



**Environmental
Planning
Commission**

**Agenda Number: 11
Project Number: 1007412
Case #s: 08EPC 40088/40089/40090
September 18, 2008**

Staff Report

Agent	Consensus Planning
Applicant	Total Lifestyle Communities & the McFarlin Group
Requests	Zone Map Amendment Site Development Plan for Subdivision Site Development Plan for Building Permit
Legal Description	A portion of Tract A, Tract B-1 and Tract B-2, Yorba Linda Subdivision
Location	On Harper Rd. NE, between Ventura St. and Red Sky Rd. (8888 Harper Rd. NE)
Size	Approximately 61 acres
Existing Zoning	SU-1 for Church & Related Facilities & Telecommunication Facility (Tract A) SU-1 for Church & Related Facilities (Tracts B-1 and B-2)

Staff Recommendation

DEFERRAL of 08EPC-40088, based on the findings on Page 21, for 30 days.

DEFERRAL of 08EPC-40089, based on the findings on Page 24, for 30 days.

DEFERRAL of 08EPC-40090, based on the findings on Page 26, for 30 days.

Staff Planner

Catalina Lehner-AICP, Senior Planner

Proposed Zoning SU-1 for Continuing Care Retirement Community & Related Facilities to include On-Premise Liquor Consumption

Summary of Analysis

This three part proposal is for a zone map amendment, a site development plan for subdivision and a site development plan for building permit for an approx. 61 acre site located on Harper Rd. NE. A Continuing Care Retirement Community (CCRC) is proposed.

Staff finds that the zone map amendment is not adequately justified at this time pursuant to R270-1980; Section 1C lacks discussion of key policies. Sections 1B and 1D need elaboration.

A facilitated meeting was held. There is general neighborhood support and a few concerns, and some opposition. Staff recommends deferral for 30 days to allow time for improvements to the zone change justification and the associated site development plans.

City Departments and other interested agencies reviewed this application from 08/11/'08 to 08/22/'08. Agency comments used in the preparation of this report begin on Page 29.

I. AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	Zoning	Comprehensive Plan Area; Applicable Rank II & III Plans	Land Use
Site	SU-1 for Church & Related Facilities & Telecommunication Facility (Tract A)	Established Urban Facility Plan for Arroyos Trails & Bikeways Facilities Plan	Church, parking lots and related facilities, vacant
	SU-1 for Church & Related Facilities (Tracts B-1 and B-2)		Vacant
North	R-1	Established Urban	Single-family homes
South	SU-1 for PRD, R-T	Established Urban Facility Plan for Arroyos Trails & Bikeways Facilities Plan	Arroyo, vacant (private school open space)
East	R-D	Established Urban Academy-Tramway-Eubank Sector Development Plan	Single-family homes
West	SU-1 for PRD	Established Urban	Vacant (private school open space)

Request & Context

This proposal consists of three requests: a zone map amendment, a site development plan for subdivision and a site development plan for building permit for a portion of Tract A, and all of Tract B-1 and Tract B-2, Yorba Linda Subdivision, approximately 61 acres (the “subject site”). The applicant proposes to change the subject site’s zoning from “SU-1 for Church & Related Facilities & Telecommunication Facility” (Tract A) and “SU-1 for Church & Related Facilities” (Tracts B-1 and B-2) to “SU-1 for Continuing Care Retirement Community & Related Facilities to include On-Premise Liquor Consumption” in order to develop a Continuing Care Retirement Community (CCRC).

A portion of Tract A (approx. 6.5 acres), and Tracts B-1 and B-2, are proposed to be consolidated into one lot. Design standards are not included or needed; rather, a site development plan for building permit is proposed. The remainder of Tract A (approx. 49 acres) will be retained by the owner.

The subject site, which comprises the southwestern corner of Ventura St. and Harper Rd., is situated between the Pino Arroyo and Harper Rd. The Pino Arroyo abuts the subject site to the south. Harper Rd. and Ventura St. abut the subject site to the north and east, respectively. The western boundary is that of Tract B-1; an arroyo runs parallel to it. To the north and east, respectively, are the single family homes of the Cherry Hills and Tanoan communities. South and west of the subject site are arroyos and vacant land, owned by a private school, which functions as open space.

The subject site is not located in a designated activity center. There are two designated Community Activity Centers nearby, the Cherry Hills Village Community Activity Center to the northwest and the

Academy Center Community Activity Center to the south and southwest. No sector development plans apply.

History & Background

The subject site was annexed in July 1965 (Ordinance 1493) as part of a much larger, approx. 731-acre annexation of Elena Gallegos grant land in northeast Albuquerque between San Pedro Dr. and Eubank Blvd. (AX-85, Z-1497). Zoning was established as R-1, R-3, C-1 and SU-1 (see attachment).

There are no records of development activity for the land between Wyoming Blvd. (west) and Ventura St. (east), and Academy Blvd. (south) and Harper Rd. (north) until 1979, when several acres of the Academy Campus lands were rezoned to SU-1 for PRD to allow townhouses, neighborhood commercial and office uses in the area (Z-78-153).

The first record directly relevant to the subject site is from 1985. In February of that year, the Environmental Planning Commission (EPC) approved a zone map amendment from RT and SU-1 for an Academy Campus to SU-1 for Church and Related Uses for an approx. 62.5 acre site (Z-85-12). The site development plan for building permit for the present-day church was deferred and approved at a later time (see attachment). In 1996, an administrative amendment (AA) for a wireless telecommunications facility (WTF) was approved (AA-96-81). The WTF consists of antennas mounted on top of the church building. In March 1997, an AA was approved to allow relocation and a text change to the church's two existing signs.

More germane to the current proposal is the EPC's December 1997 approval of a zone map amendment to "SU-1 for Church & Related Facilities and a Telecommunications Facility" for Tract A of the subject site (Z-97-142, see attachment). This action established the current zoning on Tract A and allowed up to 3 WTFs. Records do not indicate any other actions since then.

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. Harper Rd. is classified as a minor arterial with the standard 86 ft. right-of-way (ROW). Ventura St. and Academy Rd. are also minor arterials. Wyoming Blvd., however, is a principal arterial with a 156 ft. ROW.

Public Facilities/Community Services

Transit: Albuquerque Ride route #2-Eubank, runs on Ventura St. Other routes operate in the vicinity but are not close to the subject site. Route #31-Wyoming and Route #98-Wyoming Commuter, are about 0.75 mi. to the west. Route #93-Academy, is about 0.5 mi. away.

Police: The John Carrillo Memorial Substation, at 8201 Osuna Rd. NE, provides police coverage and is located approx. one mile southwest of the subject site.

Fire: There is a fire station at 6600 Academy Rd. (at Burlison St.), approx. 1.5 miles southwest of the subject site.

ZONING

Existing Zoning: The subject site is currently zoned “SU-1 for Church & Related Facilities & Telecommunication Facility” (Tract A) and “SU-1 for Church & Related Facilities” (Tracts B-1 and B-2).

The SU-1 zone (see Zoning Code §14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Pursuant to §14-16-2-22, sites zoned SU-1 are subject to review and approval by the Environmental Planning Commission (EPC). The existing zoning designation is commonly used for churches.

Proposed Zoning: The applicant proposes the following zoning: “SU-1 for Continuing Care Retirement Community & Related Facilities to include On-Premise Liquor Consumption”. The SU-1 zone is appropriate for sites such as this because it “provides suitable sites for uses that are special” and do not fit neatly into other zoning categories. Also, the appropriateness of the use to the site is dependent upon the associated site development plan.

The proposed Continuing Care Retirement Community (CCRC) includes residential (independent living apartments, assisted care suites and nursing facilities) and commercial uses. The commercial uses are intended to provide daily sundries and gift items and not be available to the general public. The liquor sales would be to residents only and be associated with a lounge area or activity, such as a dance.

