



Environmental Planning Commission

Staff Report

Agenda Number: 3
Project #: PR-2020-004780
Case #: RZ-2020-00050
Hearing Date: January 21, 2021

Agent	Consensus Planning
Applicant	EA Properties, LLC
Request	Zoning Map Amendment (zone change)
Legal Description	Lots 21 and 22, Block 7, Albright & Moore Addition
Location	Between Summer Avenue NW and Kinley Avenue NW 1314 Los Tomases Drive
Size	Approximately 0.17 acre
Existing Zoning	R-1A
Proposed Zoning	R-T

Staff Recommendation

DENIAL of RZ-2020-00050, based on the Findings beginning on Page 29.

Staff Planner
Silvia Bolivar, PLA, ASLA

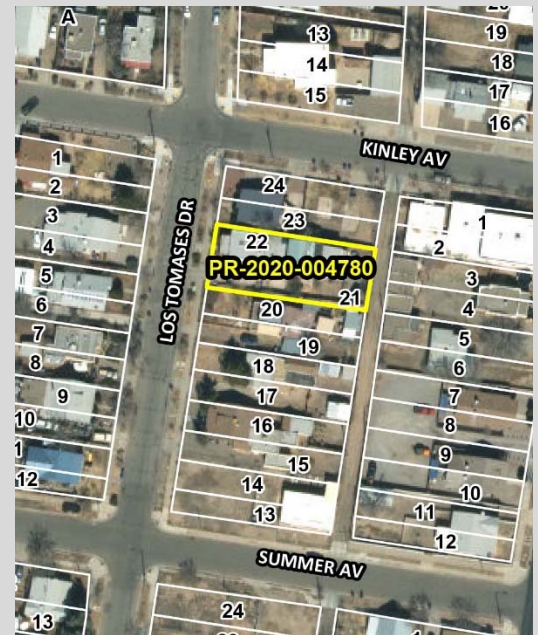
Summary of Analysis

The request is for a Zoning Map Amendment from R-1A to R-T for Lots 21 & 22, Block 7, Albright & Moore Addition, located at 1314 Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW, approximately 0.17 acres. The applicant would like to change the subject site's zoning in order to bring the existing three dwelling units into compliance as they are currently nonconforming.

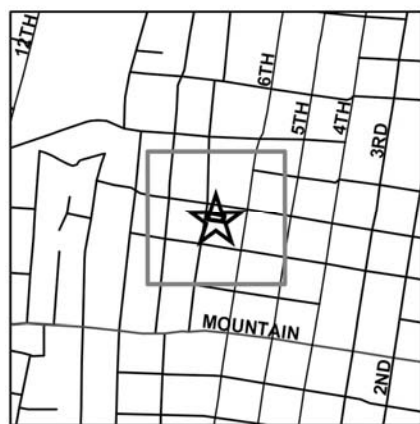
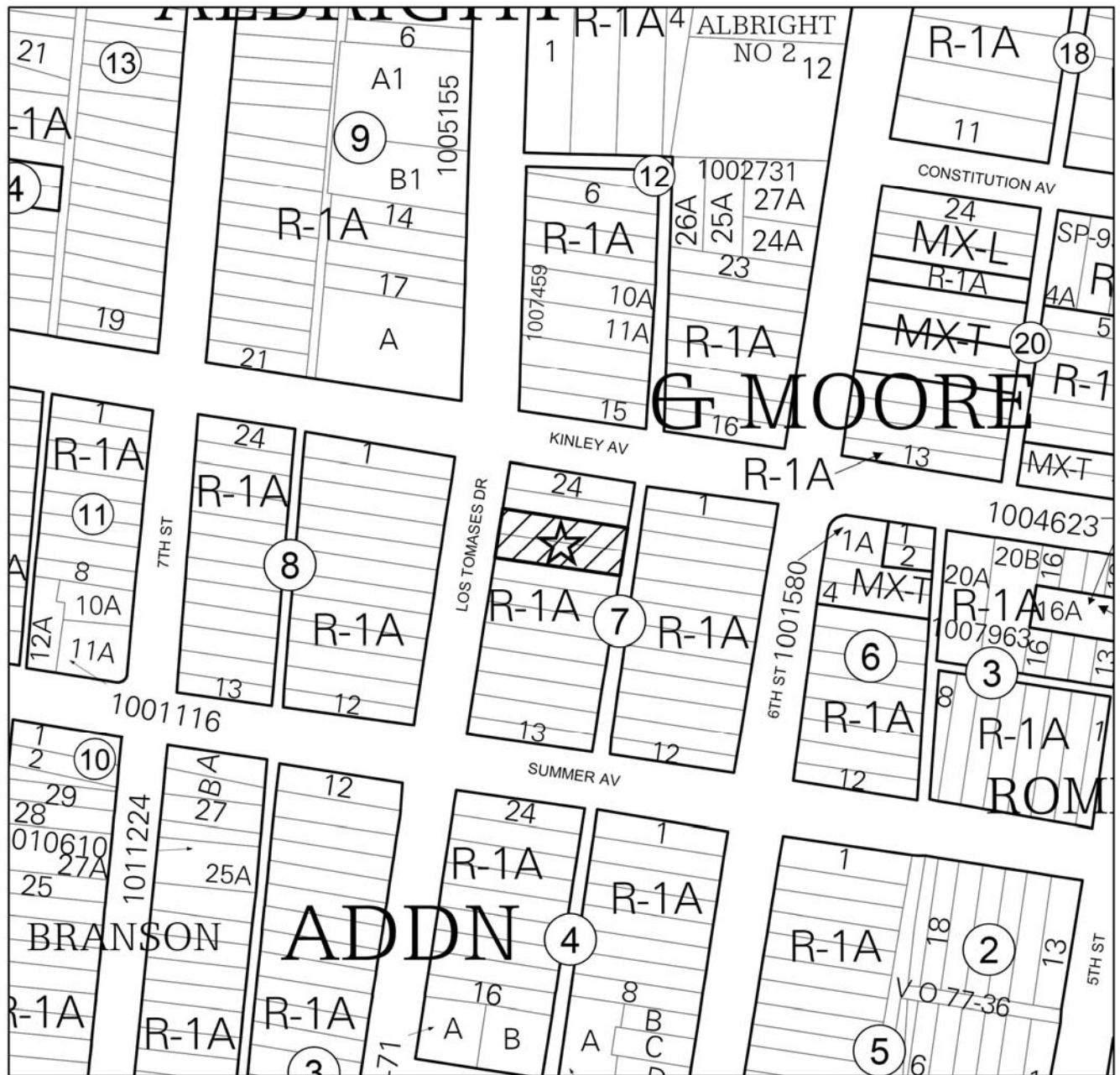
The subject site is in an Area of Consistency. The Zoning Map Amendment has not been adequately justified pursuant to the IDO zone change criteria, primarily due to significant conflicts with the Comprehensive Plan Goals and Policies regarding community identity, desired growth, and land use. Therefore, staff recommends denial.

The affected neighborhood organization is the Wells Park Neighborhood Association which was notified as required. Property owners within 100 feet of the subject site were also notified as required. A pre-application meeting was held.

As of this writing, Staff has received several letters of opposition from members of the Wells Park Neighborhood Association.







IDO ZONING MAP

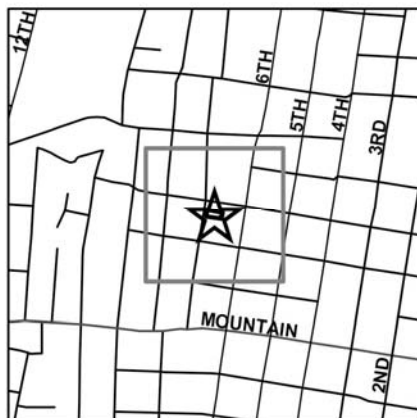
Note: Gray shading indicates County.



1 inch = 150 feet

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LAND USE MAP

Note: Gray shading indicates County.

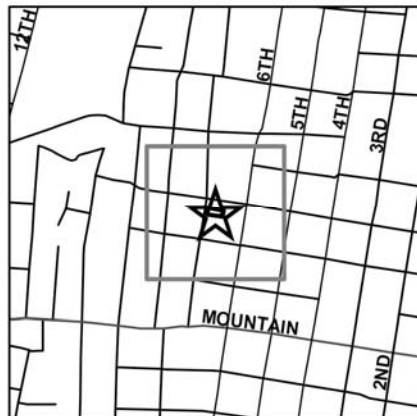
- | | |
|--------------------------------------|--------------------------------|
| Key to Land Use Abbreviations | APRT Airport |
| LDRES Low-density Residential | TRANS Transportation |
| MULT Multi-family | AGRI Agriculture |
| COMM Commercial Retail | PARK Parks and Open Space |
| CMSV Commercial Services | DRNG Drainage |
| OFC Office | VAC Vacant |
| IND Industrial | UTIL Utilities |
| INSMED Institutional / Medical | CMTY Community |
| ED Educational | KAFB Kirtland Air Force Base |



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HISTORY MAP

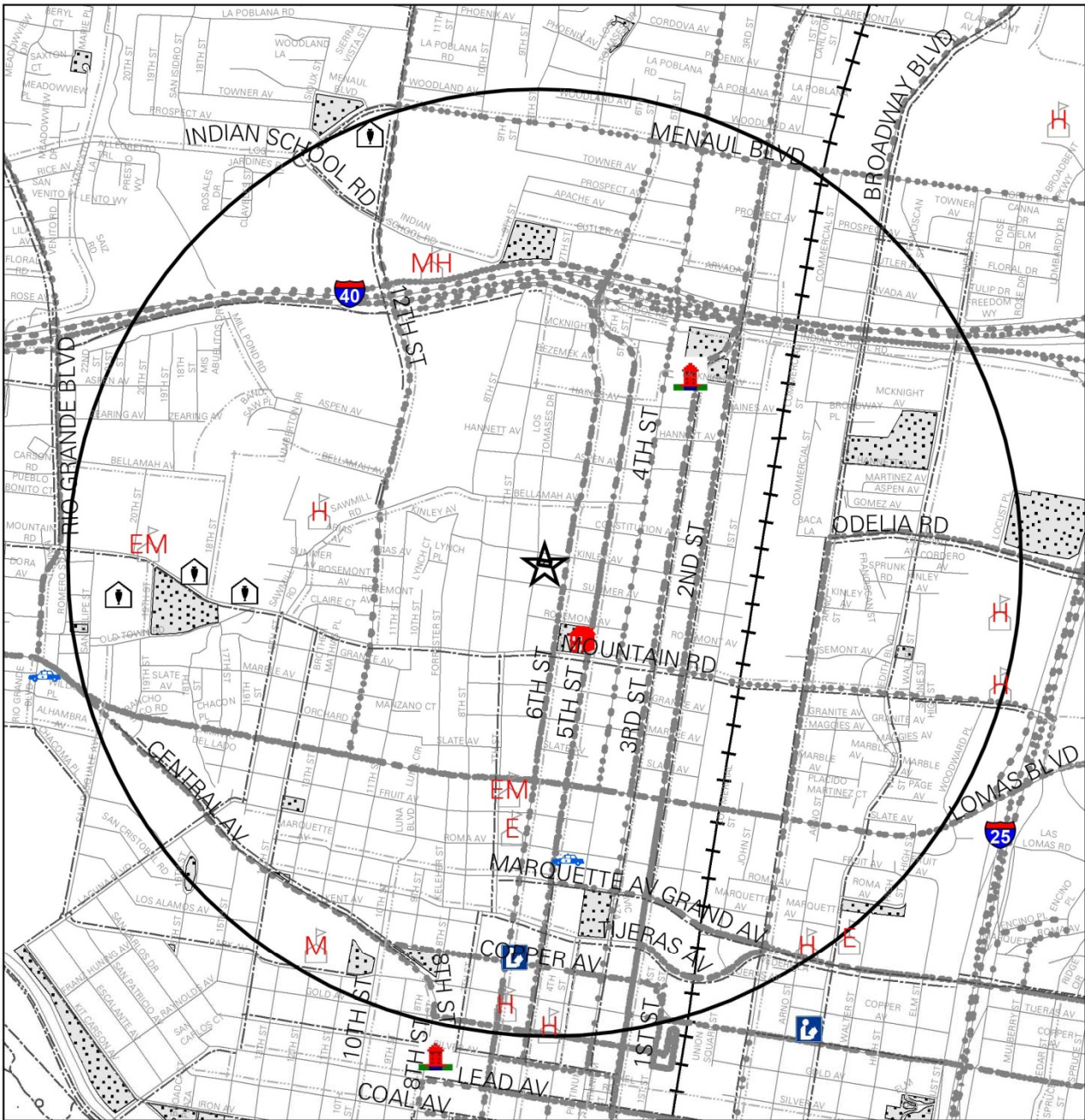
Note: Gray shading indicates County.



