra Morena, a site of approximately 3.4 acres, zoned SU-2/O-1 and RT, located on Signal Ave NE between Barstow and Ventura. A previous request was approved administratively, appealed and remanded to the EPC by the City Council.

The current request is to reduce the number of street trees on Signal due to the widening of the sidewalk and the corresponding narrowing of the planting strip, which occurred in the DRB process following EPC approval of the original site plans in 2001.

The site is in the Developing Urban Area of the Comprehensive Plan and within the Vineyard sector development plan area, where SU-2 zones are governed by the La Cueva SDP. The amended landscape plan addresses neighborhood concerns expressed at a facilitated meeting and recommendations from the City Forester. It generally complies with applicable City goals, policies and regulations.

No written comments have been received.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 08/10/2009 to 08/21/2009. Agency comments used in the preparation of this report begin on Page 15.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-2 for O-1 and RT	Developing Urban Area (Comprehensive Plan); The Vineyard Sector Development Plan (Rank III)	single family homes
<i>North</i>	SU-2 for C-1	same	vacant
<i>South</i>	R-D	same	single family homes
<i>East</i>	SU-2 for O-1 and RT	same	vacant
<i>West</i>	R-D	Developing Urban Area (Comprehensive Plan)	single family homes

Background

The request is a site development plan for subdivision amendment for Lots 1-20, Tierra Morena, a site of approximately 3.4 acres, zoned SU-2/O-1 and RT, located on Signal Avenue NE between Barstow and Ventura NE. It consists of a change to the landscape plan approved in 2001 by the EPC, in order to reduce the number of street trees on Signal. Native shrubs currently exist in the planting strip on Signal. A request to eliminate the street trees entirely was approved administratively, but appealed and remanded to the EPC (see History section for more detail). The development of 20 single family homes is otherwise complete.

The site is in the Developing Urban Area of the Comprehensive Plan and within the boundaries of the Vineyard Sector Development Plan.

The original application was a dual request for a site development plan for subdivision and building permit and consisted of a single packet of plans. However, the EPC’s notice of decision referred to the landscape plan in the findings and conditions for the site development plan for building permit only. Staff considers that, to maintain an accurate record for the Planning Department, the request should be changed to “site development plan for building permit amendment”. Staff does not believe the change has any substantive implications, e.g. for notification. The applicant would need to agree with the change.

History

In 2001, the EPC approved a site development plan (SDP) for subdivision and SDP for building permit for 24 single-family homes on the site (#1001090, 01EPC-00908, -00909, 8/23/2001). In 2004, the site development plans were signed off and a preliminary plat was approved by the DRB (#1001090, 04DRB-00863, -00985, -00986, 6/30/2004). The comments on the plat request include a requirement from Transportation Development for a 6’ sidewalk and 6’ buffer zone on Signal because it is a major local street, and a comment from the Planning Department accepting

a reduction in the number of lots from 24 to 20. The final plat was approved in 2005 (#1001090, 05DRB-00563, 4/14/2005) without a 6' "buffer zone", presumably because there was insufficient existing ROW to accommodate it. Instead, the "buffer zone" or planting strip was effectively reduced from 48" to approximately 30".

Two amendments were subsequently approved administratively (#1001090, 07AA-00080, 8/2/2007 and 08AA-10077, 5/20/2008). They amended building setbacks for specific lots and are not directly relevant to the current case.

The request to amend the landscape plan was originally submitted and approved as an Administrative Amendment (08AA-10160, 12/24/2008). It consisted of eliminating the street trees on Signal Ave. entirely, based on the narrowness of the planting strip not being conducive to tree health. Prior to the approval, a property-owner, whose house backs up to Signal Ave. opposite the subject site, had expressed his objection to the possible change to staff in the Planning Department, but that concern was not communicated to the staff responsible for AAs. In early 2009, the property-owner appealed the administrative approval. The basis for the appeal was both procedural and substantive. The appellant claimed that the Planning Department made a procedural error by not notifying an "aggrieved" party about the request for an administrative amendment. The appellant also claimed that trees approved by the EPC on Signal are needed to screen the masonry wall and that tree species exist that can grow in the reduced planting strip. The case was heard by the Land Use Hearing Officer (LUHO), who recommended that the City Council grant the appeal and remand the case to the EPC. He found that the administrative process was inappropriate because the request might have harmful impact on adjacent property and also because "Planning Department staff have no authority in the Code to approve amendments to site development plans in a SU-2 zone district" (p. 3 of LUHO recommendation, dated 3/27/2009, att.). The City Council accepted the LUHO's recommendation (AC-09-4, 4/10/2009, att.).