Staff consulted with Code Enforcement Staff regarding the proposed commercial uses and liquor sales. The R-3 zone (Zoning Code §14-16-2-12) is used for “the highest density housing outside of urban centers” provided that the density does not exceed 30 DU/ac (21.5DU/ac is proposed). Subsection (A)(2) states that uses incidental to an apartment are a permissive use as long as certain guidelines are met. For instance, the use must be exclusively for residents, not be accessible from outdoors, not have a sign discernable from the right-of-way and be limited to a maximum 2% of the gross leasable floor area. The complex must have at least 100 dwelling units and adult materials cannot be sold.

Because liquor sales are not on the list of incidental uses, they need to be specified in the requested zoning designation. Liquor sales for on-premise consumption by residents is a separate use. Note that package liquor sales are not proposed. In consultation with Code Enforcement, the phrase “to include On-Premise Liquor Consumption” was added to the requested zoning and the applicant amended the original request (see attachment).

Definitions (Zoning Code §14-16-1-5)

Apartment: Structures containing two or more dwelling units each, including dwelling units which do not have a separate entrance leading directly to the outdoors at ground level.

Site Development Plan for Subdivision: An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses’ maximum floor area ratio.

II. ANALYSIS -CONFORMANCE TO ADOPTED PLANS, GOALS AND POLICIES

A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The Comprehensive Plan goal of Developing and Established Urban Areas is “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:

Land Use Policies-

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The proposed development would be located in an area characterized by some land use variety. Single-family homes, a church and open space are in the immediate area. Adding a retirement center will increase land use variety, so the request furthers Policy II.B.5a-full range of urban land uses. The proposal also furthers Policy II.B.5e-programmed facilities/neighborhood integrity. Urban services are available and their use is unlikely to disrupt neighborhood integrity.

Policy II.B.5d: 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 proposal partially furthers Policy II.B.5d-neighborhood values/natural environmental conditions, which the location, design and intensity of new development must respect. The proposed retirement center will be sited to least impact views from the east and minimally impact the recreational uses along Harper Rd. However, the development would be more intense than the nearby single-family homes and a different design from other non-residential uses in the immediate vicinity.

Policy II.B.5g: Development shall be carefully designated to conform to topographical features and include trail corridors in the development where appropriate.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

Policy II.B.5m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The proposed development partially furthers Policy II.B.5g-development/topographical features, because it is designed to conform to the subject site's topography when looking from east to west. The tallest buildings are sited where the east-west grade drop is the greatest, though topography does not help mitigate the proposed height when viewed from north-south. The proposal partially furthers Policy II.B.5l-design quality/innovation. A variety of architectural features, colors and materials are included, though the color scheme can be considered dark and contrasting to the area. Regarding Policy II.B.5m-site design/visual environment, the proposal partially furthers it. For the most part, unique vistas of the Sandias will be maintained, though the visual environment of this open space, recreational area will change dramatically when viewed from the north.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operations.

The proposal partially furthers Policy II.B.5k- land adjacent to arterial streets. Harper Rd. and Ventura St. are minor arterials with fairly high speeds and few turn off opportunities. These are pre-existing conditions. The proposed development would introduce several new drivers which will impact the street system, though fewer drivers would result from this proposal than if the proposal was not limited to older persons. Many residents, especially those not in the independent living apartments, will not drive. However, median modifications are needed to ensure safety (see Agency comments).

Policy II.B.5h: Higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.
- In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development; up to 10 dwelling units per net acre.
- In areas where a transition is needed between single-family homes and much more intensive development: densities will vary up to 30 dwelling units per net acre according to the intensity of development in adjacent areas.

The subject site is not located in a designated Activity Center, where higher density housing is desired and most appropriate. Nor is it located where access to the major street network is excellent. Though the homes in the immediate area are single-family, there is a mixed density pattern (R-D, SU-1 PRD zoning). However, these densities are relatively low. The proposed development would not face similar or higher density development and would not serve as a transition between single-family homes and more intense development. Rather, it would be located between single-family homes and an open space area. For these reasons, the subject site may not be the most appropriate location for higher density housing. The proposal does not further Policy II.B.5h.

Activity Centers-

Goal: The goal is to expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its communities.

Policy II.B.7.d: Structures whose height, mass or volume would be significantly larger than any others in their surroundings shall be located only in Major Activity Centers to provide for visual variety and functional diversity in the metropolitan area while preserving pleasing vistas and solar access.

The proposal would provide a relatively high-density residential land use with social activities, limited commercial uses and transportation. These amenities are for the residents and not for the community at large, and therefore do not constitute mixed-land use but are more of a private enclave. The two designated Community Activity Centers in the area are about ½ mile away. Generally, higher density residential uses are intended to be located inside the Activity Centers rather than outside of them, though the proposed retirement center may reduce urban sprawl and auto travel needs. The proposal partially furthers the Activity Center Goal.

The proposed buildings would be taller and larger than most other buildings in the immediate area (except for the church). The proposed height would be largely mitigated by the subject site's topography when viewed from the east, but not when viewed from the north. The proposal does not further Policy II.B.7d.

Environmental Protection and Heritage Conservation- Developed Landscape

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

Policy II.C.8a: The natural and visual environment, particularly features unique to Albuquerque, shall be respected as a significant determinant in development decisions.

The proposal partially furthers the Developed Landscape Goal. Though natural landscape on the southern portion of the subject site will be maintained, the majority of the site will be developed. Some will consider this a general improvement, though others may not. However, the proposal demonstrates respect for the natural and visual environment, and the unique mountain views, by siting the tallest buildings where the site slopes downward the most. Policy II.C.8a is furthered.

Community Resource Management- Housing

Goal: To increase the supply of affordable housing, conserve and improve the quality of housing, ameliorate the problems of homelessness, overcrowding and displacement of low income residents, and assure against discrimination in the provision of housing.

The proposed development would provide housing for a segment of the older population, but it would not help to increase the community's affordable housing supply. Though this type of upper-end housing would provide quality housing and meet a need for some, it would not serve the community's more vulnerable population of moderate to low-income seniors as mentioned in the Goal. The proposal does not further the Housing Goal.

B) FACILITY PLAN FOR ARROYOS (FPA)- RANK II

The Facility Plan for Arroyos (1986) establishes guidelines and procedures for implementing Comprehensive Plan goals in order to create a multi-purpose network of recreational trails and open space along arroyos (FPA, p.11). The Facility Plan for Arroyos (FPA) is a Rank II facility plan that designates some arroyos for further study and development as recreational corridors. The term arroyo is defined as a “small, steep-sided watercourse or gulch with a nearly flat floor” (p.75). The Facility Plan for Arroyos (FPA) contains general policies for all arroyos and seven specific policies for the different classifications of arroyos.

The subject site’s southern boundary abuts the South Pino Arroyo, which originates in the canyons of the Sandia foothills (p. 36). The FPA classifies the South Pino Arroyo as a Major Open Space Link. Major Open Space Link arroyos are slated for development of arroyo corridor plans (p. 33), though so far this has not occurred for the Pino Arroyo. The FPA intends that Major Open Space Link arroyos have recreational trails and form continuous east-west linkages across the City.

⇒ Staff continued this review by referring to the Trails & Bikeways Facilities Plan (TBFP) (see C below).

C) TRAILS & BIKEWAYS FACILITY PLAN (TBFP)- RANK II

The Trails & Bikeways Facility Plan (TBFP) was adopted in July 1993 with an amendment made to the Bikeways Master Plan in November of 1996. The TBFP aims to develop a multi-use trail and bike network for both commuting and recreational uses. The major Goals are to secure a funding source, find an “administrative home” for the trails and bikeways, create a map of the proposed network, and develop policies for future trail and bikeway development and usage. The TBFP identifies two different types of trails, Primary and Secondary. For each type, distinct policies and recommendations apply. The Proposed Trails Map follows page 21 and the trail descriptions are in Appendix A.

The TBFP Proposed Trails Map shows a Proposed Secondary Trail (#343) running east-west between Wyoming Blvd. and Ventura St. The subject site’s southern boundary is adjacent to a portion of this proposed trail, which is known as the Pino Arroyo alignment (Appendix A). This 1.17 mi. trail is also on the Bikeways Facilities Plan. The TBFP offers the following information about Secondary Trails.

