



CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Planning Department

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

September 4, 2024

TO: Dan Lewis, President, City Council

FROM: Alan Varela, Planning Director 
Alan Varela (Sep 9, 2024 11:16 MDT)

SUBJECT: **AC-24-21, VA-2024-00233, PR 2022-006844**

BP-2024-10295, BP 2024-15349, BP-2024-15353

Danny Senn appeals the Site Plan-Administrative decision to approve a Site Plan for all or a portion of TRACT A THE PEARL ADDITION (being a replat of Tracts 107-B, 107-C together with Tract 106-A within projected Section 18 T10 N, R3E) zoned MX-M and R1-A, located at 1701/1623 Central Avenue, NW containing approximately 0.5767 acre(s). (J-13)

REQUEST

This is an appeal of the administrative approval of a Site Plan for a mixed-use development including 34 multi-family units and 19,926 square feet of commercial space. The Site Plan is for a project less than 50,000 square-foot and less than 5 acres and, therefore, was filed in conjunction with the building permit. The site plan portion of the site plan/building permit submittal is the item under appeal.

The application was received on April 11, 2024 and was deemed complete on June 7, 2024. The review was according to the IDO Effective Date of July 2023. The Site Plan was approved with the Building Permit on July 18, 2024.

The appellant made a timely appeal of the application by filing by August 5, 2024.

An appeal of a site plan decision must show the following:

IDO 6-4(V)(4) Criteria for Decision

The criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes.

6-4(V)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.

6-4(V)(4)(b) The decision being appealed is not supported by substantial evidence.

6-4(V)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).