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Public Facilities Map with One-Mile Buffer

- | | | | |
|----------------------|-------------------------|--------------------------|-----------------------------|
| Community Center | Fire | Public School | Landfill designated by EHD |
| Multi-Service Center | Police | Proposed Bike Facilities | Landfill Buffer (1000-feet) |
| Senior Center | Sheriff | ABQ Bike Facilities | Developed City Park |
| Library | Solid Waste | ABQ Ride Route | Undeveloped City Park |
| Museum | Albuquerque City Limits | | Developed County Park |
| | | | Undeveloped County Park |



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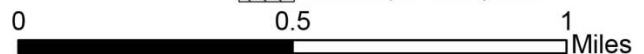


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I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	R-1A	Area of Consistency	Single-family residential-duplex
<i>North</i>	R-1A	Area of Consistency	Single-family residential
<i>South</i>	R-1A	Area of Consistency	Single-family residential; duplex
<i>East</i>	R-1A	Area of Consistency	Single-family residential-duplex
	MX-T	Area of Consistency	Mixed-Use
<i>West</i>	R-1A	Area of Consistency	Single-family residential

Request

The request is for a Zoning Map Amendment (zone change) for an approximately 0.17-acre site legally described as Lots 21 & 22, Block 7, Albright & Moore Addition.

The subject site is located at 1314 Los Tomases Drive NW and is zoned R-1A (Single-family residential), but is currently developed with three dwelling units. The applicant owns the subject site and is requesting the zone change in order to make the existing uses conforming in case the property is sold. The non-conforming uses could create issues related to title and financing considerations for potential buyers. The application was submitted December 3, 2020 and is being reviewed using the November 2, 2020 version of the Integrated Development Ordinance (IDO).

EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

Context

The subject site is located in a residential neighborhood zoned R-1A and is within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12). The majority of the neighborhood lots are developed with single-family homes, but there is a mixture of housing types including several other duplexes. The character of the neighborhood is of small bungalows, Southwest Vernacular, and New Mexico Vernacular. To the south there is a duplex facing Los Tomases Dr NW and to the east there

are duplexes and a florist which are all zoned R-1A. On the corner of Kinley Avenue and 6th Street there are lots zoned MX-T and R-1A.

The subject site is located in an Area of Consistency as designated by the Comprehensive Plan and is part of the Central Albuquerque Community Planning Area.

History

Sawmill/Wells Park is a historic area that has changed many times since it was farmed in the Eighteenth Century. Its' many development eras are reflected in the industrial businesses and residential neighborhoods. In the past, area integrity was compromised by both abrupt and gradual changes. The original plan boundaries were selected in the 1970s to ensure area eligibility for Community Block Grant Fund.

Most of the area's major housing subdivisions were built in the 1920s during a post-World War I building boom. The 1920's development contributes strongly to the existing human scale of the neighborhoods (quiet residential streets lined with small lots, small single-story houses, and duplexes that are predominantly pitched-roofed).

Zoning for the area was established by the Sawmill-Wells Park Sector Development Plan (SWPSDP), first adopted by City Council on January 17, 1996, amended in January 2000, and November 2002. The S-R (Sawmill-Residential) and S-MRN (Sawmill-Mountain Road Neighborhood) zones allowed all housing that predated the sector plan to remain as permissive uses. These two zones also allowed new duplexes, two detached units on a lot, and scattered townhouse development on larger lots. The S-R zone primarily referenced the R-1 zone of the Comprehensive Zoning Code, which was how the Integrated Development Ordinance (IDO) zoning conversion to R-1A was determined. The current zoning of the subject site is R-1A based on an initial IDO conversion from the S-R zone.

Sawmill/Wells Park Character Protection Overlay Zone, CPO-12 (14-16-3-4(M))

The purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones. The Sawmill/Wells Park CPO-12 standards were developed from the Sawmill/Wells Park Sector Development Plan. The following regulations apply to development in the R-T zone within CPO-12:

- Two-family detached dwellings on one lot, minimum 7,000 square feet.
- Townhouse dwellings, minimum 3,200 square feet per dwelling.
- Lot size, maximum: 10,000 square feet.
- Lot width, Minimum: Townhouse dwellings: 32 feet per dwelling unit.
- Building height, maximum: 26 feet
- Building exterior materials, colors, window and door styles, and roof slope and materials must be the same or similar on all parts of the building and any detached dwellings on the lot.

Transportation System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. Los Tomases Drive NW, Summer Avenue NW, and Kinley Avenue NW are classified as Local Urban Streets. Sixth Street is classified as an Urban Minor Arterial.

Comprehensive Plan Corridor Designation

The Comprehensive Plan designates Lomas Boulevard NW, located approximately 0.60 mile to the south of the subject site, as a Major Transit Corridor.

Comprehensive Plan Community Planning Area Designation

The subject site is located at 1314 Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW and is part of the Central ABQ Community Planning Area (CPA). The Central Albuquerque CPA has varying architectural styles and building scale, depending on the historical era of each neighborhood. It is also known for small residential lots with a mix of land uses and proximity of residential and non-residential uses.

Trails/Bikeways

The Long Range Bikeway System (LRBS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies existing and proposed routes and trails. Mountain Road NW has an existing bicycle route where cars and bicycles share the street, part of the 50-Mile Activity Loop. There is a proposed bicycle path for 6th Street NW and a proposed bike route on Bellamah Avenue/Sawmill Road NW.

Transit

ABQ Ride Route 10 runs north-south along North Street and offers service Monday through Friday, peak frequency of 30 minutes, and a reduced schedule on Saturdays and Sundays. The route begins at the Raymond G. Sanchez Community Center Park & Ride and ends at the Alvarado Transportation Center.

Public Facilities/Community Services

Please refer to the Public Facilities Map (Page 6), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions

Dwelling Unit, Accessory: A dwelling unit that is accessory to a primary single-family or two-family detached dwelling or non-residential use. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached building. This IDO distinguishes between accessory dwelling units with and without a kitchen.

Alley: A public right-of-way or private way, or a part thereof, primarily devoted to vehicular use and providing secondary access to abutting property or primary vehicular access to residential

properties, minimizing or eliminating the need for driveway or drive aisle access to the street. For the purposes of access, alleys are considered a type of street.

Area of Consistency: An area designated as an Area of Consistency in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where development must reinforce the character and intensity of existing development.

Low-density Residential Development: Properties with residential development of any allowable land use in the Household Living category in Table 4-2-1 other than multi-family dwellings. Properties with small community residential facilities are also considered low-density residential development. Properties that include other uses accessory to residential primary uses are still considered low-density residential development for the purposes of this IDO.

Dwelling – Townhouse: A group of 3 or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. For the purposes of this IDO, this use is considered a type of low-density residential development, whether the townhouses are platted on separate lots or not.

Dwelling, Two-Family Detached (Duplex) – A residential building containing 2 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other by an unpierced wall dividing the 2 units side-to-side or back-to-front or by an unpierced ceiling and floor extending from exterior wall to exterior wall (over-under), except for a stairwell exterior to 1 of the dwelling units.

Non-conforming use: A use of a structure or land that does not conform to the IDO requirements for land uses in the zone district where it is located, but that was an approved use at the time the use began.

Overlay Zone: Regulations that prevail over other IDO regulations to ensure protection for designated areas. Overlay zones include Airport Protection Overlay (APO), Character Protection Overlay (CPO), Historic Protection Overlay (HPO), and View Protection Overlay (VPO). Character Protection and View Protection Overlay zones adopted after May 18, 2018 shall be no less than 10 acres, shall include no fewer than 50 lots, and shall include properties owned by no fewer than 25 property owners. There is no minimum size for Airport Protection Overlay or Historic Protection Overlay zones.

Zoning

The subject site is currently zoned R-1A [Residential – Single Family Zone District, IDO 14-16-2-3(B)], which was assigned upon the adoption of the IDO. The purpose of the R-1 zone district is to provide for neighborhoods of single-family homes with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Specific permissive uses are listed in Table 4-2-1: Allowable Uses, IDO p. 143.

The request is to change the subject site's zoning to R-T [Residential – Townhouse Zone District], IDO 14-16-2-3(D)]. The purpose of the R-T zone district is to accommodate a mix of single-family, two-family, and townhouse uses, as well as limited civic and institutional uses to serve the

surrounding residential area. Specific permissive uses are listed in Table 4-2-1: Allowable Uses, IDO p. 143.

There are some noteworthy differences between R-1A and the R-T zones. Uses not allowed in the R-1A zone, which become permissive in the R-T zone, are townhouses and art gallery while bed and breakfast become permissive accessory.

Some uses that are conditional in the R-T zone but not allowed in the R-1A zone include dwelling – live-work, assisted living facility or nursing home and adult or child day care facility. Museums are conditional if a structure has been vacant for 5 years or more.

Both the R-1A and R-T zones allow dwelling: two-family detached (duplex) but the R-1A zone requires the property to be subdivided whereas the R-T zone within the CPO-12 area allows a duplex on a single lot.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Consistency. Applicable Goals and policies are listed below. Applicant's justification language is in italics. Staff analysis follows in plain text.

- * indicates a Goal or policy chosen by the applicant in their response to zone change criterion 14-16-6-7(G)(3)(a). When a Goal or policy is listed and is not applicable, it is because the applicant included it in the zone change justification letter.

Chapter 4: Community Identity

*Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

This policy is furthered by this Zoning Map Amendment because the proposed R-T zone will allow for a third dwelling unit on the subject property, which is a gentle increase in density consistent with the mix of housing types already found within the Wells Park neighborhood and is compatible with the size and scale of the surrounding single-family residential development. Any future development of the subject site must comply with the Sawmill/Wells Park Character Protection Overlay, which helps ensure that this proposed development type remains consistent with the distinct character of the Sawmill/Wells Park community.

Staff response: The subject property is located in a neighborhood that was mostly constructed in the 1920s and it is the 1920's development that contributed to the existing human scale of the neighborhood. The subject site consists of a narrow lot whose architecture is Southwest Vernacular and massing and scale are suitable for the existing lot, but not in the neighborhood. The surrounding properties are single-family, one-story homes that are not compatible with the subject site due to the scale of the existing property. Townhomes are found along Mountain Road NW from 6th Street to 11th Street and in two areas north of the subject site. It is important to note that the two lots zoned R-T north of the site are single-story townhomes. The Sawmill/Wells Park Character Protection Overlay (CPO-12) provides design and use-specific standards that address design quality and

compatibility for the subject property and development throughout the Sawmill/Wells Park CPO-12. Staff finds that Policy 4.1.1 Distinct Communities does not apply.

*Policy 4.1.2 - Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

- a. Maintain and preserve the unique qualities of historic areas.

The request furthers this policy by assigning a zone district that permits the existing uses and makes them conform by using the least impactful and smallest change in terms of uses and building height and scale. The proposed R-T zone district is still a low-density residential zoning district that is found within the Wells Park neighborhood along significant portions of Mountain Road, at the corner of 5th and Constitution, on 8th Street north of Kinley, and on Summer Avenue at Sawmill Road. Small-scale multi-unit residential development is common throughout the neighborhood and the Applicant intends to continue use of the site in this way. In addition, the site is also regulated by the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12) requirements, which will not permit any more development than the existing duplex and ADU due to lot size and width limitations.

Staff response: Staff is in agreement that the requested zone change would allow for the least impactful and smallest change in terms of uses. However, the subject property only partially preserves the unique quality of the area. The setbacks are similar to those found in the R-1A zone. The existing structure is one-story near the street (similar in character to surrounding properties) and the second-story accessory dwelling unit is stepped back further (not found in surrounding properties). The building color and materials of the first floor are the same throughout the property which help reinforce the scale of the front lot facing Los Tomases Dr NW but the second floor accessory unit, while still with the same building color and materials, is out of scale particularly when compared to surrounding properties.

The requested R-T zone district is found along Mountain Road NW from 6th Street to 11th Street that include two-story townhomes and in two areas north of the subject site that are a single-story. The subject site has taken into consideration the block pattern of the existing neighborhood and has respected the neighborhood's scale and fabric on the first floor facing Los Tomases Drive NW. However, the accessory dwelling unit on the second floor is out of scale when compared to the surrounding properties that are single-family homes. Staff finds that Policy 4.1.2 Identity and Design does not apply.

*Policy 4.1.4 – Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

- d. Encourage transformative change in neighborhoods expressing the desire for revitalization.