“The secondary trails supplement the primary system and may provide access to it. Separation of recreational users from commuter cyclists is encouraged if right-of-way is available. Secondary trails may be either hard or soft surfaced. Generally, soft surface trails are encouraged in natural areas such as the Sandia Foothills, within the Rio Grande Bosque, along the irrigation ditch network, and in the Petroglyph National Monument. However, stabilization or hard surfacing in natural areas may be appropriate in some instances in order to provide access for people with disabilities, or in some cases, a commuter trail connection.”

Staff checked with Transportation Staff of the Department of Municipal Development (DMD) to see if any action is needed at this time to ensure that the trail system develops as planned. Transportation Staff indicated that a special bicycle trail easement is not needed at this time.

Rather, the execution of a cooperative agreement with the Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) would be needed in the future. Therefore, the proposal does not conflict with the FPA and the TBFP.

III. ZONE MAP AMENDMENT

RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

Requirements

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications pursuant to the City Zoning Code. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. *The burden is on the applicant to show why a change should be made, not on the City to show why a change should not be made.*

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here, dated September 2, 2008, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned "SU-1 for Church & Related Facilities & Telecommunication Facility" (Tract A) and "SU-1 for Church & Related Facilities" (Tracts B-1 and B-2). The requested zoning is: "SU-1 for Continuing Care Retirement Community & Related Facilities to include On-Premise Liquor Consumption".

The applicant believes that the zone map amendment conforms to R270-1980 as elaborated below. Staff analysis follows in **bold**. The citation in quotes is from R270-1980.

Section 1A:

"A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

Applicant: The proposed zone change will not create a condition that would be harmful to health, safety, morals or general welfare of the City. The project will provide much needed services and housing, is appropriate for the area and will generate less impact than other potential uses.

Staff: Providing housing for seniors and creating synergy with adjacent uses are reasons in support of the proposal. However, it is the applicant's task to explain how these reasons relate to the City's health, safety, morals and general welfare. That connection has not been made as clear as it should be. Another way to demonstrate consistency between health, safety, morals and general welfare is to show that the proposal furthers applicable Goals and policies.

Section 1B:

“Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.”

Applicant: The site is larger than the church needs, so land has remained vacant for over 23 years. The Continuing Care Retirement Community (CCRC) will benefit the community by providing facilities for area seniors.

Staff: Any proposal for new development will result in land no longer being vacant. This does not automatically translate into stability of land use and zoning. Though providing facilities for older persons would be beneficial, how does doing so promote stability of land use and zoning? The applicant should have answered this question.

Section 1C:

“A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.”

Applicant: Citations include the Goal for Developing and Established Urban Areas and the following policies: development respecting environmental conditions, neighborhood values and other resources (II.B.5.d), programmed facilities/neighborhood integrity (II.B.5e), location of employment and service uses (II.B.5i), design quality/innovation (II.B.5l), site design/visual environment (II.B.5m), the Developed Landscape Goal and developed landscape policies II.C.8a, c, d and e, the Economic Development Goal and economic development policy II.D.6a.

The applicant states that the proposal supports the Comprehensive Plan’s goals and policies for the Established Urban area. The proposed development would occur on a site with exiting urban services (Policy II.B.5e). The peaceful nature and minimal impact of the CCRC would respect existing neighborhood values (Policy II.B.5d), and the materials, colors and landscaping will add to the quality of the Plan area and the local visual environment (Policies II.B.5l and m). The proposed project is designed to use existing site topography to lessen its impact and fit in with the natural environment (Land Use Policies II.B.5d, l and m; Developed Landscape Policy a).

No development in the arroyo easement is proposed and views will be allowed (Developed Landscape Policies a and e). The plant palette proposes native vegetation in places Developed Landscape Policy d) and incidental structures would not impede pedestrians or be visually intrusive (Developed Landscape Policy c).

Staff: The applicant cites three Goals and several policies from the land use, developed landscape and economic development sections of the Comprehensive Plan. Staff finds that for the most part, the applicant has adequately demonstrated that the proposal furthers the Land Use policies and Developed Landscape policies that the applicant cited. However, the issue is that the applicant did not cite certain relevant Goals and policies, such as the Activity Centers

Goal and policies, the housing Goal and other policies having to do with housing. Staff believes that, with a proposal for a large residential development, these topics are critical components of the discussion and cannot be ignored.

There is no specific discussion of the Established Urban area Goal. Nor is there a discussion of the Economic Development Goal. Staff does not agree with the reasoning regarding Economic Development Policy a. The applicant refers to the area being well-served by Transit. Policy a refers to “new jobs convenient to area of most need.” In reality, the area is poorly served by transit. The Ventura bus is a commuter and the Wyoming bus is approx. 0.75 mi. away. Also, it is unlikely that this area is in the “most need” for jobs in the City.

Section 1D:

“The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or
- 3) a different use category is more advantageous to the community, as articulated in the comprehensive Plan or other City master plan, even though 1 and 2 above do not apply.”

Applicant: The applicant believes that the zone change is warranted because 1) community conditions have changed, and 2) a different zoning category would be more advantageous to the community. The church was approved in 1985. Since then, the campus has developed slowly. The Sycamore Plaza shopping center, originally envisioned as an office complex, developed with a variety of retail uses. The large, growing demand for senior housing can be met by the proposed continuing care retirement community (CCCRC) use, which will produce less traffic, noise and light than a church expansion allowed under the current zoning.

Staff: Staff partially agrees with the applicant’s reasoning regarding changed community conditions. The fact that the demand for senior housing is increasing is a social condition the nation faces as the “baby boom” generation ages. The applicant points to the approval of the church in 1985 and the shopping center in 1992, which occurred 23 and 16 years ago respectively, as changed conditions. One could argue that these conditions have not changed in 23 and 16 years which, in Staff’s opinion, does not make them changed conditions but rather is indicative of the area’s stability. The applicant has not developed an adequate nexus between these changed conditions and the proposal.

Staff is not entirely convinced that a different zoning category would be more advantageous to the community than the current zoning. Might it be more advantageous to the community, which includes people of all ages, for the church to develop recreational areas and other related facilities? This is the counterpoint argument to the applicant’s claims that the proposal will enhance the community as a whole and is not addressed. The applicant explains that the proposed CCRC will generate less traffic than a similarly sized apartment project. This argument is not as convincing as it could be because the comparison needs to be made between the proposal and what is possible without a zone change. An apartment project, in contrast,

could not develop unless a zone change is approved by the EPC and is less useful for purposes of comparison.

Section 1E:

“A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.”

Applicant: The permissive uses are not harmful to adjacent property, the neighborhood or the community because the property will be for a residential uses for the older age demographic, who drive less than other adults. Many services and activities will be provided on-site.

Staff: The discussion of Section E has improved. The applicant explains specifically why the proposed uses would not harm adjacent property, the neighborhood or the community. Staff agrees, but believes that an explanation more tied to the permissive uses would have strengthened the argument.

Section 1F:

“A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.”

Applicant: The zone map amendment does not require any major and unprogrammed capital expenditures by the City. Full urban services, including utilities, roads and transit, are already present at the location.

Staff: Staff agrees that the proposed zone change will not result in any unprogrammed City capital expenditures and no infrastructure is needed.

Section 1G:

“The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.”

Applicant: The cost of land or other economic considerations are not relevant to this request. The applicant worked for a year to find the best location for this project.

Staff: Staff notes that the applicant’s statement that economic considerations are not relevant to this request.

Section 1H:

“Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.”

Applicant: The zone change requested is not for apartment, office or commercial zoning. The location on Harper Dr. had no bearing on the applicant's decision to develop this property for this use.

***Staff:* The applicant is not using the subject site's location on a collector or major street as a justification for the proposed zone change, though this should have been simply stated. Staff believes that the zone change, though technically for an SU-1 zone, is for zoning that would allow apartments and limited commercial uses.**

Section 1I:

"A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a 'spot zone'. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone."

Applicant: The SU-1 zone is by its virtue a spot zone, SU-1 zoning is common in the area and the proposed use is in complete accord with the Goals of the Established Urban area as set forth in the Comprehensive Plan.