Context

The site is in a primarily residential area of the far Northeast Heights. To the north is vacant land fronting on Alameda Blvd. zoned SU-2 for C-1. To the south across Signal is a residential subdivision of single family homes zoned R-D. To the east and northeast is land zoned SU-2 for O-1 and RT. The property directly adjoining the site is currently vacant. It is owned and being developed in phases by a church. The land to the northeast contains an office development. To the west across Barstow is another residential subdivision of single family homes, which is considerably lower in elevation than the street.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Alameda as a Principal Arterial. The Metropolitan Transportation Plan designates it as an existing Urban Collector. Transportation Planning informed staff that there are no current projects to improve Alameda east of Barstow. It is currently two lanes in this section.

The Long Range Roadway System designates Barstow Street as an existing Urban Collector street, with a right-of-way of 68'.

Signal is designated a major local street by the City.

The Long Range Bicycle Plan designates a proposed bike lane on Barstow and Alameda.

Public Facilities/Community Services

ABQ Ride: Two bus routes operate in close proximity to the site. The #2 - Eubank Blvd. operates on Signal Ave. on weekdays, in the early morning and late afternoon (an abbreviated route that begins on Academy instead of Alameda operates all day weekdays and on week-ends); and the #31 – Wyoming Blvd. operates 7 days a week on Barstow. The #98 Wyoming Commuter operates approximately 2/3 mile west of the site.

An elementary, middle and high school are within ¾ mile of the site, as well as three city parks. A fire station and two former landfills and their buffer areas are within one mile of the site.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is zoned SU-2 for O-1 and RT. The SU-2 zone “allows a mixture of uses controlled by a Sector Development Plan which specifies new development and redevelopment which is appropriate to a given neighborhood...” (14-16-2-23).

In 2000, City Council adopted an amendment to the Vineyard sector development plan (F/S R-51, Enactment 79-2000). Among other things, the action rezoned the subject site from RO-1 to SU-2/O-1 and RT (see Section 1 and Map 7.6). It also specified that goals and policies of the La Cueva Sector Development Plan related to SU-2 zoning and design would apply to parcels zoned SU-2 (Section 3).

Landscaping regulations stipulate that street trees are required along all arterial and collector street frontages (14-16-3-10 (G)(2)). Barstow is a collector street and Signal is a major local street. Street trees on Signal Ave. are therefore not mandatory per the Zoning Code, but are required by the Street Tree Ordinance (6-6-2-4 (A)). They were also approved as part of the original site development plan.

The design regulations for walls, fences and retaining walls are also relevant (14-16-3-19 (B), att.).

F/S O-03-137

This Council Bill was enacted in March 2004, i.e. after construction of the residential subdivision south of Signal and EPC approval of the subject development, but prior to DRB sign-off of the site development plans for the subject request. Among other things, the bill amended the Subdivision Ordinance and Street Tree Ordinance in ways that are relevant to the case. It changed the definition of “major local street” (Section 5); established the sidewalk width

adjacent to a major local street (Section 2 (B)); and required street trees on a major local street (Section 4 (A)).

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

The subject site is located in the area designated *Developing Urban* by the Comprehensive Plan with a Goal to “create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Applicable policies include:

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 amended landscape design reduces the number of street trees on Signal to reflect existing conditions, including a narrow planting strip, but it still respects neighborhood values, particularly those of residents to the south who want trees to screen the wall of the subdivision. The request furthers the intent of the policy.

Developed Landscape

Goal: To maintain and improve the natural and the developed landscapes’ quality.

Policy II.C.8.d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The amended landscape plan includes some street trees, which will fulfill the EPC’s original intent to create a pleasing streetscape on Barstow and Signal, and uses exclusively native shrubs in the planting strips in the public ROWs. The request is consistent with the goal and policy.