The subject site is located within the Sawmill/Wells Park Metropolitan Redevelopment Area. Approval of the requested zone change will facilitate the maintenance and rehabilitation of a property within an area that was designated as blighted and in need of investment by the City. According to the redevelopment plan, "There is a need for a

mix of housing in the community, including affordable townhouses, courtyard housing, live/work housing, and apartments, that would be distributed on scattered sites throughout the community, rather than concentrated in one area. The requested zone change provides an option that furthers this mix of housing types in a dispersed manner consistent with the desire for infill housing and in-law flats within the “Neighborhood Residential Sub-Area.”

Staff response: Although the Applicant has invested in the property, Staff does not see how the approval of the requested zone change will facilitate the maintenance and rehabilitation of the property. The Applicant purchased the property in 2019 through a cash purchase and the R1-A zone does not prevent them from continuing to maintain and rehabilitate the property if they chose to do so. Staff is in agreement the area is in need of revitalization to include a mix of affordable housing that includes townhomes but those uses would be more appropriately dispersed along or near Mountain Road where the development is more intense than on Los Tomases Dr NW. Staff finds that Policy 4.1.4-Neighborhoods does not apply.

The subject site was already developed when the Applicant purchased the property in 2019 but they are being proactive in addressing the issues of nonconformity. Approving the requested zone change would not encourage transformative change as the property is already developed. Staff finds that Sub-policy 4.1.4(d) – Neighborhoods does not apply.

Chapter 5: Land Use

*Policy 5.1.1 – Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

- g. Encourage residential infill in neighborhoods adjacent to Centers and Corridors and support transit ridership.

The request furthers this policy and sub-policy by allowing for compact and appropriate “hidden” residential infill near a designated corridor in the Central Albuquerque area. The subject site is in a neighborhood adjacent to the 4th Street Main Street and Multi-Modal Corridor with transit access available along the 5th and 6th Streets and a transit stop at 6th and Kinley just around the corner from the subject site. Allowing for the continuation, maintenance, and improvement of Missing Middle Housing options such as duplexes and ADUs is especially appropriate in this location. The moderate increase in density that results from the additional dwelling unit on the lot supports transit ridership on the adjacent transit routes and helps shape the built environment into a more sustainable development pattern by increasing residents living in a walkable neighborhood close to employment and leisure activities.

Staff response: The subject site is already developed and is too small to capture regional growth. Although the subject site is accessible to 4th Street Main Street, it is unlikely that the request would contribute to regional growth. Staff finds that Policy 5.1.1 – Desired Growth does not apply.

Infill development occurs on vacant or underused lots in otherwise built-up sites or areas. However, the Applicant has not provided infill development as the property was already three

units when it was purchased in 2019. Another goal of infill development is to promote compact development and increase density near transit, when available. The area is walkable and as mentioned above, has some access to transit lines along 4th, 5th, and 6th. The subject property is a long, narrow lot that has been developed to maximum capacity and although there are three dwelling units, Staff finds it unlikely that the subject property would support transit ridership. The subject site is not adjacent to any Centers or Corridors. Staff finds the request does not fulfill Subpolicy 5.1.1 (g) Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

*Goal 5.2- Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

*Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible to surrounding neighborhoods.

- b. Encourage development that offers choice in transportation, work areas, and lifestyles.
- c. Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.
- d. Encourage development that broadens housing options to meet a range of incomes and lifestyles.
- f. Encourage higher density housing as an appropriate use in the following situations:
 - ii. In areas with good street connectivity and convenient access to transit;
 - iii. 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.
- h. Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request furthers this goal and policy and numerous sub-policies by making the existing multi-unit low-density residential development of the subject site conforming and adding to the mixture of housing types present within the Wells Park neighborhood. The combination of the R-T zone district and the Sawmill/Wells Park CPO-12 will maintain the characteristics of the existing development and the Wells Park neighborhood that has been established long before current zoning regulations came into existence. By allowing the existing duplex and ADU on the subject site, the zone change will make the existing housing on the property permissive that includes three different small families or a multi-generational living situation in a location that has good access to transit that provide options for transportation, work areas, and lifestyles. This existing moderate density of housing is appropriate in this location because it is located where a mixed density pattern is already established, with good street connectivity, and where the existing infrastructure has and will continue to support it. This small-scale, infill housing development adds a complementary housing type that remains compatible with the overall form and scale of the immediately surrounding development due to the two-story (26 foot) height limitation

of the R-T zone, the CPO-12 overlay regulations, and the neighborhood edge provisions of the IDO.

The request would not foster complete communities where residents can live, work, learn, shop and play together because only the nonconforming uses would be approved and not contribute to the underserved area of the City where services, retail, and green spaces are already lacking. Staff finds that Goal 5.2. Complete Communities is not fulfilled.

The request would not help to create healthy, sustainable, and distinct communities with a mix of uses conveniently accessible from surrounding neighborhoods because, as shown in the record, the existing units have only added increased density to a single lot. Staff finds that Policy 5.2.1 is not fulfilled.

There are a few nearby public transportation options (see Page 6) with access to Downtown Albuquerque via bicycle routes and automobile. However, the existing units do not offer a choice in work areas. Staff finds that subpolicy b is partially fulfilled.

There is increased density on the subject site when compared to the surrounding properties but the subject site has not maintained the characteristic of the community which is of small bungalows, Southwest Vernacular, and New Mexico Vernacular architecture. Although the subject site was developed by the previous owner, the subject site is not consistent with the long established resident development pattern of the single-family residential neighborhood. However, if the current owner sells the property and its' future owners try to develop the property, the Sawmill/Wells Park CPO-12 has standards and regulations that will limit what can be done to the subject site and preserve the established residential development pattern of the surrounding neighborhood. Staff finds that subpolicy c is not furthered.

The increased density on the subject site will add a complimentary housing type that helps fulfill the lack of low income housing in the area. Staff finds that subpolicy d is furthered.

The area does have good street connectivity and convenient access to transit but there is not an established mixed density pattern. The existing units are not compatible with the existing area land uses as the majority are single-family homes. The two R-T zones to the north of subject site are single story units, dissimilar to the subject site. Staff finds that subpolicy f is not fulfilled.

Infill development is not encouraged in this case as the subject site is already developed and does not qualify as infill. The existing units on the subject site are not compatible in form and scale to the immediately surrounding development (see Staff pictures). Staff finds that subpolicy f is not fulfilled.

***Policy 5.3.1 Infill Development:** Support additional growth in areas with existing infrastructure and public facilities.

The request furthers this policy by allowing a small increase in density within Central Albuquerque that has access to existing infrastructure and public facilities.

Staff response: This request does not support additional growth as the property is already developed. Infill development occurs on vacant or underused lots in otherwise built-up sites or areas. Infill projects can take several forms but the subject site is an addition to an existing

property that was built by previous owners therefore, no additional growth has been provided by the current owner in justifying this request. One of the goals of infill development is to encourage growth in areas where there is existing infrastructure and transit nearby this has not been achieved as no new growth has been provided. Staff finds that Policy 5.3. Infill Development has not been fulfilled.

*Policy 5.6.3. Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

- b. Ensure that development reinforces the scale, intensity, and setbacks of the immediately surround context.
- d. In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

The request furthers this policy through the careful consideration of the request to match the zoning to the existing land uses in a way that continues to reinforce the scale, intensity, and setbacks of immediately surrounding neighborhood context. The requested zoning is still for a low-density residential zone district that is constrained by the Sawmill/Wells Park CPO-12 regulations due to existing lot size and width. In addition, due to the continued low-density nature of the zoning and use, contextual lot size and setback standards apply to this property which reinforces the context of the other lots and houses located on the same block as the subject property.

Staff response: Neighborhood character is important to the overall perception of the Wells Park neighborhood quality as it is in an Area of Consistency. The request would not facilitate the protection, enhancement and quality of the single-family neighborhood as the site is already developed and is part of the Sawmill/Wells Park CPO.

The setbacks are similar to those found in the R-1A zone and as the existing structure is one-story near the street with the second-story accessory dwelling until stepped back, but it is out of scale when compared to the surrounding properties. Staff finds that Policy 5.6.3 Areas of Consistency is partially fulfilled.

- f. Limit the location of higher-density housing and mixed-use development to areas within ¼ mile of transit stations and within 660 feet of arterials and Corridors as an appropriate transition to single-family neighborhoods.

The request furthers this sub-policy by making the existing “hidden” density of the duplex and ADU conforming within 660 feet of the 5th and 6th Street Arterial roadways that connect Downtown to Interstate 40 and beyond. The subject site is located on the block closest to 6th Street at the edge of the larger R-1A neighborhood and may act as a transition into this area.

Staff response: The subject site does provide higher density housing and is 477 feet from 6th Street which is an Urban Minor Arterial (does meet the 660 feet of an arterial). However, 5th Street is 862 feet away while 4th Street is 1223 feet away from the subject property and not within ¼ mile of transit stations.

The subject site is not a corner property which would facilitate the transition to a residential neighborhood but is, instead, located between two single-family residences. To the east of the subject site there is a property that is zoned MX-T that does act as a transition as it is a corner property. The request only fulfills the 660 feet of an arterial (Urban Minor) parameter. The remaining arterials do not qualify as there is no Corridor nearby. Staff finds that subpolicy 5.6.3(f) is not fulfilled.

Chapter 9: Housing

*Goal 9.1-Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

*Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

- a. Increase the supply of housing that is affordable for all income levels.
- h. Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

The comprehensive Plan identifies that 75 percent of the new housing units needed by 2040 is projected to be small-lot single-family and multi-family in a mixed-density setting (page 9-14). Providing for additional “Missing Middle” housing options by making the existing duplex and ADU on the subject property conforming within a neighborhood that includes a combination of small-lot single-family and mixed-density housing options furthers this housing goal and policy by directly contributing to the identified “emphasis on smaller homes, townhomes, and multifamily rental units...in more connected places for better access to jobs and services, walkability, and affordability (page 9-14). By allowing for the continuation and improvement of the existing housing stock to meet these needs, this also contributes to affordability by lowering costs that are associated with new construction making rents for the units more affordable for those who lease from the Applicant, or if the Applicant eventually sells the property allowing for a more sustainable housing option for the purchaser with the option to rent the additional units and put that income towards a mortgage.

Staff response: Keeping in mind that the subject site is part of the Sawmill/Wells Park Character Protection Overlay (CPO-12), the addition of the accessory dwelling unit provides a range of housing types as the property has been adapted for modern purposes (higher density). The higher density provides three housing units to residents and households of varying income levels and has provided more housing choices. Expanding housing choices that are available in the area is important in order to provide more opportunity to live in homes of varying price points for a variety of residents and households. The request furthers Goal 9.1 – Supply and Policy 9.1.1 Housing Options.

*Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

- b. Encourage diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.

- c. Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

This policy and sub-policies are furthered by this request because the combination of R-T zoning within the Sawmill/Wells Park CPO-12 encourages the unique combination of duplexes and accessory dwelling units located on a single lot at least 7,000 square feet in size. This “hidden” density will help provide affordable housing options while maintaining the existing scale of development in the surrounding neighborhood that includes a significant number of single-family homes as well as other duplexes, townhouses, and other small-scale “Missing Middle” housing typologies. Allowing for three dwelling units on the subject property permissively provides the Applicant the confidence to invest in the property and to rent them at more reasonable rates as the costs of rehabilitation are distributed over more units. If the owner chooses to sell the property in the future, a buyer may be able to cover the mortgage costs more easily with rent from three units or from two units if they choose to live on the property in the third unit themselves. This type of development form makes housing more attainable and may be ideal for young families not ready or unable to make a down payment for a larger single-family home or for an older couple or single person looking to downsize while remaining independent.

Staff response: The request furthers Policy 9.1.2 – Affordability as it supports development of housing for a variety of income levels and types of residents by providing higher density than the surrounding single-family residences. A diversity of housing has been provided that is comparable to the townhomes in the R-T zone found along Mountain Road NW.

Staff is not able to comment on the high-quality of the housing as architectural plans were not required to be submitted for this Zone Map Amendment. If the Zone Map Amendment is approved, housing choices with varying price points would be expanded.

*Goal 9.2-Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

*Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to street.

The request furthers this goal and policy by encouraging the continued use of a currently non-conforming use that provides additional density while also maintaining compatibility with the surrounding residences and neighborhood character in part by keeping the zoning as a low-density residential district that is consistent with and remains subject to contextual development standards and the Sawmill/Wells Park Character Protection Overlay Zone.

Staff response: The request does not promote housing that is compatible with the natural and built environment as the surrounding properties are all single-family homes and duplexes. Staff finds that Goal 9.2 does not apply.