***Staff:* Staff agrees that SU-1 zoning is a "spot zone" by definition and that there is other SU-1 zoning in the area. However, Staff does not agree that the proposal has been shown to be in "complete accord" with applicable Goals and policies of the Comprehensive Plan (see discussion of Section 1C).**

Section 1J:

"A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called 'strip zoning'. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby."

Applicant: The property covered by this request cannot be reasonably defined as a strip zone because it has an average depth of approx. 675 ft. There is other SU-1 zoning in the area and the proposed use

is in complete accord with the Goals of the Established Urban area as set forth in the Comprehensive Plan.

Staff: Staff agrees that this zone change request would not result in a strip commercial development. However, Staff does not agree that the proposal has been shown to be in “complete accord” with applicable Goals and policies of the Comprehensive Plan (see discussion of Section 1C).

Staff Discussion and Conclusion

Staff finds that the applicant has not adequately justified the zone map amendment (zone change) pursuant to R270-1980. Though the applicant has adequately demonstrated that the proposal furthers the policies that the applicant chose to cite, the issue is that certain relevant Goals and policies were not addressed in the discussion. Housing and Activity Center Goals and policies are very relevant to a request for a large residential development and should not be ignored. Therefore, the arguments are incomplete and unconvincing at this time (Section 1C).

In addition, the responses for Sections 1B and 1D would benefit from elaboration. The question of how the proposed use would result in stability of land use and zoning was not directly answered (Section 1B). The applicant has not developed an adequate nexus between the supposed changed conditions and the proposal, and Staff is not entirely convinced that a different zoning category would be more advantageous to the community, which includes people of all ages, than the current zoning (Section 1D). Might it be more advantageous for the church to develop recreational areas and other related facilities? This counterpoint needs to be addressed, and the comparison made between the proposal and what is possible without a zone change. For these reasons, Staff concludes that the zone change has not been adequately justified at this time.

IV. SITE DEVELOPMENT PLAN FOR SUBDIVISION

The second component of this proposal is a site development plan for subdivision that will eliminate the lot lines between: Tract A and Tract B-2, and Tract B-2 and Tract B-1. A new lot line is proposed with the eastern boundary of Tract A, which would “carve out” a portion of Tract A from the approx. 48 acre church site. These actions will create a single, approx. 12.4 acre site for the proposed development.

Definition: Zoning Code §14-16-1-5 defines a site development plan for subdivision as follows:

“An accurate plan at a scale of at least 1 inch to 100 feet which covers at least one lot and specifies the site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses’ maximum floor area ratio.”

The proposed site development plan for subdivision does not satisfactorily address these elements. Minor modifications are needed to comply with the abovementioned definition. For instance, Pedestrian Access needs to be addressed separately as was done for Vehicular Access, and the proposed plan needs to refer to dwelling units (DUs) and not floor area ratio (FAR) since a residential use is proposed. In addition, the

building height listed is inconsistent with the proposed site development plan for building permit (elevations). Also, the transit information is incorrect and needs elaboration.

Easements: The proposed site development plan for subdivision explains the many existing and proposed easements on the subject site. A drainage easement along the western side, a diagonal utility easement and a diagonal sanitary sewer easement are proposed for vacation. They are to be replaced by a new 35 ft. public utility easement (PUE) for drainage, water and sanitary sewer along the western side, and a new 30 ft. water and sanitary sewer easement near the southern side which ends and turns into a new 25 ft. sanitary sewer easement along the southern side of Tract A.

The existing easement for the future Moon St. extension, which may not occur according to Transportation Staff, is proposed to be relocated adjacent east of the new proposed property line on the eastern side of Tract A.

V. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

The proposed site development plan for building permit is for a Continuing Care Retirement Community (CCRC), a retirement center which provides independent living apartments, assisted living suites, memory-support assisted living suites and nursing care beds for a total of 267 units. The related facilities include an on-site retail/gift shop, dining room, multi-purpose room, wellness center, swimming pool and outdoor common areas.

Site Plan Layout / Configuration

The proposed CCRC consists of two buildings attached by an enclosed courtyard. The independent living apartments, which Staff refers to as Building 1, are sited at the subject site's western side. The remainder, which Staff refers to as Building 2, consists of the courtyard, facilities, nursing care unit and Alzheimer's care unit. The courtyard and facilities are sited between the two buildings. The nursing care unit is near the southeast corner of the subject site, and the Alzheimer's care unit is near the northeast corner.

Refuse Enclosure: The dumpster is located at the back of the facilities building near the nursing care unit. The dumpster detail does not show the proposed layout. The enclosure walls are 9 ft. tall and finished in medium tan block wall. Staff suggests faux wood for the enclosure since real wood is difficult to maintain over time. The Solid Waste Management Division (SWMD) commented that the right size compactor and a recycling area are needed.

Walls/Fences

No perimeter walls are proposed. The existing wrought iron fence, which belongs to the Academy, is proposed for relocation. A wooden picket fence is proposed to enclose the Alzheimer's outdoor area. Again, Staff suggests faux wood since real wood is difficult to maintain. Three retaining walls are proposed. The walls along the western and eastern sides are from 1 to 4 ft. tall, while the wall along the northern side ranges from 1 to 8 ft. tall. The retaining wall finish is light tan and medium tan CMU with a dark tan split-face accent every 60 ft.

Vehicular Access, Circulation & Parking

Access & Circulation: There are two vehicular entrances from Harper Rd., one near the western side (aligned with Red Sky Rd.) and one near the eastern side. Vehicles can circulate all the way around the facility, though there is very little parking on the southern side and no parking on the eastern sides.

Parking: Parking was calculated based on the applicant's experience in developing other CCRCs and is not based on Zoning Code §14-16-3-1, Off-Street Parking Regulations. Because of the subject site's SU-1 zoning, off-street parking is allowed to "be provided as required by the Planning Commission" pursuant to Zoning Code §14-16-2-22. Therefore, the proposed parking calculations are allowable and subject to EPC approval.

Parking for the independent living is provided at a rate of 1 space per unit, resulting in 157 spaces. 41 of these are covered spaces. For the assisted living, the ratio is 1:6, resulting in 8 spaces for the 48 units. Parking for the memory support and skilled nursing units is 1:10, so 2 and 4 spaces are provided, respectively, for the 20 and 42 units. Staff and visitor parking is figured into these totals, though some explanation is warranted on Sheet 1.

Staff counted a total of 231 regular spaces, of which 8 are handicap spaces. Handicap spaces are included in the total for regular spaces, whereas motorcycle spaces are in addition to total required parking. Motorcycle spaces provided total 5, though they should be relocated from the back of the building to a more visible and accessible area. Bicycle parking, however, is calculated according to the Zoning Code with 1 space per 20 parking spaces. 12 bicycle spaces are proposed. Two bike racks are proposed, one at the western building entrance and the other at the eastern building entrance.

TIS: A Traffic Impact Study (TIS) was not required. The proposal does not meet TIS thresholds.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian & Bicycle Access & Circulation: The subject site is primarily vehicle oriented, as evidenced by wide drive aisles and large parking areas. There are no separate pedestrian or bicycle entrances, though there is a network of pedestrian connections along Harper Rd. and internal to the site. The internal 6 ft. concrete walkways extend all around the site and provide generally good connectivity. On the western side, the walkway is 8 ft. wide between the covered parking and the building. The walkways need to be specified as concrete with a brush finish, as indicated in the narrative. The crosswalks are proposed to be 6 ft. and made of textured, colored concrete. Staff suggests that thermoplastic be allowed as an option.

A pedestrian connection is proposed to the adjacent church site to the east, though there is no connection from the southern side of the subject site to the open space area which may remain undeveloped. Residents may want to use this space; a connection is needed to get people to it. In addition, Staff believes that another crosswalk over the main drive aisle, coupled with a break in the retaining wall, would be beneficial to residents and would provide a more direct connection between the amenity area and Harper Rd. The closest non-vehicular connection to the centrally-located amenity area is approx. 300 ft. to the east, and the retaining wall is quite long. The long, unbroken expanses of walls are what make the area less pedestrian friendly than it could be. There are a lot of pedestrians already, and more would result from the proposal's independent living apartments.

