




Memorandum

To: City of Albuquerque Development Review Board

From: James K. Strozier, FAICP, Principal, Consensus Planning, Inc. 

Date: November 19, 2021

Re: Project # PR-2019-002496, Application # SI-2019-00180 Site Plan – DRB

The purpose of this memo is to submit proposed Findings of Fact and Conclusions of Law for consideration by the Development Review Board for the above referenced project.

Proposed Findings of Fact and Conclusions of Law:

1. This is a request for a 75,083 square foot apartment complex including two 34,017 square foot residential buildings and a 7,049 square foot community building with a maximum height of 35 feet. The site contains open spaces, a dog park, pool, and picnic area.
2. The request includes a maximum of 93 dwelling units.
3. The site will be developed in three phases as shown on sheet DRB 1.2.
4. The Applicant attended the required pre-application meeting with City staff to discuss the proposed development and applicable submittal requirements on June 17, 2019.
5. A pre-application Neighborhood Meeting notification was provided to the affected Neighborhood Associations: Nor Este NA, Vineyard Estates NA, and the District 4 Coalition on April 23, 2019. A facilitated meeting was requested and held on May 21, 2019.
6. The applicant provided notice as outlined in the IDO Table 6-1-1. The applicant notified property owners within 100 feet and affected neighborhood associations for the initial DRB meeting and for this DRB remand meeting.
7. Two signs were posted on the property (one on each street frontage) for at least 15 days before the public meeting of this request, as required in IDO Section 6-4(K)(3).
8. A second facilitated meeting was requested and held on July 8, 2019.
9. The application for this project was submitted to the City of Albuquerque and accepted for review on June 17, 2019.
10. Per IDO Sections 14-16-6-4(F) Application Materials and 14-16-6-4(H) Application Completeness, the application included all applicable forms and related information required by the City for a Site Plan – DRB as listed on Form P2, found on the City website, in sufficient detail and readability to evaluate the application for compliance with the IDO.
11. The site is less than 5 acres in size, so an Archaeological Certificate is not required.
12. The City notified the Applicant on June 27, 2019 that a second letter of authorization from the Matonti Family Trust was required to proceed with further review. This letter was submitted to the DRB on July 11, 2019, at which point the application was deemed complete.

13. Consistent with IDO Section 14-16-1-10(B) Complete Applications, this request is being reviewed under the May 17, 2018 effective version of the IDO, including but not limited to the zone districts identified on the official zoning map established in IDO Part 14-16-2.
14. The subject site is zoned MX-L.
15. The proposed use is allowed within the MX-L zone. The IDO does not address density but does control density by restricting height and requiring parking, useable open space, and landscaping. The MX-L zone allows for maximum building height of 35 feet.
16. The buildings comply with the maximum height allowance of 35 feet. The 38-foot elevator housing and mechanical equipment are exempt from the maximum height limit for primary buildings per IDO Table 5-1-4 Allowed Exceptions and Encroachments.
17. There are no sensitive lands affecting the subject site per IDO Section 5-2.
18. The Applicant responded to DRB staff comments and updated the Site Plan to ensure compliance with those comments.
19. The Site Plan meets all setback requirements of the MX-L zone.
20. 1.5 parking spaces are required per dwelling unit for a total of 139 spaces. 150 off-street parking spaces are provided.
21. Site lighting is compliant with IDO Section 14-16-5-8. Fixtures are 18 feet tall, which is less than the 20-foot allowance for mixed-use zone districts.
22. The abutting property to the south was zoned MX-T (allowing both commercial and residential uses) at the time the application was deemed complete. The Neighborhood Edge requirements of the IDO apply to subject sites that abut exclusively residentially zoned property and the subsequent re-zoning of Opponent Duran's property to R-1B in September 2019 has no impact on this application. Therefore, the Neighborhood Edge requirements do not apply in this case.
23. A Traffic Impact Study was not required for this project because it does not meet the threshold for such study as stated by the Traffic Engineer.
24. An infrastructure list is included in the application and provides for infrastructure improvements and extensions along the frontages of the subject site consistent with IDO Section 6-4(Q) Required Improvements and Financial Assurance.
25. Pursuant to 6-6(G)(3) Review and Decision Criteria. An application for a Site Plan – DRB shall be approved if it meets all of the following criteria:
 - a. 6-6(G)(3)(a) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property. *Specifically, the height, parking, open space, landscaping, and façade meet or exceed the IDO requirements. There are not any prior permits or approvals affecting the property.*
 - b. 6-6(G)(3)(b) 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 site has access to a full range of urban services including utilities, roads, and emergency services. The ABCWUA issued an availability statement for the site. A Traffic Impact Study was not required, but*

the applicant has committed to street improvements for Alameda and Barstow. A grading and drainage plan for the entire site has been approved by Hydrology. Further, the infrastructure list associated with this development includes improvements that help mitigate the burdens on these systems to the extent practicable.

- c. 6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable. *The proposed buildings are set back approximately 90 feet from the residential development to the south; the minimum required setback is 15 feet, see 14-16-2-4(B)(1). The site has landscaping around the perimeter, on-site landscaping, and usable open space exceeding the minimum requirements. The required landscaping is 15,024 square feet, see 14-16-5-6(C)(20(a), and 30,510 square feet are provided. The required useable open space is 21,450 square feet; 77,117 square feet are provided.*
26. At the hearing of this application on December 3, 2021, all witnesses were sworn, cross-examination of all witnesses was permitted, and the application was approved by an affirmative vote of each member of the DRB. No member of the DRB has had any ex parte communications with the applicant or its representatives concerning the subject matter of this application.