The neighborhood character has not been enhanced and is not compatible with the surrounding land uses (refer to pictures in the Staff Report) due to the scale and density of the subject site. There are townhomes to the north of the subject site that are single-story townhomes, not two-story structures making the subject site not compatible to those properties either. Staff finds that Policy 9.2.1 does not apply.

*Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

*Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.

- c. Allow accessory dwelling units in areas with existing infrastructure capacity, where intergenerational living is encouraged, where walkability is encouraged, and where affordable housing is needed in single-family neighborhoods.

The request furthers this goal and policy by providing additional housing density by allowing the continuation, maintenance, and improvement of the existing ADU alongside the existing duplex use in a low-density residential neighborhood where walkability is encouraged just three blocks from the 4th Street Main Street and Multi-modal corridor and about three blocks north of Mountain Road.

Staff response: The request furthers Goal 9.3-Density and Policy 9.3.2-Other Areas as the addition of the accessory dwelling unit will provide increased density in an area that has adequate services and amenities (Goal 9.3). The addition has provided a permanent mix of affordable and market-rate housing options with access to 6th Street NW and provides transportation options to Downtown but has not maintained the scale of the surrounding development.

As the Staff Report notes, the accessory dwelling unit was built by a previous owner and furthers Sub-policy c by allowing the accessory dwelling unit in the area in order to provide affordable housing and the opportunity for intergenerational living.

Sawmill/Wells Park Metropolitan Redevelopment Area Plan Goals:

- A. Preserve a balance between housing which serves low income families and higher priced market rate units.

This goal is furthered by providing for an additional permissive unit on the subject property, which affects rental costs and allows for a greater variety of housing types that are provided within the Wells Park neighborhood.

Staff response: The Zone Map Amendment if approved will provide higher density while expanding the housing choices for a variety of income levels, specifically low income families. The request furthers Goal A of the Sawmill/Wells Park Metropolitan Redevelopment Area plan.

- G. Avoid negative impacts from new development on the existing streets.
- K. Protect and improve the existing residential neighborhoods.

These goals are furthered because the three dwelling units on the property are contained within an existing building that has been on the site since at least 1996. If the site were to be

redeveloped, the height and setback requirements of the R-T zone in combination with the additional lot width, second story setback, and other design standards in the Sawmill/Wells Park CPO-12 mandate a building form not unlike what exists on the property currently and on other properties in the neighborhood.

Staff response: Negative impacts have been avoided by adding the accessory dwelling unit to an existing property rather than undertaking new construction. The existing streets will not be impacted due to parking for the subject property as these uses have been accommodated on-site. The request furthers Goal G.

Staff response: The request contributes to improving the existing neighborhoods as the increase in density has created a more efficient use of the land and avoided further land disturbance in the area. The request furthers Goal K.

- M. Increase and improve housing without displacing current residents.

This goal is furthered by allowing a gentle increase in density on just the subject property rather than allowing a larger scale development or requesting a wholesale change in zoning for a large area of the neighborhood.

Staff response: No one on the subject property has been displaced by the addition of the accessory dwelling unit but more housing has been provided. It is important to note that housing has been increased at the subject site due to the lot being deep and narrow allowing for the units to be built without displacing anyone or disturbing the neighborhood. The request furthers Goal M.

Integrated Development Ordinance (IDO) 14-16-6-7(F)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements

The review and decision criteria outline policies and requirements for deciding zone change applications. 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.

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 district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zone change justification letter analyzed here, received on December 31, 2020, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned R-1A (single-family residential) but is currently developed with three dwelling units that are nonconforming. The requested zoning is R-T (Residential Townhouse). The reason for the request is to obtain zoning that allows the existing uses to conform due to a desire to sell the property. The

non-conforming uses could possibly create issues related to title and financing considerations for potential buyers. The application was submitted December 3, 2020 and is being reviewed using the November 2, 2020 version of the Integrated Development Ordinance (IDO).

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(G)(3) as elaborated in the justification letter. The citation is from the IDO. The applicant's arguments are in *italics*. Staff analysis follows in plain text.

- A. The proposed zone is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant: The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering a preponderance of the applicable Comprehensive Plan goals and policies, as follows:

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and Policies (and other plans if applicable) and does not significantly conflict with them.

Applicable citations: Policy 5.2.1(d) Land Uses, Goal 9.1-Supply, Policy 9.1.1-Housing Options, Policy 9.1.2 Affordability, Goal 9.3-Density, Policy 9.3.2-Other Areas.

Partially fulfilled citations: Policy 5.6.3-Areas of Consistency, Subpolicies 5.2.1(b)(d) Land Uses.

Non-applicable citations: Policy 4.1.1-Distinct Communities, Policy 4.1.2-Identity and Design, Policy 4.1.4-Neighborhoods, Policy 5.1.1-Desired Growth, Subpolicy 5.1.1.(g), Goal 5.2-Complete Communities, Policy 5.2.1- Land Uses, Policy 5.3.1-Infill Development,

The applicant's policy-based response does not adequately demonstrate that the request furthers a preponderance of applicable Goals and Policies regarding identity and neighborhoods, complete communities, and infill development. Therefore, the request is not consistent with the City's health, safety, morals and general welfare. The response to Criterion A is insufficient.

- B. If the subject site is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:
1. There was typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site.
 3. A different zone district is more advantageous to the community as articulated by the

ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The existing R-1A zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan and the Sawmill/Wells Park Metropolitan Redevelopment Area Plan, as described in the lengthy policy analysis above. By changing the zoning of the subject site to make the existing uses conforming and allowing a slight increase in density through the combination of a duplex and ADU on the property, the request furthers numerous goals and policies of the Comprehensive Plan related to expansion, maintenance, and improvement of affordable housing options in a way that is compatible with the surrounding neighborhood context. The new zone will also clearly reinforce the established character of the surrounding Area of Consistency, which includes several other duplexes, ADUs, and other flexible housing types. The request also will not permit development that is significantly different from the neighborhood character. This is because of the contextual development standards in the IDO that apply to low-density residential zoning districts, as well as the applicability of the Sawmill/Wells Park CPO-12, which prevents the addition of more dwelling units than what presently exists due to lot size and width constraints.

Staff response: The applicant's policy-based response does not adequately demonstrate that the request for a new zone would clearly reinforce and strengthen the established character of the surrounding Area of Consistency (Criterion B(3)). The existing structure is one-story near the street (similar in character to surrounding properties) and the second-story accessory dwelling unit is stepped back further (not found in surrounding properties). The response to Criterion B is insufficient.

- C. If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets any of the following criteria: There was typographical or clerical error when the existing zone district was applied to the property.
1. There was a typographical or clerical error when the existing zone district was applied to the property.
 2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located wholly in an Area of Consistency, so this criterion does not apply.

Staff: The subject site is not located wholly in an Area of Change and does not apply to this request. The response to Criterion C is sufficient.

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant: None of the permissive uses in the R-T zone will be harmful to the adjacent property, neighborhood, or community. The following table provides a comparison of the R-1 and R-T zone districts and the differences between their allowable uses. As is clearly shown, only townhouses, bed and breakfast and art gallery become permissive with the requested zone change. A farmer's market becomes an allowable temporary use. An independent living facility is an allowed accessory use, but it must be accessory to an assisted living facility, which is a conditional use that would need to be approved through a separate process before being developed. All other new uses are conditional, including museum which is conditional if a structure has been vacant for 5 years or more.

Duplexes are allowed in both zones, but the R-1A zone requires the property to be subdivided whereas the R-T zone within the CPO-12 area allows a duplex on a single lot, which in turn also allows for an accessory dwelling unit in addition to the duplex for a total of three units. This is what currently exists on the site.

Development of townhouses is limited due to the CPO-12 requirements for lot area per and lot width per dwelling unit and no more than one dwelling could be built on the existing lot unless additional property is purchased and rezoned due to the 35-foot lot width requirement in CPO-12 which is the most restrictive standard for townhouses as it relates to the subject property.

In addition to the limited new permissive uses and the conditional use process for others, the limitations of the CPO-12 design standards, in conjunction with the normal development standards, contextual standards for low-density residential development in Areas of Consistency, and Use-specific standards all add additional layers of protection for neighbors if the site is ever redeveloped in the future.

The R-1A and R-T zones have the same front and side setbacks of 10 and 5 feet respectively when not required to comply with any contextual setback standards based on the neighboring lots. Both zones are limited to a building height of 26 feet or two stories.

The Use-specific standard for Townhouses in IDO Section 14-16-4-3(B)(5)(c) specifies that any property where the side or rear lot line abuts or is across an alley from an R-1 zone, no townhouse dwelling may contain more than three units. This is the case of the subject site, which is surrounded by R-1A zoning.

Staff: The applicant compared the existing R-1A zoning to the proposed R-T zoning, noting which uses would become permissive in the new zone and explaining that properties nearby are zoned R-T. As shown, only townhouses, bed and breakfast and art gallery become permissive with the requested zone change.

The applicant explained that the proposed zone map amendment would be subject to the IDO's Use Specific Standards and must adhere to the CPO-12 overlay zone which would help to

mitigate potential harm to the surrounding properties, neighborhood, or the community. The development standards all serve to limit the overall density of the site. The response to Criterion D is sufficient.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:
1. Have adequate capacity to serve the development made possible by the change of zone.
 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
 3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
 4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

Applicant: City's existing infrastructure and public improvements have adequate capacity for the development made possible by the change of zone. The site is already developed with three dwelling units that are proposed to remain. The anticipated trip generation from this small-scale infill development is just 2 trips during each peak hour. These units are served by the existing roadway network including Los Tomases street frontage, nearby transit, water/sewer services, and storm drainage systems.

Staff: Staff agrees that the request meets the requirement that the City's existing infrastructure and public improvements have adequately served the subject site for many years and have adequate capacity to serve the development made possible by the change of zone (requirement 1). The response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant: The property is located on Los Tomases Drive NW, which is a local road; therefore, it is not located on any major streets and this justification is not based on such circumstances.

Staff: Staff agrees that the requested zone change is not completely based on the property's location on a major street. The response to Criterion F is sufficient.

- G. The applicant's justification for the requested zone change is not completely or predominantly on the cost of land or economic conditions.

Applicant: The cost of land or other economic considerations are not the determining factor for this zone change request. While facilitation of a future transfer of the property is made possible by this request to make the existing uses conforming, such economic considerations are not the sole or predominant basis for this justification. Instead, the requested zone change furthers numerous policies of the ABC Comp Plan and the Sawmill/Wells Park Metropolitan

Redevelopment Plan as demonstrated in this justification letter and will allow for the existing uses to become conforming in a manner that is consistent with surrounding context and mixed density neighborhood.

Staff: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. The justification is also not based completely or predominantly upon the cost of land since the applicant already owns the subject site. The response to Criterion G is sufficient but staff disagrees.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: The request will create a spot zone of a single lot with R-T within an area mostly R-1A; however, the nature of the structures already on the premises makes it unsuitable for the uses of the existing and surrounding R-1A zone district. The existing building on the site includes three units that is in line with the requested zone district as regulated within the Sawmill/Wells Park CPO-12. In addition, the request clearly facilitates implementation of the ABC Comp Plan through furtherance of the goals and policies listed in this justification letter. The request will allow for investment in this property, which provides "hidden" density and expanded affordable Missing Middle housing options as compared to alternative multi-family developments. It provides opportunities for individuals or families to live in a location that provides options for transportation, work areas, and lifestyles.

Staff: The request will create a spot zone because it would apply a zone different from the surrounding zone district. Staff agrees that the nature of the structures already on the premises make it unsuitable for uses allowed in adjacent zone districts because under the existing zoning, the only way to make the duplex conforming is with a subdivision. However, if the property were to be subdivided, the accessory dwelling unit would not be allowed. The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other interested agencies reviewed this application. Few agency comments were received.

Long Range Planning staff noted that the requested R-T zone could possibly allow more density to be added to this property, but any additional dwellings would be required to meet the setbacks, building height, and parking requirements. The development standards all serve to limit the overall density of the site. Area residents have consistently commented against increasing residential densities in this area, during the IDO adoption process and in comments for similar requests. Staff noted that the request would allow for the conservation of multiple housing types, which allows for households with a variety of income levels to reside in the neighborhood.

The Transportation Development Review Services Section had no objection to the request. The Solid Waste Management Department and Albuquerque Public Schools (APS) also had no comments. Bernalillo County Public Works, Transportation Planning had no adverse comments.