Transit Access: The Comprehensive Plan designates Wyoming Blvd. as an Enhanced Transit Corridor, though Wyoming is approx. 0.75 mi. west of the subject site. Academy, Harper and Ventura are not designated transit corridors.

The subject site is not well-served by Transit. Albuquerque Ride route #2-Eubank, runs on Ventura St. but it only goes that far north in the am and pm and not on the weekends. Route #93-Academy, about 0.5 mi. away, is a commuter bus with limited hours. Route #31-Wyoming and Route #98-Wyoming Commuter, are about 0.75 mi. to the west. The best bus riding option to access the subject site is Route #31 because it has a wide range of hours. However, it is farther than normal walking distance, especially for older persons. The closest bus stop is approx. 0.4 mi. away on Ventura St., which is not considered close.

Lighting & Security

Single and double-fixed parking lot light poles are proposed around the perimeter of the subject site. The light poles are mostly 18 ft. tall, with a few near the nursing care area being 12 ft. tall. The light pole detail, which should not be labeled “pedestrian lighting”, shows ornamental fixtures. Color needs to be specified. Any wall-mounted lighting will not exceed the 10 ft. level.

Landscaping Plan

Scope: Landscaping is proposed along the borders and within the subject site. Street trees are proposed along Harper Rd. in the buffer, which ranges from approx. 11.5 ft to 13.5 ft. wide. Other landscaping is proposed in areas of the parking lot, near the building entrances and open common areas. The western landscape buffer needs to be increased to a minimum of 6 ft. Two types of turf and large boulders are proposed. The rock mulch (gravel) color is Santa Fe Brown.

Trees & Plants: A wide variety of trees, shrubs, groundcovers and grasses is proposed. There are 11 types of trees, including Goldenrain Tree (used the most), Chinese Pistache, Afghan Pine, Rio Grande Cottonwood, Purple Robe Locust, among others. Street trees are Honey Locust, Chinese Pistache and Redbud. Desert Willow should not be used as a street tree because it has multi-trunks and is not canopy forming. Chitalpa, or another tree, should be used instead.

The Pollen Ordinance specifically prohibits the Genus Populus, which includes Rio Grande Cottonwood due to high allergen potential. A different tree should be used. Staff suggests that Japanese Maple and Flowering Pear, both with “medium high” water requirements be replaced in keeping with the City’s (and the applicant’s) emphasis on water conserving landscape.

33 types of shrubs and groundcovers are proposed. Those used most commonly include Powis Castle Sage, Butterfly bush, Lavender and Nandina. None of these, or the desert accents or ornamental grasses, have high water requirements, except for Vinca. Two types of turf are proposed and comprise approx. 8% of the required landscape area. One is a native turf blend (low water use) and the other is Reveille Bluegrass (high water requirement). Supposedly, this type of bluegrass uses less water and is more heat tolerant than other blue grasses. Turf areas are located in the entry areas (bluegrass) and the open common areas (native turf blend).

Requirements: Zoning Code §14-16-3-10, Landscaping Regulations Applicable to Apartment and Non-Residential Development, applies. The minimum requirement for 75% coverage with living, vegetative materials has been met in most places, especially where turf is proposed. Tree canopies, however, don't count toward this requirement (§14-16-3-10(G)(3)). Nor do boulders. Staff suggests that more plants be added to the northeast entry, which is a focal point and appears relatively sparsely covered.

The City Forrester commented that the type of Lagerstromia needs to be identified and should be the shrub type, lighting plan and tree locations need to be coordinated and that plantings near concrete can have stormwater directed to them to supplement irrigation. Staff suggests adding notches in the concrete along the landscape buffers, particularly the western and southern buffers.

Grading & Drainage Plan

The subject site has a significant slope that gets lower moving from east to west. There is about 40 ft. of difference from east to west and 10 ft. of difference from north to south. The finished floor (ff) of the east side buildings is 5,519 ft. and the ff of the west side building is 5,493 ft. (26 ft. of difference). Water generally flows toward the southwest corner of the subject site, toward the Pino Arroyo. Staff points out that there is an existing small arroyo, which runs north-south along the fenceline, that will become part of the subject site. This natural drainage pattern will be preserved but will become a storm drain easement.

Utility Plan

The proposed buildings will connect to existing infrastructure. A new sanitary sewer line will connect to the existing line near the southeast corner of the subject site. A new water line will connect to the existing line on Harper Rd. Five new fire hydrants are proposed.

⇒ For an explanation of existing and proposed utility easements, please refer to Section IV of this report.

Architecture & Design

The complex consists of two proposed buildings, attached by an enclosed courtyard, and four areas (see Site Play Layout/Configuration above). The proposed buildings are generally long and rectangular, with towers every hundred feet or so. The design can be considered contemporary and reminiscent of a mountain lodge. The mass is broken up by the use of different materials and colors, towers and balconies. Overhangs, windows and openings on the ground floor also provide contrast to the building's basic shape. Staff points out that real wood is often difficult to maintain in a desert climate and suggests that a wood substitute be used.

The proposed color scheme would contain copper, medium orange and dark brown. The proposed stucco finish is two colors: copper penny and saddle tan (medium orange). The tile roof, wood trim and window frames are dark brown, and the stone veneer is a light yellowish color. Staff (and a neighborhood representative) suggest a lightened color scheme to blend better with the surroundings and other buildings in the vicinity. Also, the dark colors are likely to retain heat in the summertime.

Height & Intensity

The proposed buildings vary in height. The facilities building is two-story and approx. 30 ft. tall (approx. 39.5 with the towers). The nursing care building behind it is one-story and approx. 24 ft. tall. The independent living apartment building is part three-story and part four-story and approx. 61 ft. tall (approx. 68 ft. with the towers). The bottom story is accommodated by a change in topography.

When viewing the proposed buildings from the east (at Ventura St.), they will barely be visible due to the subject site's significant drop in grade going westward. However, when viewed from Harper Dr., the 61 ft. height of the building will be apparent, especially just east of proposed entrance, where the elevation is 5498.5 ft and the proposed building is sited at 5505 ft. Therefore, when walking along Harper, the building will appear to be about 68.5 ft. tall. Staff believes that the applicant's graphic, the cross-section north-west across Harper Rd. (see attachment) is inaccurate by omission. The 61 ft. building behind the entrance is not shown and the graphic does not match the north elevation.

A total of 267 residential units are proposed as follows: 157 apartments, 48 assisted living suites, 20 memory support assisted living suites and 42 nursing care beds. The subject site for the proposed development is approx. 12.4 ac. The resulting residential density is approx. 21.5 DU/ac.

Signage

Two monument signs are proposed, one at each entrance. The approx. 6 sf sign is located in an approx. 32 sf. ornamental case, made of stone and simulated wood, and will be illuminated with a fluorescent light. The address is not shown and the color of the lettering is unspecified. The contrast level is 50%, but should be 70% as recommended by ADA guidelines. Also, the letters are small and need to be larger to improve readability and should not be all caps. No building mounted signage is proposed. A sign detail for a 5 ft. directional sign is included with the elevations, but Staff is unable to locate the directional sign on the site development plan (Sheet 1).

Open Space

Private open space areas are provided in the form of a large enclosed courtyard between the buildings, an open area with a fireplace in back of the apartments and the Alzheimer's courtyard (which must be fenced in). Open space calculations have not been provided, though for residential developments a calculation of open space per unit is common. A large part of the southern side of the subject site is not proposed for development, but is intended (for now) to remain in its natural state. The 100 ft. buffer to the Pino Arroyo is included. People can access this open space, and there may be de facto recreational trails in it.

The SU-1 zone does not require open space for areas that are designated Redeveloping or Established urban. The subject site is in the Established Urban area. Though open space is not specifically required in this case, the EPC has discretion. Nor is public outdoor space required, since Zoning Code §14-16-3-18, General Building and Site Design Regulations for Non-Residential Uses, does not apply to residential uses.