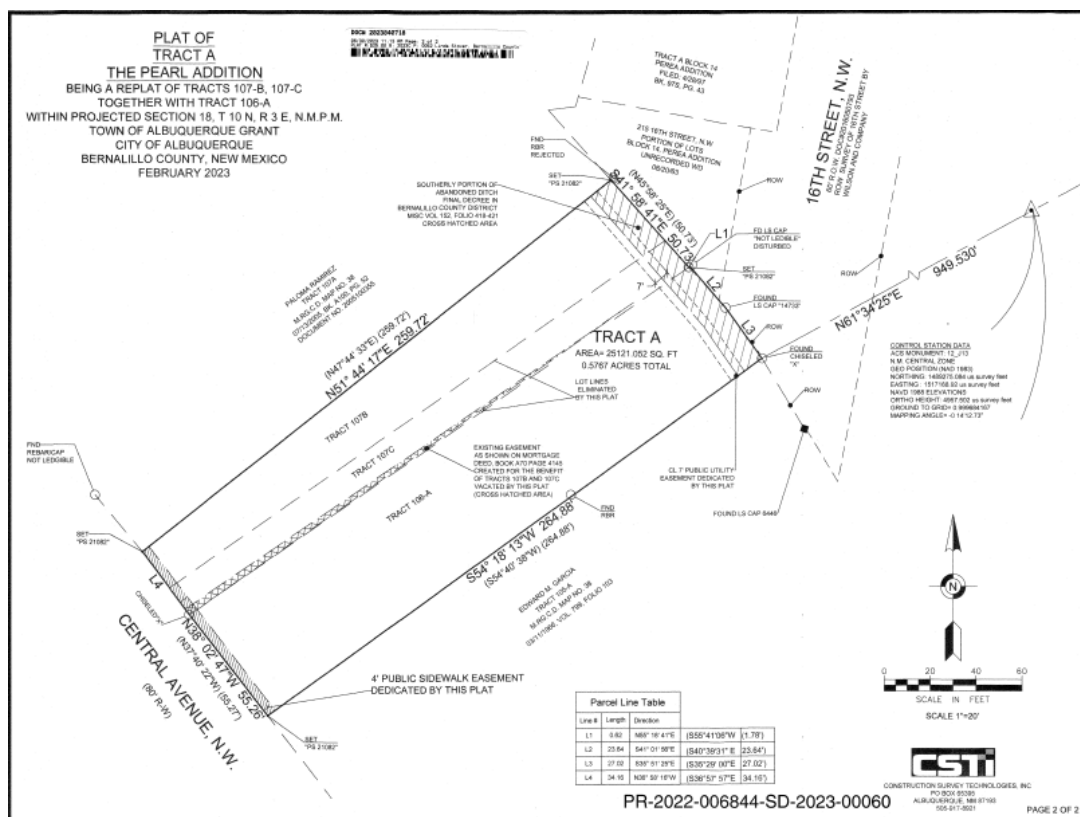
BACKGROUND

A. Previous Approvals

Preliminary/Final Plat. On March 22, 2023, the Development Hearing Officer (DHO) reviewed and approved a request for a replat of the subject property (PR 2022-006844). The plat consolidated three lots (Tracts 107-B, 107-C, and 107-A) into one parcel and vacated a private easement. The R1-A zoning over the abandoned MRCGD acequia was existing on the three parcels and was retained on the replat.

Staff had previously reviewed the proposed plat and proposed development for multifamily and commercial at a sketch plat on April 20, 2022. Staff comments are in the “Additional Information” section of the Record.

Figure 1. Preliminary Plat approved by the DHO, March 22, 2023. The full Plat is in the Record under ‘Additional Information.’



An Infrastructure List for the widening of the Central Avenue sidewalk was reviewed with the plat and received final approved on March 31, 2023.

B. Site Plan-Administrative Approval Under Appeal:

The application for a Site Plan for projects less than 50,000 square feet and under 5 acres are reviewed administratively by Planning Department staff, including transportation, hydrology, and code enforcement. This occurs concurrently with the Building Safety review of the building permit. The site plan and building plan submittal combine to become a building permit approval. The full application was received April 11, 2024. The Site Plan-Administrative portion was reviewed subject to the following criteria from the IDO:

IDO 6-5(G)(3) Review and Decision Criteria

An application for Site Plan – Administrative shall be approved if it meets all of the following criteria.

6-5(G)(3)(a) The Site Plan complies with all applicable standards in 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.

6-5(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 or the applicant has agreed to install required infrastructure and public improvements pursuant to Subsection Subsection 14-16-1-7(B)(2) and 14-16-5-4(N) and/or a signed an Infrastructure Improvements Agreement (IIA) pursuant to Subsection 14-16-5-4(O) to add adequate capacity.

REASONS FOR THE APPEAL

This memo summarizes the appeal statements made by the appellant. Please refer to the filed appeal for the complete text of the appellants statements.

1. **Appellant:** IDO 6-4(V)(4)(a). The well-being of the 16th Street Neighborhood has not been addressed and are arbitrarily ignored by proposing traffic access on a very narrow street.

Staff Response: The appellant refers to the IDO review criterion for an appeal and appears to assert that the staff acted arbitrarily in reaching its decision. The appellant associates a claim of the wellbeing of the neighborhood with traffic access to 16th Street.

Staff incorporated a 2022 ZEO Interpretation in its review of the multi-family access. The ZEO interpretation focused on the question: Does the IDO provision 14-16-3-4(D)(5)(a)2. Parking Access prohibit parking access to *residential* development along Central Avenue from 15th Street, 16th Street, and Fruit Avenue. The ZEO determined that the provision does allow access for residential uses to 16th Street.

16th Street measures approximately 27 feet from face-of-curb to face-of-curb. 16th Street is classified as an Access Local. Its current width of 27 feet is within the current design standard of 26-28 feet face-of-curb to face-of-curb for an Access Local. The Traffic Engineer allowed the residential portion of the project to access 16th Street because it is the function of an 'Access Local' to provide access to parcels, as opposed to 'Limited Access' streets, and the street is wide enough to perform this function.

2. **Appellant:** Referring to IDO 'Access and Connectivity Section' IDO 14-16-5-3(A)(4) and (A)(5). There is an impact on the 16th St neighborhood directly behind the property in which the traffic from this proposed building will be diverted. It is not an efficient or convenient access, and the issue of mitigating the traffic impact has not been addressed responsibly.

Staff Response: The IDO Access and Connectivity Section 5-3 includes these two purpose statements:

(A) (4) Ensuring convenient and efficient access to current and future neighborhoods.

(A)(5) Improve connectivity in existing and future development by mitigating the traffic impacts of new development.