Neighborhood/Public

The affected neighborhood organization is the Wells Park Neighborhood Association (WPNA), which the applicant notified as required (see attachments). Property owners within 100 feet of the subject site were also notified as required (see attachments).

The applicant's agent attended the November 10, 2020 Wells Park Neighborhood Association Zoom Remote meeting at the request of the WPNA President. The agents provided an overview showing the property location, the existing zoning, and a list of uses allowed in the R-T zone that are not currently allowed under the current R-1A zoning.

As of this writing, Staff has received emails from members of the Wells Park Neighborhood Association who oppose the Zoning Map Amendment (see attachments). They are concerned that the request would create a spot zone that would be inconsistent with CPO-12 and believe that the request is not adequately justified. It was also mentioned that the Zoning Map Amendment would violate the Comprehensive Plan's goals for neighborhoods specifically Policy 4.1.4-Neighborhoods. Other comments have centered on the house barely fitting on the lot and allowing the exception would mean that more changes will be possible in the future. Staff received notification on January 6, 2021 from the WPNA President that the board voted unanimously to oppose the Zoning Map Amendment.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 0.17 acre site located at 1314 Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW. The applicant would like to change the subject site's zoning in order to bring the existing three dwelling units into compliance, as they are currently nonconforming.

The applicant has not adequately justified the zoning map amendment based upon the proposed zoning being more advantageous to the community than the current zoning and it would not further a preponderance of applicable Goals and policies in the Comprehensive Plan.

The affected neighborhood organization is the Wells Park Neighborhood Association (WPNA), which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. A neighborhood meeting was held. As of this writing, Staff has received emails from members of the Wells Park Neighborhood Association opposing the Zoning Map Amendment and an email notification on January 6, 2021 from the WPNA President that the board voted unanimously to oppose the Zoning Map Amendment.

Staff recommends denial.

FINDINGS - RZ-2020-00050, January 21, 2021- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 0.17 acre site legally described as Lots 21 & 22, Block 7, Albright & Moore Addition (the “subject site”). The subject site is located at 1314 Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW.
2. The subject site, which the applicant owns, is zoned R-1A (Single-Family Zone District). This zoning was received as a conversion from the subject site’s former zoning of S-R (Sawmill Residential) from the previous Sawmill/Wells Park Sector Development Plan.
3. The applicant is requesting a zone change to R-T (Townhouse Zone District) in order to bring the existing three dwelling units into compliance, as they are currently a nonconforming use in the R-1A zone
4. The application was submitted on December 3, 2020 and is being reviewed using the November 2020 version of the Integrated Development Ordinance (IDO).
5. The subject site is in an Area of Consistency as designated by the Comprehensive Plan. It is not in an Activity Center or along a designated Corridor. The subject site is within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12).
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request conflicts with the following applicable Comprehensive Plan Policies regarding Community Identity:
 - A. *Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

This request would not foster distinct communities as the subject site consists of a narrow lot whose architecture is Southwest Vernacular and its’ massing and scale are suitable for the existing lot, but not the neighborhood. The surrounding properties are single-family, one-story homes that are not compatible with the subject site due to the scale of the existing property. Townhomes are found along Mountain Road NW from 6th Street to 11th Street and in two areas north of the subject site. It is important to note that the two lots zoned R-T north of the site are single-story townhomes.
 - B. *Policy 4.1.2 - Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.
 - a. Maintain and preserve the unique qualities of historic areas.

The request would not foster identity and design and the preservation of the unique qualities of historic areas as the existing dwelling units are out of scale when compared to the surrounding properties.

- C. *Policy 4.1.4 – Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

This request would not enhance, protect and preserve neighborhoods and traditional communities as key to long-term health and vitality. The Applicant has invested in the property but Staff does not see how the approval of the requested zone change will facilitate the maintenance and rehabilitation of the property. The subject site was already developed when the Applicant purchased the property in 2019 but they are being proactive in addressing the issues of nonconformity. Approving the requested zone change would not encourage transformative change as the property is already developed.

8. The request conflicts with the following applicable Comprehensive Plan Goal and Policies regarding Land Use:

- A. *Policy 5.1.1 – Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

- g. Encourage residential infill in neighborhoods adjacent to Centers and Corridors and support transit ridership.

The request would not capture regional growth in Centers and Corridors as the subject site is not located in a Center and not adjacent to Corridors. The subject site is already developed and is too small to capture regional growth. The subject site is accessible to 4th Street Main Street, but it is unlikely that the request would contribute to regional growth.

- B. *Goal 5.2- Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

The request would not foster complete communities where residents can live, work, learn, shop and play together because only the nonconforming uses would be approved and not contribute to the underserved area of the City where services, retail, and green spaces are already lacking.

- C. *Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible to surrounding neighborhoods.

- b. Encourage development that offers choice in transportation, work areas, and lifestyles.

- c. Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.

- f. Encourage higher density housing as an appropriate use in the following situations:

- ii. In areas with good street connectivity and convenient access to transit;
- iii. 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.

- h. Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

The request would not help to create healthy, sustainable, and distinct communities with a mix of uses conveniently accessible from surrounding neighborhoods because, as shown in the record, the existing units have only added increased density to a single lot. The existing units offer a choice in transportation but do not offer a choice in work areas. There is increased density on the subject site when compared to the surrounding properties but the characteristic of the community which is of small bungalows, Southwest Vernacular, and New Mexico Vernacular architecture has not been maintained.

Infill development has not been encouraged in this case as the subject site is already developed and does not qualify as infill. The existing units on the subject site are not compatible in form and scale to the immediately surrounding development.

- D. *Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

This request does not support additional growth as the property is already developed and does not qualify as infill.

- 9. The applicant has not adequately justified the request pursuant to Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant's justification does not state this and, more importantly, does not prove it. Consistency with the City's overall health, safety, and general welfare is not possible when significant conflicts with various applicable Goals and Policies are present.

The request conflicts with Goals and Policies regarding distinct communities, identity and design, desired growth, complete communities, land uses, and infill development. These issues affect the Wells Park Neighborhood, resulting in conflicts with community identity and desired growth brought on by development in the area.

- B. Criterion B: The applicant's policy-based response has not adequately demonstrated that the request for a new zone would clearly reinforce and strengthen the established character of the surrounding Area of Consistency. The response to Criterion B is not adequate.
- C. Criterion C: The subject site is located wholly in an Area of Consistency, so this criterion does not apply. The response to Criterion C is sufficient.
- D. Criterion D: The applicant compared the existing R-1A zoning to the proposed R-T zoning, noting which uses would become permissive in the new zone and explaining that properties nearby are zoned R-T. As is clearly shown, only townhouses, bed and breakfast and art gallery become permissive with the requested zone change.

Furthermore, any development on the subject site would have to comply with the IDO's Use Specific Standards and the requirements of the CPO-12 overlay zone, which would help mitigate potential harm to the surrounding properties, neighborhood, or the community. The development standards all serve to limit the overall density of the site. The response to Criterion D is sufficient but staff does not agree.

- E. Criterion E: The request meets the requirement that the City's existing infrastructure and public improvements have adequately served the subject site for many years and have adequate capacity to serve the development made possible by the change of zone. The units are served by the existing roadway network including Los Tomases street frontage, nearby transit, water/sewer services, and storm drainage systems. The response to Criterion E is sufficient.
- F. Criterion F: The requested zone change is not completely based on the property's location on a major street. The property is located on Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW. Los Tomases Drive NW is a local road. The response to Criterion F is sufficient.
- G. Criterion G: Economic considerations are a factor, but the applicant's justification is not completely or predominantly based upon them. The justification is also not based completely or predominantly upon the cost of land since the applicant already owns the subject site. The main purpose of the request is to change the zoning in order to bring the existing, nonconforming uses into compliance. The response to Criterion G is sufficient but staff does not agree.
- H. Criterion H: The request will create a spot zone because it would apply a zone different from the surrounding zone district. As per the Applicant, the nature of the structures already on the premises make it unsuitable for uses allowed in adjacent zone districts because under the R-1A zoning the only way to make the duplex conforming is with a subdivision. However, if the property were to be subdivided the accessory dwelling unit would not be allowed. The response to

Criterion H is sufficient but staff does not agree with the justification provided pertaining to the creation of the spot zone.

10. The applicant's policy analysis does not adequately demonstrate that the request furthers applicable Goals and policies in the Comprehensive Plan and significantly conflicts with them.
11. The affected neighborhood organizations is the Wells Park Neighborhood Association (WPNA), which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required.
12. The applicant's agent attended the Wells Park Neighborhood Association meeting at the request of the WPNA President. The meeting was held to discuss the request to change the zoning from R-1A (Single-Family Residential) to R-T (Residential – Townhouse). Michael Vos provided an overview showing the property location and existing zoning. The issues of the non-conforming use were discussed and a list of allowable uses in the R-T zone were explained.
13. As of this writing, Staff has received emails from members of the Wells Park Neighborhood Association who oppose the Zoning Map Amendment. They are concerned that the request would create a spot zone that would be inconsistent with CPO-12 and believe that the request is not adequately justified. It was also mentioned that the Zoning Map Amendment would violate the Comprehensive Plan's goals for neighborhoods specifically Policy 4.1.4-Neighborhoods. Other comments have centered on the house barely fitting on the lot and allowing the exception would mean that more changes will be possible in the future.

RECOMMENDATION - RZ-2020-00050, January 21, 2021

DENIAL of Project #: 2020-004780, Case #:2020-00050, a Zoning Map Amendment from R-1A to R-T for Lots 21 and 22, Block 7, Albright & Moore Addition, an approximately 0.17 acre site, located at 1314 Los Tomases Drive NW, between Summer Avenue NW and Kinley Avenue NW, based on the preceding Findings.



**Silvia Bolivar, PLA, ASLA
Current Planner**

Notice of Decision cc list:

cc: Wells Park Neighborhood Association doreenmcknightm@gmail.com
Wells Park Neighborhood Association cmexal@gmail.com
Consensus Planning vos@consensusplanning.com
City Legal, avarela@cabq.gov
EPC file

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

The request is for a Zone Map Amendment from R-1A to R-T to permissively allow the existing non-conforming uses. The existing structure is comprised of three total dwelling units – a duplex on the ground floor and an accessory dwelling unit (ADU) on the second floor. The duplex use is not allowed in the R-1A unless it straddles a lot line with each dwelling unit on a separate lot, which it does not on this property. ADUs are a permissive accessory use on lots with a minimum of 7,000 square feet in the R-1 zone district of Sawmill/wells Park -CPO-12. The ADU use on this property is non-conforming, since the lot is 0.16 acres or 6,969 square feet.

The EPC should consider whether this request would create a spot zone. The property is surrounded by R-1A, although there are lots on nearby blocks that are zoned R-T, MX-T, and MX-L. The surrounding properties are primarily single-family residential uses, but several nearby, including those to the west side of Los Tomases Dr NW, appear to have existing accessory structures. The existing density on the subject site is appropriate to the area. The request furthers Comprehensive Plan goals and policies related to Housing Options. The request also allows for the conservation of multiple housing types, which allows for households with a variety of income levels to reside in the neighborhood.

CITY ENGINEER

Transportation Development

No objection to the request.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning- No adverse comment to zone change.

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER: None.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION- No objection to the proposed zone change.

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY PUBLIC WORKS/TRANSPORTATION PLANNING

No adverse comments to zone change.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments.

ALBUQUERQUE PUBLIC SCHOOLS

Case comments: No comment.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO



Figure 1: Looking east at the subject site from Los Tomases Dr NW

Figure 2: Standing on the corner of the subject site, looking southeast towards the accessory dwelling unit



Figure 3: Side entrance to one of the first floor units



Figure 4: Looking north while standing on Los Tomases Dr NW

Figure 5: Looking north while standing on southwest corner of subject site



Figure 6: Looking south while standing on the corner of Los Tomases Dr NW and Kinley Avenue



Figure 7: Side view of property while standing on Kinley Avenue looking south

Figure 8: Rear of property picture taken from the alley



Figure 9: Looking south from alley behind subject site



Figure 10: Scale of subject site – neighborhood context

Figure 11: Scale of subject site – neighborhood context



HISTORY

ZONING

Please refer to IDO Sub-section 14-16-2-3(B) for the Single-Family Zone District (R-1) and Sub-section 14-16-2-3(D) for the Townhouse Zone District (R-T)

Please refer to IDO Sub-section 14-16-3-4(M) for the Sawmill/Wells Park – CPO-12

APPLICANT INFORMATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Alternative Landscape Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input checked="" type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: EA Properties, LLC		Phone:
Address: 2632 Pennsylvania St NE, Suite C		Email:
City: Albuquerque	State: NM	Zip: 87110
Professional/Agent (if any): Consensus Planning, Inc.		Phone: (505) 764-9801
Address: 302 8th Street NW		Email: vos@consensusplanning.com
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site: Owner	List <u>all</u> owners:	

BRIEF DESCRIPTION OF REQUEST

Zone Change from R-1A to R-T to make existing uses conforming.