Concerns of Reviewing Agencies/Pre-Hearing Discussion

City Departments and other interested agencies reviewed this application from 8/11/'08 to 8/22/'08. Agency comments used in the preparation of this report begin on Page 29. A pre-hearing discussion,

which the applicant attended, was held on August 27, 2008. The applicant also attended a pre-application review team (PRT) meeting.

The City Forrester provided comments regarding the landscaping plan, regarding proposed plants and water harvesting. Transportation Planning Staff commented regarding the proposed Moon Street alignment relocation. The Abq. Metro Arroyo Flood Control Authority (AMAFCA) has no objection to requested actions, but will require an erosion setback and scour analyses for the Pino Arroyo.

Neighborhood Concerns

The affected neighborhood associations (NAs) are the Cherry Hills Civic Association and the Tanoan Community Association of Residents, which were notified as required. Private meetings were held prior to application submittal.

A facilitated meeting was held on August 26, 2008 (see attachment). Neighbors expressed general support for the proposed project, but had some concerns regarding traffic safety in the area, especially on Barstow and Harper Rd. The neighbors are aware that the traffic issues are an existing condition. They are also concerned about the proposed ingress and egress points to the proposed project. Other concerns include an appropriate color scheme for the area and light from headlights possibly shining into residences north of Harper Rd.

Staff has received a letter of support from the Cherry Hills Civic Association (CHCA) and from individuals (see attachments). The CHCA states that overall it supports the proposal, but has concerns regarding the proposed color scheme, style, headlights at round-about, traffic safety and the pedestrian path along Harper Rd. Some neighbors have expressed concern about traffic, the proposed building height and the location for the proposed project.

VI. CONCLUSION

This three-part proposal is for a zone map amendment, a site development plan for subdivision and a site development plan for building permit for an approximately 61 acre tract on Harper Rd. NE. The applicant proposes to change the subject site's zoning from "SU-1 for Church & Related Facilities & Telecommunication Facility" (Tract A) and "SU-1 for Church & Related Facilities" (Tracts B-1 and B-2) to "SU-1 for Continuing Care Retirement Community & Related Facilities to include On-Premise Liquor Consumption" in order to develop a Continuing Care Retirement Community (CCRC).

Staff finds that the applicant has not adequately justified the zone map amendment (zone change) pursuant to R270-1980. Housing and Activity Center Goals and policies, which are very relevant to this request, were not addressed. Therefore, the arguments are incomplete and unconvincing at this time (Section C). The responses for Sections B and D are also insufficiently elaborated.

Staff concludes that overall the proposal partially furthers the intent of most relevant goals and policies in the Comprehensive Plan, but conflicts with Land Use Policy II.B.5h-location of higher density housing and Activity Center Policy II.B.7d-structure height, mass, volume and location. Provided that the zone change is justified, the proposed site development plan for subdivision would require conditions to

comply with the definition of a site development plan for subdivision and remedy inconsistencies. Conditions would also be needed for the proposed site development plan for building permit. Staff recommends a 30 day deferral, to the October 16, 2008 EPC hearing, to allow the applicant more time to adequately justify the zone change and lessen the number of conditions on the site development plans.

FINDINGS - 08EPC-40088, September 18, 2008- Zone Map Amendment

1. The subject request is for a zone map amendment for a portion of Tract A, and all of Tracts B-1 and B-2, of the Yorba Linda Subdivision, located on Harper Rd. NE. No applicable sector development plan applies. Therefore, the Environmental Planning Commission (EPC) is the approval authority for this request, which is not required to be transmitted to the City Council.

2. The zone map amendment request is for a change from “SU-1 for Church & Related Facilities & Telecommunication Facility” (Tract A) and “SU-1 for Church & Related Facilities” (Tracts B-1 and B-2) to “SU-1 for Continuing Care Retirement Community & Related Facilities to include On-Premise Liquor Consumption” in order to develop a Continuing Care Retirement Community (CCRC).

3. The subject request is accompanied by a site development plan for subdivision (08EPC-40089) to create a single, approximately 12.5 acre tract, and a site development plan for building permit (08EPC-40090) for the CCRC.

4. The subject request *does not further* the following relevant Comprehensive Plan policies:

A. Policy II.B.5h- The subject site is not located in a designated Activity Center, where higher density housing is most appropriate. Nor is it located where access to the major street network is excellent, would not face similar or higher density development and would not serve as a transition between single-family homes and more intense development.

B. Policy II.B.7d- The proposed buildings would be taller and larger than most other buildings in the immediate area, though the proposed height would be largely mitigated by the subject site’s topography when viewed from the east, but not when viewed from the north.

5. The subject request *partially furthers* the following relevant Comprehensive Plan Goal:

Activity Center Goal- Higher density residential uses are intended to be located inside the Activity Centers rather than outside of them, though the proposed retirement center may reduce urban sprawl and auto travel needs.

6. The subject request *partially furthers* the following relevant Comprehensive Plan policies:

A. Policy II.B.5d- The proposed retirement center will be sited to have the least impact on views from the east, though it would be more intense than the single-family homes and a different design from other non-residential uses nearby.

- B. Policy II.B.5g- The tallest buildings are sited where the east-west grade drop is the greatest, though topography does not help mitigate the proposed height when viewed from north-south
- C. Policy II.B.5k- The proposed development would introduce new drivers and impact the street system, though many residents will not drive. High speeds and traffic issues are pre-existing conditions.
- D. Policy II.B.5l- A variety of architectural features, colors and materials are proposed, though the color scheme can be considered dark and contrasts to colors that characterize the area.
- E. Policy II.B.5m- Though unique vistas of the Sandia mountains will be maintained, the visual environment of this open space, recreational area will change dramatically when viewed from the north.

7. The Facility Plan for Arroyos (FPA) and the Trails & Bikeways Facility Plan (TBFP) apply. The subject site's southern boundary abuts the South Pino Arroyo, which is a Major Open Space Link. Transportation Staff indicated that a bicycle trail easement is not needed at this time. Rather, the execution of a cooperative agreement with the Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) would be needed in the future to ensure trail connectivity.

8. The applicant has not adequately justified the zone change request pursuant to Resolution 270-1980:
- A. Section 1A: The applicant is required to explain how the cited reasons, providing housing for older persons and creating synergy with adjacent uses, relate to the City's health, safety, morals and general welfare. That connection has not been made as clear as it should be.
 - B. Section 1B: The fact that land will no longer being vacant does not automatically translate into stability of land use and zoning. The applicant did not explain how providing facilities for older persons promotes stability of land use and zoning.
 - C. Section 1C: The applicant did not cite certain relevant Goals and policies, having to do with Activity Centers and housing. These topics are critical components when considering a zone change for a large residential project and cannot be ignored.
 - D. Section 1D: The applicant has not developed an adequate nexus between the cited changed conditions and the request. The church and a shopping center, approved 23 and 16 years ago respectively, are indicative of the area's stability.

The argument that a different zoning category would be more advantageous to the community is not convincing. The applicant explains that the proposed CCRC will generate less traffic than an

apartment project, but the comparison needs to be made based on what is possible without a zone change.

- E. Section 1E: The proposed uses would not harm adjacent property, the neighborhood or the community, though an explanation tied to the permissive uses would have strengthened the argument.
- F. Section 1F: The proposed zone change will not result in any unprogrammed City capital expenditures and no infrastructure is needed.
- G. Section 1G: The applicant states that economic considerations are not relevant to this request.
- H. Section 1H: The applicant is not using the subject site's location on a collector or major street as a justification for the proposed zone change, though this should have been simply stated.
- I. Section 1I: SU-1 zoning is considered a justifiable "spot zone" by definition and there is other SU-1 zoning in the area.
- J. Section 1J: The zone change request would not result in a strip commercial development. The proposal is for a residential use.

9. Staff finds that the zone map amendment (zone change) has not been adequately justified pursuant to R270-1980. Housing and Activity Center Goals and policies, which are very relevant to this request, were not addressed. Therefore, the arguments are incomplete and unconvincing at this time (Section C). The responses for Sections B and D are also insufficiently elaborated.