The purpose statements lead to regulations which follow in the section and cross reference other regulations in the IDO and Development Process Manual (DPM). The City Council approves the IDO which combines purpose statements with the regulations that implement them. The purpose statements are not something staff can use discretion to apply differently than laid out in the IDO regulations.

Staff used DPM standards regarding the Traffic Impact Study (TIS) and for the Traffic Circulation Layout (TCL). The traffic generated from the proposed development falls well below the 100 trips during either the AM or PM peak hour threshold where Transportation can require a TIS (DPM 7-5(C)). There are only 22 total trips generated by the development in the AM Peak Hour and 34 trips generated in the PM Peak Hour, substantially below the 100-trip threshold.

The **commercial** portion of the project would generate approximately 5 trips in the AM peak and 7 trips in the PM peak, based on the latest ITE Trip Generation Manual. The commercial trips only affect traffic on Central. The cars are parking offsite, except for a dedicated ADA space, which was secured through an agreement with the Department of Municipal Development which oversees Central Avenue operations. The customers will have primary access to the commercial building via vehicle, transit, or walking and only from Central Ave. The commercial users will have with no vehicle access from 16th Street.

This type of parking agreement is allowed per IDO 14-16-5-5(C)(5)(b) 'Shared Parking Reduction' and IDO 14-16-5-5(C)(6)(e) 'Off-site Parking Credit':

IDO 14-16-5-5(C)(6)(e) Off-site Parking Credit

1. The provision of required parking at an off-site parking

area may be counted toward required off-street parking spaces on a 1-for-1 basis and is allowed for 100 percent of the required parking spaces, except that those required to satisfy the Americans with Disabilities Act shall be provided on the site of the building or use.

2. Off-site parking must meet the location standards in Subsection 14-16-5-5(F)(1)(a) and shall be guaranteed by a legally binding agreement between the owner of the parking area and the owner of the building or use that is located on a different lot and served by the parking area.

The location standard for this project is that the designated parking is within 330 feet of the premises served by the parking. *(See IDO 14-16-5-5(F)(1)(a)(10).)* These parking arrangements are in support of Main Street/Premium Transit for this segment of Central which emphasize access by transit and pedestrians. *(See “Approved Shared Parking Agreement” in ‘Submittals’ section of the Record.)*

The **residential** portion of the project will generate approximately 17 trips in the AM peak hour and 27 trips in the PM peak hour, based on the latest ITE Trip Generation Manual. All required residential parking is located north of the multi-family building with access via 16th Street, which is permitted by IDO Subsection 14-16-3-4(D)(5)(a)2.

[illegible]

CONCLUSION

The Planning staff reviewed the Site Plan–Administrative application and found that it met the requirements of the IDO and DPM. The access for the project is compliant with IDO Subsection 14-16-3-4(D)(5). The commercial portion of the project uses Central Avenue as the primary access for vehicles, transit riders, and pedestrians. The required parking is provided through an Off-Site Parking agreement with most parking provided across Central Avenue. The residential portion of the project has vehicle accessing parking from 16th Street. 16th Street is the standard width of 27 feet for an Access Local. The decision was supported by substantial evidence and was not arbitrary or capricious. The Planning staff did not err in applying the IDO and DPM to the site plan.

Planning_Memo_AC-24-21_Senn_Final

Final Audit Report

2024-09-09

Created:	2024-09-09
By:	Lucinda Montoya (lucindamontoya@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAa8cwYicwgz_mOLFmjXqNRmioppNdq6DV

"Planning_Memo_AC-24-21_Senn_Final" History

-  Document created by Lucinda Montoya (lucindamontoya@cabq.gov)
2024-09-09 - 4:23:47 PM GMT
-  Document emailed to Alan Varela (avarela@cabq.gov) for signature
2024-09-09 - 4:23:53 PM GMT
-  Email viewed by Alan Varela (avarela@cabq.gov)
2024-09-09 - 5:16:03 PM GMT
-  Document e-signed by Alan Varela (avarela@cabq.gov)
Signature Date: 2024-09-09 - 5:16:23 PM GMT - Time Source: server
-  Agreement completed.
2024-09-09 - 5:16:23 PM GMT