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

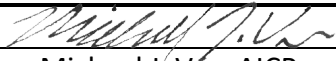
Lot or Tract No.: Lots 21 and 22	Block: 7	Unit:
Subdivision/Addition: Albright & Moore Addition	MRGCD Map No.:	UPC Code: 101405814539321711
Zone Atlas Page(s): J-14	Existing Zoning: R-1A	Proposed Zoning: R-T
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (acres): 0.1607 acres

LOCATION OF PROPERTY BY STREETS

Site Address/Street: 1314 Los Tomases Dr NW Between: Summer Ave NW and: Kinley Ave NW

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

N/A

Signature: 	Date: 12/3/20
Printed Name: Michael J. Vos, AICP	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date:
	Project #

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)

- Interpreter Needed for Hearing? No if yes, indicate language: _____
- Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- Letter of authorization from the property owner if application is submitted by an agent
- Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN

ADOPTION OR AMENDMENT OF FACILITY PLAN

- Plan, or part of plan, to be amended with changes noted and marked
- Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

AMENDMENT TO IDO TEXT

- Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

ZONING MAP AMENDMENT – EPC

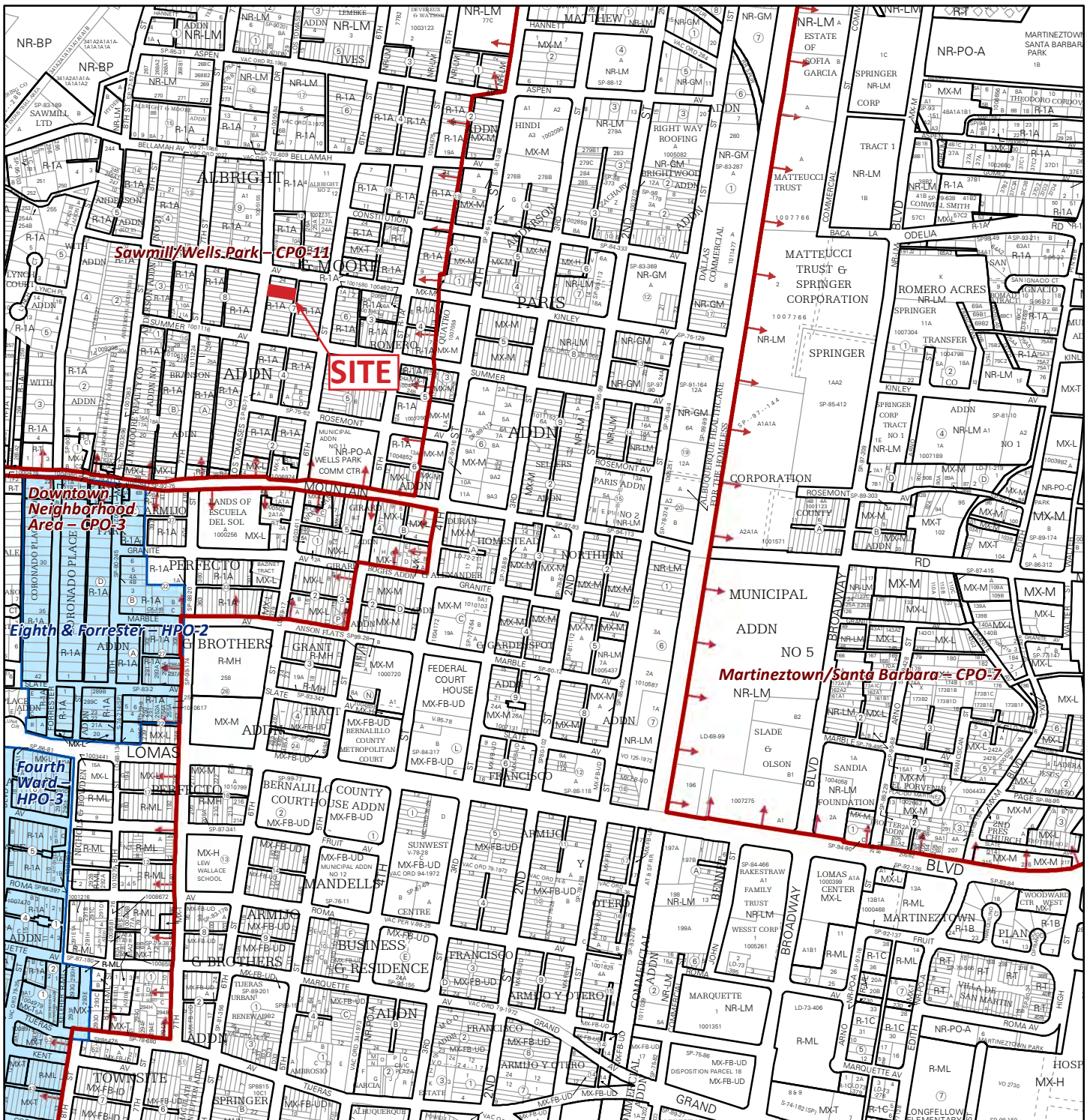
ZONING MAP AMENDMENT – COUNCIL

- Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- Required notices with content per IDO Section 14-16-6-4(K)(6)
 - Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - Proof of emailed notice to affected Neighborhood Association representatives
 - Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- Sign Posting Agreement

ANNEXATION OF LAND

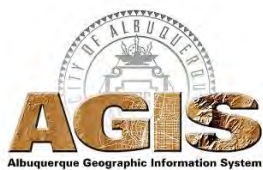
- Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- Petition for Annexation Form and necessary attachments
- Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- Board of County Commissioners (BCC) Notice of Decision

<p><i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i></p>		
<p>Signature: </p>	<p>Date: 12/3/20</p>	
<p>Printed Name: Michael J. Vos, AICP</p>	<p><input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent</p>	
<p>FOR OFFICIAL USE ONLY</p>		
<p>Project Number:</p>	<p>Case Numbers</p>	
<p> </p>	<p>-</p>	
<p> </p>	<p>-</p>	
<p> </p>	<p>-</p>	
<p>Staff Signature:</p>		
<p>Date:</p>		



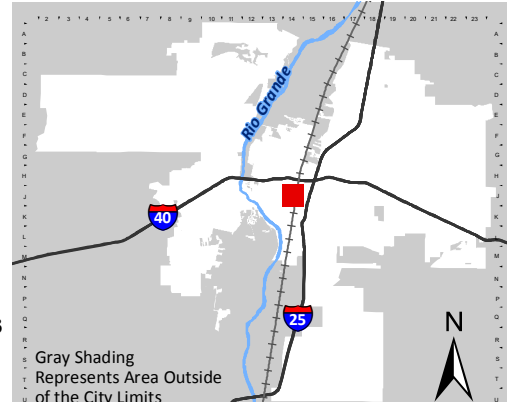
For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



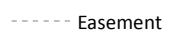
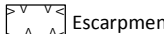






IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones are established by the Integrated Development Ordinance (IDO).

Zone Atlas Page:
J-14-Z



Gray Shading
Represents Area Outside
of the City Limits

Legend:

-  Easement
-  Escarpment
-  Petroglyph National Monument
-  Areas Outside of City Limits
-  Airport Protection Overlay (APO) Zone
-  Character Protection Overlay (CPO) Zone
-  Historic Protection Overlay (HPO) Zone
-  View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet

December 2, 2020

Dan Serrano, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: 1314 Los Tomases Dr NW – Request for Zoning Map Amendment

Dear Mr. Chairman:

The purpose of this letter is to authorize Consensus Planning, Inc. to act as our agent on a zone change request from R-1A to R-T for the property located at the 1314 Los Tomases Drive NW.

The property is legally described as Lots 21 and 22, Block 7, Albright & Moore Addition.

EA Properties, LLC is the owner of the property. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Fox', with a stylized flourish at the end.

Jacob Fox
Managing Member
EA Properties, LLC



City of Albuquerque

Planning Department
Development Review Services Division

Traffic Scoping Form (REV 07/2020)

Project Title: 1314 Los Tomases ZMA
Building Permit #: _____ Hydrology File #: _____
Zone Atlas Page: J-14 DRB#: _____ EPC#: To Be Assigned Work Order#: _____
Legal Description: Lots 21 & 22, Block 7, Albright Moore Addition
Development Street Address: 1314 Los Tomases Dr NW
Applicant: EA Properties, LLC (Agent: Consensus Planning) Contact: Michael Vos, AICP
Address: 302 8th Street NW, Albuquerque, NM 87106
Phone#: (505) 764-9801 Fax#: _____
E-mail: vos@consensusplanning.com

Development Information

Build out/Implementation Year: 2020 Current/Proposed Zoning: R-1A / R-T
Project Type: New: () Change of Use: () Same Use/Unchanged: (X) Same Use/Increased Activity: ()
Proposed Use (mark all that apply): Residential: (X) Office: () Retail: () Mixed-Use: ()
Describe development and Uses:
Requesting a zone change to make the existing combination of 3 dwelling units conforming. No additions are planned.
Days and Hours of Operation (if known): _____

Facility

Building Size (sq. ft.): ~2844 square feet
Number of Residential Units: 3
Number of Commercial Units: Zero

Traffic Considerations

ITE Trip Generation Land Use Code #220
Expected Number of Daily Visitors/Patrons (if known):* _____
Expected Number of Employees (if known):* N/A
Expected Number of Delivery Trucks/Buses per Day (if known):* N/A
Trip Generations during PM/AM Peak Hour (if known):* 2 trips AM, 2 trips PM
Driveway(s) Located on: Street Name Los Tomases Drive NW

Adjacent Roadway(s) Posted Speed: Street Name 6th Street (one block east) Posted Speed 30 mph
Street Name Los Tomases, Kinley, and Summer Posted Speed unposted (25 mph)

** If these values are not known, assumptions will be made by City staff. Depending on the assumptions, a full TIS may be required*

Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: Local Street, Corridor Designation N/A
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: N/A
(urban center, employment center, activity center)

Jurisdiction of roadway (NMDOT, City, County): City of Albuquerque

Adjacent Roadway(s) Traffic Volume: 6th Street: 8,655 ADT Volume-to-Capacity Ratio (v/c): N/A for Los Tomases
9,178 AWDT (if applicable)

Adjacent Transit Service(s): Several routes on 5th and 6th east of the property Nearest Transit Stop(s): 6th and Kinley

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: Proposed bike lanes on 5th and 6th Streets
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: Sidewalks exist throughout neighborhood

Relevant Web-sites for Filling out Roadway Information:

City GIS Information: <http://www.cabq.gov/gis/advanced-map-viewer>

Comprehensive Plan Corridor/Designation: <https://abc-zone.com/document/abc-comp-plan-chapter-5-land-use> (map after Page 5-5)

Road Corridor Classification: <https://www.mrcog-nm.gov/DocumentCenter/View/1920/Long-Range-Roadway-System-LRRS-PDF?bidId=>

Traffic Volume and V/C Ratio: <https://www.mrcog-nm.gov/285/Traffic-Counts> and <https://public.mrcog-nm.gov/taqa/>

Bikeways: http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL_Jun25.pdf (Map Pages 75 to 81)

TIS Determination

Note: Changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

Traffic Impact Study (TIS) Required: Yes [] No []

Thresholds Met? Yes [] No []

Mitigating Reasons for Not Requiring TIS: Previously Studied: []

Notes: Low number of trips

M.P. P.E.

11/24/2020

TRAFFIC ENGINEER

DATE

Submittal

The Scoping Form must be submitted as part of any building permit application, DRB application, or EPC application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to plndrs@cabq.gov and to the City Traffic Engineer mgrush@cabq.gov. Call 924-3362 for information.

Site Plan/Traffic Scoping Checklist

Site plan, building size in sq. ft. (show new, existing, remodel), to include the following items as applicable:

1. Access -- location and width of driveways
2. Sidewalks (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
3. Bike Lanes (check for designated bike routes, long range bikeway system) ([check MRCOG Bikeways and Trails in the 2040 MTP map](#))
4. Location of nearby multi-use trails, if applicable ([check MRCOG Bikeways and Trails in the 2040 MTP map](#))
5. Location of nearby transit stops, transit stop amenities (eg. bench, shelter). Note if site is within 660 feet of premium transit.
6. Adjacent roadway(s) configuration (number of lanes, lane widths, turn bays, medians, etc.)
7. Distance from access point(s) to nearest adjacent driveways/intersections.
8. Note if site is within a Center and more specifically if it is within an Urban Center.
9. Note if site is adjacent to a Main Street.
10. Identify traffic volumes on adjacent roadway per MRCOG information. If site generates more than 100 vehicles per hour, identify volume to capacity (v/c) ratio on this form.