10. A facilitated meeting was held. There is neighborhood support and opposition. The Cherry Hills Civic Association has expressed general support, but has concerns regarding the proposed color scheme, style, headlights at round-about, traffic safety and the pedestrian path along Harper Road.

11. A deferral is appropriate to allow the applicant more time to adequately justify the zone map amendment request as required pursuant to R270-1980.

RECOMMENDATION - 08EPC-40088, September 18, 2008

DEFERRAL of 08EPC-40088, a request for a zone map amendment from "SU-1 for Church & Related Facilities & Telecommunication Facility" (Tract A) and "SU-1 for Church & Related Facilities" (Tracts B-1 and B-2) to "SU-1 for Continuing Care Retirement Community & Related Facilities to include On-Premise Liquor Consumption" for a portion of Tract A, and all of Tract B-

1 and Tract B-2, Yorba Linda Subdivision, located on Harper Road NE, between Ventura Street and Red Sky Road, for 30 days to the October 16, 2008 hearing, based on the preceding Findings.

FINDINGS - 08EPC-40089, September 18, 2008-Site Development Plan for Subdivision

1. This is a request for a site development plan for subdivision for a portion of Tract A, and all of Tract B-1 and Tract B-2, Yorba Linda Subdivision, located on Harper Road NE. This request accompanies a request for a zone map amendment (08EPC-40088) and a request for a site development plan for building permit (08EPC-40090).

2. The proposed site development plan for subdivision that will eliminate the lot lines between: Tract A and Tract B-2, and Tract B-2 and Tract B-1. A new lot line is proposed with the eastern boundary of Tract A, which would “carve out” a portion of Tract A from the church site. These actions will create a single, approx. 12.4 acre site for the proposed development.

3. The subject request *does not further* the following relevant Comprehensive Plan policies:

A. Policy II.B.5h- The subject site is not located in a designated Activity Center, where higher density housing is most appropriate. Nor is it located where access to the major street network is excellent, would not face similar or higher density development and would not serve as a transition between single-family homes and more intense development.

B. Policy II.B.7d- The proposed buildings would be taller and larger than most other buildings in the immediate area, though the proposed height would be largely mitigated by the subject site’s topography when viewed from the east, but not when viewed from the north.

4. The subject request *partially furthers* the following relevant Comprehensive Plan Goal:

Activity Center Goal- Higher density residential uses are intended to be located inside the Activity Centers rather than outside of them, though the proposed retirement center may reduce urban sprawl and auto travel needs.

5. The subject request *partially furthers* the following relevant Comprehensive Plan policies:

A. Policy II.B.5d- The proposed retirement center will be sited to have the least impact on views from the east, though it would be more intense than the single-family homes and a different design from other non-residential uses nearby.

- B. Policy II.B.5g- The tallest buildings are sited where the east-west grade drop is the greatest, though topography does not help mitigate the proposed height when viewed from north-south
- C. Policy II.B.5k- The proposed development would introduce new drivers and impact the street system, though many residents will not drive. High speeds and traffic issues are pre-existing conditions.
- D. Policy II.B.5l- A variety of architectural features, colors and materials are proposed, though the color scheme can be considered dark and contrasts to colors that characterize the area.
- E. Policy II.B.5m- Though unique vistas of the Sandia mountains will be maintained, the visual environment of this open space, recreational area will change dramatically when viewed from the north.

6. The Facility Plan for Arroyos (FPA) and the Trails & Bikeways Facility Plan (TBFP) apply. The subject site's southern boundary abuts the South Pino Arroyo, which is a Major Open Space Link. Transportation Staff indicated that a bicycle trail easement is not needed at this time. Rather, the execution of a cooperative agreement with the Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) would be needed in the future to ensure trail connectivity.

7. The applicant has not adequately justified the accompanying zone map amendment request (08EPC-40088) pursuant to R270-1980 as required.

8. Modifications are needed for the proposed site development plan for subdivision to comply with the definition of a site development plan for subdivision. Pedestrian Access needs to be addressed separately, dwelling units (DUs) need to be referred to, the building height inconsistency needs correction and the transit information needs correction and elaboration. These issues can be addressed during a deferral period.

9. A facilitated meeting was held. There is neighborhood support and opposition. The Cherry Hills Civic Association has expressed general support, but has concerns regarding the proposed color scheme, style, headlights at round-about, traffic safety and the pedestrian path along Harper Road.

RECOMMENDATION - 08EPC-40089, September 18, 2008

DEFERRAL of 08EPC-40089, a Site Development Plan for Subdivision for a portion of Tract A, and all of Tracts B-1 and B-2, Yorba Linda Subdivision, zoned SU-1 for R-2 uses, located on Harper Rd. NE, for 30 days to the October 16, 2008 hearing, based on the preceding Findings.

FINDINGS -08EPC-40090, September 18, 2008 -Site Development Plan for Building Permit

1. This is a request for a site development plan for building permit for a portion of Tract A, and all of Tract B-1 and Tract B-2, Yorba Linda Subdivision, located on Harper Road NE. This request accompanies a request for a zone map amendment (08EPC-40088) and a request for a site development plan for subdivision (08EPC-40089).

2. The site development plan for building permit is for a proposed Continuing Care Retirement Community (CCRC), to consist of independent living apartments, assisted living, memory-support assisted living and nursing care for a total of 267 units. The related facilities include an on-site retail/gift shop, dining room, multi-purpose room, wellness center, swimming pool and outdoor common areas.

3. The subject request *does not further* the following relevant Comprehensive Plan policies:

A. Policy II.B.5h- The subject site is not located in a designated Activity Center, where higher density housing is most appropriate. Nor is it located where access to the major street network is excellent, would not face similar or higher density development and would not serve as a transition between single-family homes and more intense development.

B. Policy II.B.7d- The proposed buildings would be taller and larger than most other buildings in the immediate area, though the proposed height would be largely mitigated by the subject site's topography when viewed from the east, but not when viewed from the north.

4. The subject request *partially furthers* the following relevant Comprehensive Plan Goal:

Activity Center Goal- Higher density residential uses are intended to be located inside the Activity Centers rather than outside of them, though the proposed retirement center may reduce urban sprawl and auto travel needs.

5. The subject request *partially furthers* the following relevant Comprehensive Plan policies:

A. Policy II.B.5d- The proposed retirement center will be sited to have the least impact on views from the east, though it would be more intense than the single-family homes and a different design from other non-residential uses nearby.

B. Policy II.B.5g- The tallest buildings are sited where the east-west grade drop is the greatest, though topography does not help mitigate the proposed height when viewed from north-south

-
- C. Policy II.B.5k- The proposed development would introduce new drivers and impact the street system, though many residents will not drive. High speeds and traffic issues are pre-existing conditions.
 - D. Policy II.B.5l- A variety of architectural features, colors and materials are proposed, though the color scheme can be considered dark and contrasts to colors that characterize the area.
 - E. Policy II.B.5m- Though unique vistas of the Sandia mountains will be maintained, the visual environment of this open space, recreational area will change dramatically when viewed from the north.

6. The Facility Plan for Arroyos (FPA) and the Trails & Bikeways Facility Plan (TBFP) apply. The subject site's southern boundary abuts the South Pino Arroyo, which is a Major Open Space Link. Transportation Staff indicated that a bicycle trail easement is not needed at this time. Rather, the execution of a cooperative agreement with the Albuquerque Metropolitan Area Flood Control Authority (AMAFCA) would be needed in the future to ensure trail connectivity.

7. The applicant has not adequately justified the accompanying zone map amendment request (08EPC 40088) pursuant to R270-1980 as required.

8. The proposed building, at 51 feet, would be significantly taller than the nearby 2001 Gold Avenue development (26 feet) to the north and the existing one story single-family homes and apartments in the immediate area.

9. The proposed buildings vary in height from approx. 24 ft. (nursing care), approx. 30 ft. and approx. 61 ft. tall. When viewed from the east, the proposed buildings will barely be visible due to the subject site's significant grade drop westward. However, when viewed from Harper Road, the 61 ft. height of the building will be apparent due to the upward slope in topography at this location.