December 31, 2020

Dan Serrano, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Zoning Map Amendment for 1314 Los Tomases Drive NW

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Dear Mr. Chairman:

On behalf of EA Properties, LLC, Consensus Planning submits this request for approval of a Zoning Map Amendment – EPC. The purpose of this letter is to provide justification of the Applicant’s request by responding to the decision criteria specified in Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3). The subject site is located on the east side of Los Tomases Drive NW between Kinley Avenue and Summer Avenue and legally described as Lots 21 and 22, Block 7, Albright & Moore Addition (see Figure 1).

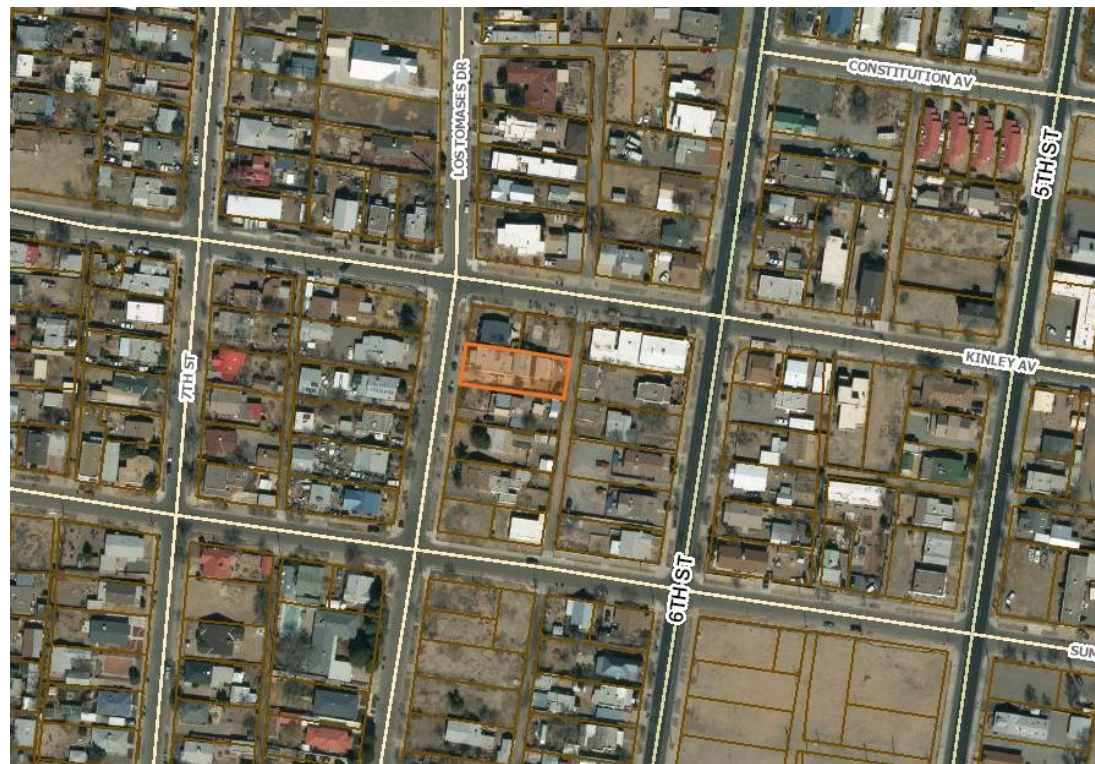


Figure 1. Subject site (shown in orange) and its context within the Wells Park neighborhood.

LAND USE CONTEXT AND PROJECT SUMMARY

The subject site is 0.1607 acres in size (approximately 7,000 square feet) and is developed with three dwelling units. Two of these units are attached on the ground floor with the third unit on the second floor. Per the definitions of the IDO these dwellings constitute a two-family detached (duplex) dwelling and an accessory dwelling unit (ADU). These uses long pre-date adoption of the IDO and the associated zoning conversion that established the existing R-1A (Residential Single-

PRINCIPALS

James K. Strozier, FAICP
Christopher J. Green, PLA,
ASLA, LEED AP
Jacqueline Fishman, AICP

family, small lot) zoning. This zoning does not allow for the existing combination of uses, so they are considered non-conforming. The Applicant is requesting approval of a Zoning Map Amendment to change the zoning from R-1A to R-T (Residential Townhouse) in order to make these existing uses conforming.

The property is within the Central Albuquerque Community Planning Area and is designated as an “Area of Consistency” in the 2017 Albuquerque/Bernalillo County Comprehensive Plan. The site is also within the Sawmill/Wells Park Metropolitan Redevelopment Plan. Three blocks east of the subject site, Fourth Street is designated as both a Main Street and Multi-modal Corridor. The site is not considered to be within these Corridors, but its relative proximity to 4th Street and Downtown, as well as the neighborhood’s historic form make it very walkable and an ideal location for slightly higher density, small-scale infill development such as what exists on the subject property and throughout the neighborhood.

While much of Wells Park, including the immediately adjacent lots are single-family residential, the neighborhood is also characterized by a mixture of housing types including several other duplexes, accessory dwelling units, and some larger townhouse developments. On the same block as the subject site, there are two duplexes facing 6th Street and what appears to be another duplex three lots to the south. Northeast of the subject site across the alley on the corner of 6th Street and Kinley Avenue is a flower shop (Figure 2). Approval of the requested zone change will enhance this mixed nature of the neighborhood while adding to available housing options and affordability that supports the City’s goals and policies as outlined in the Comprehensive Plan (see the policy analysis starting on page 6).

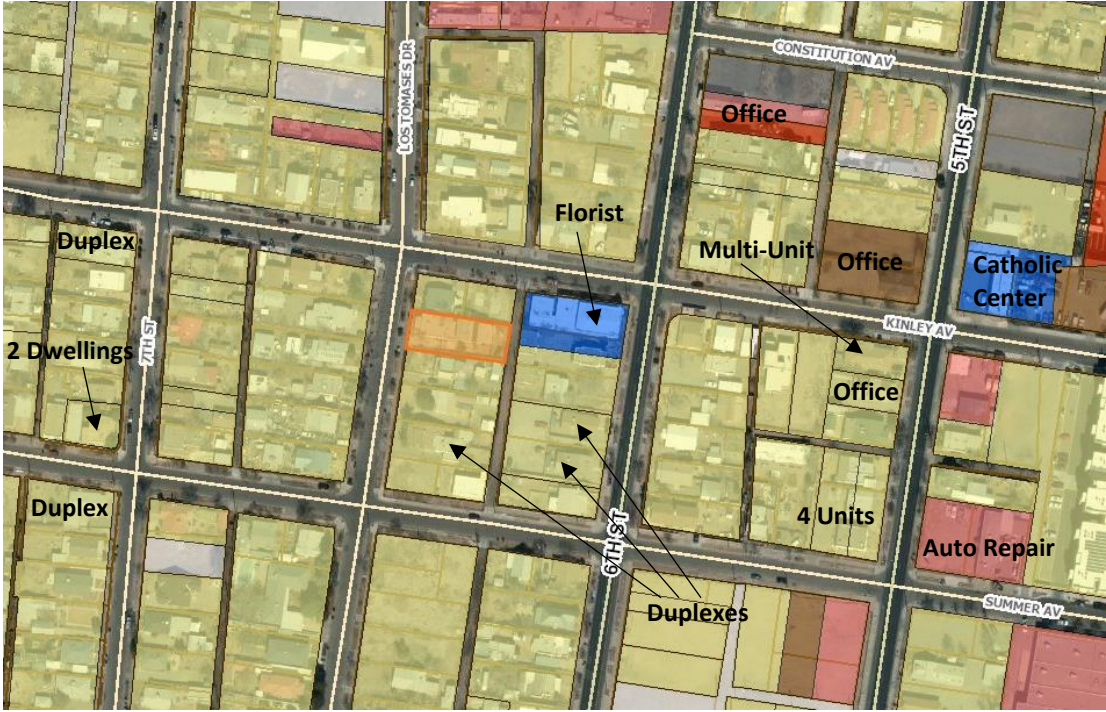


Figure 2. Land Use Context (subject site in orange)

Site History and Zoning

As previously mentioned, the current zoning of the subject site is R-1A based on an initial IDO zoning conversion from the S-R (Sawmill Residential) zone from the previous Sawmill/Wells Park Sector Development Plan, which was originally adopted in 1996 and amended in 2000 and 2002. All the immediately surrounding properties are zoned this way, including the flower shop, a law office on 5th Street, the Downtown Child Care Center on 6th, and several nearby duplexes (Figure 3). This residential zoning transitions to more mixed-use zoning of varying intensities closer to 4th Street to the east. The neighborhood also includes some R-T zoning, predominantly along Mountain Road to the south of the subject site, but also at the corner of 5th and Constitution, on 8th Street north of Kinley, and at the corner of Summer Avenue and Sawmill Road.

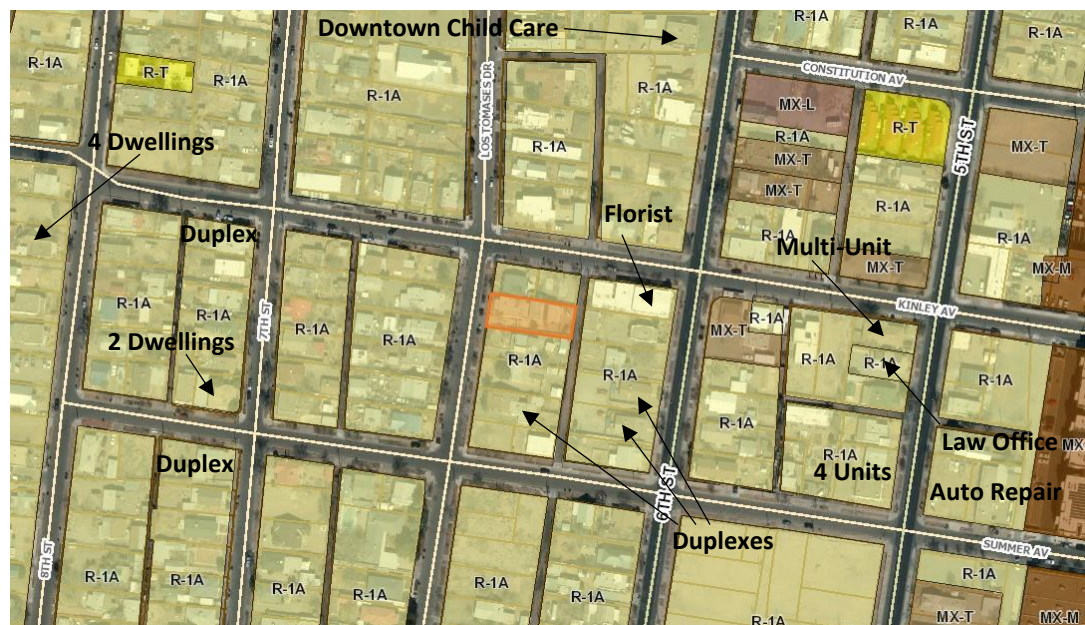


Figure 3. Existing Zoning (subject site in orange)

TABLE 1. Surrounding Zoning & Land Use		
NORTH	R-1A	Single-family residential
EAST	R-1A, MX-T	Single-family residential; duplex; law office
SOUTH	R-1A	Single-family residential; duplex
WEST	R-1A	Single-family residential

As mentioned, this zoning was largely established at the effective date of the IDO based upon prior zoning from the Sawmill/Wells Park Sector Development Plan. The prior S-R zone was in turn created to replace a variety of standard zoning districts that were assigned by the 1978 Sector Plan because those zone districts did not properly support community goals and the existing mixed character of the neighborhood that included duplexes and two homes on a single lot. The intent of the S-R zone district was to “conserve the existing residential neighborhoods while allowing a variety of small-scale housing and existing businesses.”



The S-R zone primarily referenced the R-1 zone of the Comprehensive Zoning Code, which was how the IDO zoning conversion to R-1A was determined. However, in addition to single-family homes, the S-R zone allowed for the continuation of multiple dwelling units that predated the plan and new construction or additions that resulted in two dwelling units on a single lot among others. Upon the conversion to R-1A, these additional uses, including what exists on the subject property and elsewhere in the vicinity, became non-conforming.