10. A facilitated meeting was held. There is neighborhood support and opposition. The Cherry Hills Civic Association has expressed general support, but has concerns regarding the proposed color scheme, style, headlights at round-about, traffic safety and the pedestrian path along Harper Road.

RECOMMENDATION - 08EPC-40090, September 18, 2008

DEFERRAL of 08EPC-40090, a site development plan for building permit a portion of Tract A, and all of Tracts B-1 and B-2, Yorba Linda Subdivision, zoned SU-1 for R-2 uses, located on Harper Rd. NE, for 30 days to the October 16, 2008 hearing, based on the preceding Findings.

Catalina Lehner, AICP
Senior Planner

cc: Consensus Planning, Inc. Attn: Jackie Fishman, 302 Eighth St. NW, Abq., NM 87102
Total Lifestyle Communities & McFarlin Group, 1224 Coast Village Circle, Suite 20A, Santa Barbara, CA
93108
Cherry Hills Civic Association, Attn: Sandra Richardson, PO Box 91195, Abq., NM 87199
Tanoan Community Assoc. of Residents, Attn: William Farmer, 9601 Pebble Beach Dr. NE, Abq., NM 87111

AGENCY COMMENTS

➤ **The following agencies did not review or comment on Project #1007412:**

City of Albuquerque

Environmental Health, Air Quality Division
Environmental Health, Env. Services Division
Fire Department, Planning
Planning, Advance & Urban Design
Police Department/Planning
Transit Department

Other

Bernalillo County
Middle Rio Grande Conservancy Dist. (MRGCD)
Mid-Region Council of Governments (MRCOG)

➤ **The following City of Albuquerque Departments and Divisions reviewed and commented on Project #1007412:**

Planning, Zoning Code Services

The site development plan for building permit does not specify what is to be provided in the southernmost area of the site. Will there be landscaping, or natural vegetation?

Planning, Office of Neighborhood Coordination (ONC)

Cherry Hills Civic Assoc. (R)

Tanoan Community Assoc. of Residents (R)

8/11/08 – Recommended for Facilitation – siw

8/14/08 – Assigned to Joan March – siw

8/18/08 – Facilitated Meeting to be held on Tuesday, 8/26/08 at 6 pm – Cherry Hills Library - siw

City Forrester

- Comments in irrigation notes are helpful and address my concerns about future growth. A detail or method explaining how to expand in the future would be a nice add-on but not necessary.
- Some more detail on what type of Lagerstromia needs to be identified. Heights of different cultivars can vary from 2 feet to 30 feet. This directly affects width as some will grow up and not out and would not achieve 15 foot wide unless forced thru pruning.
 - Comment for all. Lagerstromia is classified as a shrub on these plans. I would call any Lagerstromia over 15' tall a tree (unless directly managed as a shrub)
- Good diversity.
- Lots of plantings near concrete that can have stormwater directed to them to supplement irrigation... especially the larger shade trees anywhere and cottonwoods along southern border
- Coordinate lighting plan and tree locations – Sheet 3 of 8 Northwest entry shows 2 trees and 2 lot lights in same location. Placement or directional lighting may make that workable.
- Planting detail shall indicate removal of rope and burlap. It shall also indicate tree root collar to be planted 1-2 inches above finish grade.

Parks & Recreation, Open Space Division

Open Space has no adverse comments

Parks & Recreation, Planning & Design

Reviewed, no objection. Request does not affect our facilities.

Solid Waste Management Dept., Refuse Division

Approved on condition will require roll off compactor for this size complex, and have required recycle area. Call for details: 761-8142.

City of Albuquerque Public Works Department

Transportation Development (City Engineer/Planning Department):

- 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).
- Inside turning radii (all turns) along main drive aisle will need to accommodate fire/emergency, solid waste and delivery vehicles. Circular turnaround at main entrance and one way drive aisle off main drive aisle will need to be designed to accommodate fire/emergency vehicles.
- Provide median modifications in Harper Road at site drives to accommodate left turning vehicles.
- The applicant shall provide sidewalk easements along Moon Street adjacent to their frontage for the future Moon Street Extension.
- Site plan shall comply and be designed per DPM Standards.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the zone change request. A conceptual grading and drainage plan is required prior to DRB. Concurrent platting action required.

Transportation Planning (Department of Municipal Development):

Findings

- The property underlying this site plan was at one time all part of the Tract A, Hoffmantown Baptist Church Site.
- The Hoffmantown Baptist Church by agreement dated 1984, conveyed to the City of Albuquerque Tract B-1 Yorba Linda Subdivision for the purpose of drainage and roadway access across the property owned by the Church. (Agreement attached).
- The Hoffmantown Baptist Church, realizing the benefit of a future Moon Street extension, agreed in 1986 to deed and dedicate to the City of Albuquerque a portion of the Tract A Hoffmantown

Baptist Church Site for street right-of-way for the construction of Moon Street as shown on exhibit A of the agreement. (Agreement attached). This agreement further states that the proposed alignment of the Moon Street extension as shown on exhibit A is approximate only and that the actual alignment has not yet been established.

- The applicant has met with representatives from the City of Albuquerque and the Hoffmantown Baptist Church regarding the proposed site plan and both the City and the Church are in agreement with the proposed shift of the Moon Street alignment from the western side of the site to the easternmost edge of the site plan located entirely on Church property.
- The City of Albuquerque and the Hoffmantown Baptist Church are currently in the process of drafting a new agreement-to-dedicate which spells out the conditions for the future extension of the Moon Street which will remain the property of the Church until the future dedication is requested by the City.

Conditions

- Approval of the new agreement-to-dedicate between the City of Albuquerque and the Hoffmantown Baptist Church prior to DRB signoff/approval of site development plan.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

Water Resources, Water Utilities and Wastewater Utilities (Water Authority):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,
WATER AUTHORITY and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment, Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

- a. 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).

- b. Inside turning radii (all turns) along main drive aisle will need to accommodate fire/emergency, solid waste and delivery vehicles. Circular turnaround at main entrance and one way drive aisle off main drive aisle will need to be designed to accommodate fire/emergency vehicles.
- c. Provide median modifications in Harper Road at site drives to accommodate left turning vehicles.
- d. Approval of the new agreement-to-dedicate between the City of Albuquerque and the Hoffmantown Baptist Church required prior to DRB signoff/approval of site development plan.
- e. The applicant shall provide sidewalk easements along Moon Street adjacent to their frontage for the future Moon Street Extension.
- f. Concurrent platting action required.
- g. Site plan shall comply and be designed per DPM Standards.

➤ **The following agencies reviewed and commented on Project #1007412:**

Albuquerque Public Schools (APS)

Yorba Linda, Lots B-1 and B-2, is located on Harper Rd NE between Ventura Rd NE and Red Sky Rd NE. The owner of the above property requests a Zone Map Amendment, approval of a Site Development Plan for Subdivision, and a Site Development Plan for Building Permit, for a development that will consist of a Continuing Care Retirement Community. There will be 157 independent living apartments, 48 assisted living suites, 20 memory support assisted living suites, and 42 skilled nursing beds for a total of 267 units. Although this development will not generate students, it will be subject to the APS Facility Fees. The schools in the area include; Dennis Chavez Elementary School, Madison Middle School, and La Cueva High School. All three schools currently have excess capacity.

Loc No	School	2007-08 40th Day	2007-08 Capacity	Space Available
203	D. Chavez	751	775	24
435	Madison	711	855	144
525	La Cueva	2,141	2,200	59

Abq. Metro Arroyo Flood Control Authority (AMAFCA)

No objection to requested actions. For Preliminary Plat approval, AMAFCA will require erosion setback and scour analyses for the Pino Arroyo in this reach. Work within the existing AMAFCA easement will require a Turnkey Agreement or an Encroachment Permit.

Public Service Company of New Mexico

Presently there are no electric distribution lines on the property. Service to the project will need to be extended from the underground distribution lines which are located along the west side of Ventura Rd (on east side of church property). We need to have a 10' utility easement along all property boundaries (including easement along Harper on existing church property). This project impacts substation capacity needs for the NE Albuquerque area.