While the R-1A zoning, as a somewhat flexible zone for especially small lots, allows for duplexes, each dwelling unit must be located on its own lot of at least 3,500 square feet. Many of the existing multiple dwelling unit properties in Wells Park are not separately subdivided and may not be able to be subdivided in ways that meet both lot size and width requirements for duplexes in the R-1A zone.

In addition to the underlying R-1A zoning, the subject site is within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12), which includes several design standards and an allowance for accessory dwelling units permissively if they are on lots at least 7,000 square feet in size.

The complication for the subject site under the existing zoning is that the only way to make the duplex conforming under the R-1A zoning is with a subdivision as described above, which might be feasible for this lot solely due to its location on an alley and the orientation of the ground-floor duplex split between front and back instead of side by side. However, such an action would simultaneously negate the allowance for an accessory dwelling unit. Non-conforming status does allow for the existing uses to continue, but it makes selling or financing for the property more difficult and places limitations on expansion or modifications of the building. To make all three units conforming, a zone change is required, which is why the Applicant is submitting this request.

Summary of Request

The Applicant for this request is a local, Albuquerque-based based property management company, which is associated with another small, locally based real estate investment team. They often purchase distressed properties and rehabilitate them before selling or renting the dwellings.

The subject site was purchased by the Applicant with a closing date of February 28, 2019. As a company that frequently purchases distressed properties, the transaction was a cash purchase with another investor, so they were not aware of the zoning issue that would have been raised during an appraisal process. They became aware of the zoning issue when someone made an off-market offer to purchase the property in 2020. It was discovered through an appraisal at that time. However, the Applicant is not currently under contract to the sell the property. Now that they are aware of this concern, they are being proactive in addressing this issue now, rather than waiting.

Due to this desire to be compliant, the Applicant is requesting a zone change to R-T, Residential Townhouse zoning for the subject property. The requested zone will permissively allow for townhouses and art galleries, which are not presently allowed, as well as adding live-work units; assisted living facility or nursing homes; adult or



child care facility; and museums conditionally. Bed and breakfast will become a permissive accessory use.

Specific to this property, the Sawmill/Wells Park CPO-12 allows for a duplex on an unsubdivided 7,000 square foot lot, as well as an ADU on that same 7,000 square foot lot, which is consistent with the existing uses of the property. The Applicant does not intend to redevelop the property or change the uses from those that presently exist.

When purchasing any property, the Applicant's goal is to have multiple options, whether that is selling the property or keeping it to provide quality rental options for the community. Having the correct zoning in place for all the units ensures that the ability to transfer ownership of the property, feel confident investing in the rehabilitation of the property, and the confidence that tenants living at the property have access to utilities, postal delivery, and emergency services. The intention for the zone change is to make the existing uses on the property conforming, which facilitates investing in the property and/or selling the property in the future. Investing and improving the property also provides a boost to the area consistent with the Applicant's belief that additional housing options near Downtown is the highest and best use for this property. Through such infill development, the Applicant desires to see Albuquerque's population centers become hubs not just for housing but for business as well by providing quality housing at adequate densities to support those businesses.

While this change will make the existing uses permissive, the Applicant believes the CPO-12 design standards are such that the proposed amendment will not allow for additional development or redevelopment of the lot in a way that is out of character from the existing neighborhood context. A 4th unit will not be able to be added to the property because that would change the existing development from a duplex and ADU to either townhouse or multi-family dwellings. While townhouses are allowed in the R-T zone district, the subject site does not have enough lot area or lot width to permit more than the three existing units, and multi-family development will remain prohibited by the proposed zoning.

This combination of zoning and development standards facilitates "invisible," "gentle," or "hidden" density. These terms reflect modest, organic increases in residential density that are compatible within low-density single-family neighborhoods and include accessory dwelling units, "granny flats," "casitas," duplexes, triplexes, and courtyard apartments, among others. Invisible and hidden density are those units that are within or set behind the primary dwelling such that they cannot be easily identified from the street as something other than a single-family home. Gentle density includes those other uses that go beyond that and may be larger than an individual house but remain compatible in form due to similarities in building size, height, and setbacks.

Another term for these types of residential is "Missing Middle" housing because they reflect historic building types that lie between single-family houses and larger mid- and high-rise apartment complexes. These housing types are found in many older Albuquerque neighborhoods, including Nob Hill, Reynolds Addition, and as already described in this letter within Wells Park. The IDO has made additional allowances for some of the building types such as ADUs and duplexes within certain neighborhoods and for the smallest lots, but the IDO standards and zoning



conversion for Wells Park that implemented the existing R-1A zoning did not go far enough for many of those properties that already included these Missing Middle housing types in the neighborhood. To allow for the next level of these “Missing Middle” typologies, including the allowance for a third unit on the subject site a zone change to the R-T zone is necessary.

An expansion of Missing Middle housing is consistent with the City’s goals for creating additional small-scale infill development, as well as providing more affordable housing options. Projects like this one are often considered incremental development that can be done by more people – not just large developers – within their own neighborhoods. These middle housing types provide a greater balance between size and cost that works best for smaller, younger families looking for more room than an apartment but cannot yet finance a house, or for aging Baby Boomers that are looking to downsize but still want a yard. Having multiple units on one lot with lower construction costs, due to the small scale, provide for more affordable rents than newly constructed apartment buildings, and those rents can provide supplemental funding to the owner who may also be living in one of the units themselves. Additional density also supports transit service and businesses in the surrounding area.

As such, it is our belief that the proposed zone change is more advantageous to the community and justified. This request is supported by Comprehensive Plan goals and policies and meets the requirements for a Zoning Map Amendment – EPC per IDO Section 14-16-6-7(G) as described below.

JUSTIFICATION

This request for a Zoning Map Amendment complies with the criteria outlined in Section 14-16-6-7(G)(3) of the Integrated Development Ordinance (IDO) as follows:

6-7(G)(3)(a) The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant’s Response: *The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering a preponderance of the applicable Comprehensive Plan and Sawmill/Wells Park Metropolitan Redevelopment Plan goals and policies, as follows:*

Comprehensive Plan Policies (responses in italics):

Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

Applicant Response: *This policy is furthered by this Zoning Map Amendment because the proposed R-T zone will allow for a third dwelling unit on the subject property, which is a gentle increase in density consistent with the mix of housing types already found within the Wells Park neighborhood and is compatible with the size and scale of the surrounding single-family residential development. Any future development of the subject site must comply with the Sawmill/Wells Park Character Protection Overlay, which helps ensure that this proposed development type remains consistent with the distinct character of the Sawmill/Wells Park community.*



Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

a) Maintain and preserve unique qualities of historic areas.

Applicant Response: *The request furthers this policy by assigning a zone district that permits the existing uses and makes them conform by using the least impactful and smallest change in terms of uses and building height and scale. The proposed R-T zone district is still a low-density residential zoning district that is found within the Wells Park neighborhood along significant portions of Mountain Road, at the corner of 5th and Constitution, on 8th Street north of Kinley, and on Summer Avenue at Sawmill Road. Small-scale, multi-unit residential development is common throughout the neighborhood and the Applicant intends to continue use of the site in this way. In addition, the site is also regulated by the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12) requirements, which will not permit any more development than the existing duplex and ADU due to lot size and width limitations.*

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

d) Encourage transformative change in neighborhoods expressing the desire for revitalization.

Applicant Response: *The subject site is located within the Sawmill/Wells Park Metropolitan Redevelopment Area. Approval of the requested zone change will facilitate the maintenance and rehabilitation of a property within an area that was designated as blighted and in need of investment by the City. According to the redevelopment plan, "There is a need for a mix of housing in the community, including affordable townhouses, courtyard housing, live/work housing, and apartments, that would be distributed on scattered sites throughout the community, rather than concentrated in any one area." The requested zone change provides an option that furthers this mix of housing types in a dispersed manner consistent with the desire for infill housing and in-law flats within the "Neighborhood Residential Sub-Area."*

Policy 5.1.1 Desired Growth: Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

g) Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

Applicant Response: *The request furthers this policy and sub-policy by allowing for compact and appropriate "hidden" residential infill near a designated corridor in the Central Albuquerque area. The subject site is in a neighborhood adjacent to the 4th Street Main Street and Multi-modal Corridor with transit access available along 5th and 6th Streets and a transit stop at 6th and Kinley just around the corner from the subject site. Allowing for the continuation, maintenance, and improvement of Missing Middle Housing options such as duplexes and ADUs is especially appropriate in this location. The moderate increase in density that results from the additional dwelling unit on the lot supports transit ridership on the adjacent transit routes and helps shape the built environment into a more sustainable development pattern by increasing residents living in a walkable neighborhood close to employment and leisure activities.*



Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

- b) Encourage development that offers choice in transportation, work areas, and lifestyles.
- c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long established residential development patterns.
- d) Encourage development that broadens housing options to meet a range of incomes and lifestyles.
- f) Encourage higher density housing as an appropriate use in the following situations:
 - ii. In areas with good street connectivity and convenient access to transit;
 - iii. 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;
- h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

Applicant Response: *The request furthers this goal and policy and numerous sub-policies by making the existing multi-unit low-density residential development of the subject site conforming and adding to the mixture of housing types present within the Wells Park neighborhood. The combination of the R-T zone district and the Sawmill/Wells Park CPO-12 will maintain the characteristics of the existing development and the Wells Park neighborhood that has been established long before current zoning regulations came into existence. By allowing the existing duplex and ADU on the subject site, the zone change will make the existing housing on the property permissive that includes three different small families or a multi-generational living situation in a location that has good access to transit that provide options for transportation, work areas, and lifestyles. This existing moderate density of housing is appropriate in this location because it is located where a mixed density pattern is already established, with good street connectivity, and where the existing infrastructure has and will continue to support it. This small-scale, infill housing development adds a complementary housing type that remains compatible with the overall form and scale of the immediately surrounding development due to the two-story (26 foot) height limitation of the R-T zone, the CPO-12 overlay regulations, and the neighborhood edge provisions of the IDO.*

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Applicant Response: *The request furthers this policy by allowing a small increase in density within Central Albuquerque that has access to existing infrastructure and public facilities.*



Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.**
- d) In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.**

Applicant Response: *The request furthers this policy through the careful consideration of the request to match the zoning to the existing land uses in a way that continues to reinforce the scale, intensity, and setbacks of immediately surrounding neighborhood context. The requested zoning is still for a low-density residential zone district that is constrained by the Sawmill/Wells Park CPO-12 regulations due to existing lot size and width. In addition, due to the continued low-density nature of the zoning and use, contextual lot size and setback standards apply to this property which reinforces the context of the other lots and houses located on the same block as the subject property.*

- f) Limit the location of higher-density housing and mixed-use development to areas within ¼ mile of transit stations and within 660 feet of arterials and Corridors as an appropriate transition to single-family neighborhoods.**

Applicant Response: *The request furthers this sub-policy by making the existing “hidden” density of the duplex and ADU conforming within 660 feet of the 5th and 6th Street Arterial roadways that connect Downtown to Interstate 40 and beyond. The subject site is located on the block closest to 6th Street at the edge of the larger R-1A neighborhood and may act as a transition into this area.*

Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

- a) Increase the supply of housing that is affordable for all income levels.**
- h) Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.**

Applicant Response: *The Comprehensive Plan identifies that 75 percent of the new housing units needed by 2040 is projected to be small-lot single-family and multi-family in a mixed-density setting (page 9-14). Providing for additional “Missing Middle” housing options by making the existing duplex and ADU on the subject property conforming within a neighborhood that includes a combination of small-lot single-family and mixed-density housing options furthers this housing goal and policy by directly contributing to the identified “emphasis on smaller homes, townhomes, and multifamily rental units... in more connected places for better access to jobs and services, walkability, and affordability” (page 9-14). By allowing for the continuation and improvement of the existing housing stock to meet these needs, this also contributes to affordability by lowering costs that are associated*



with new construction making rents for the units more affordable for those who lease from the Applicant, or if the Applicant eventually sells the property allowing for a more attainable housing option for the purchaser with the option to rent the additional units and put that income toward a mortgage.

Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

- b) Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.**
- c) Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.**

Applicant Response: *This policy and sub-policies are furthered by this request because the combination of R-T zoning within the Sawmill/Wells Park CPO-12 encourages the unique combination of duplexes and accessory dwelling units located on a single lot at least 7,000 square feet in size. This “hidden” density will help provide affordable housing options while maintaining the existing scale of development in the surrounding neighborhood that includes a significant number of single-family homes as well as other duplexes, townhouses, and other small-scale “Missing Middle” housing typologies. Allowing for three dwelling units on the subject property permissively provides the Applicant the confidence to invest in the property and to rent them at more reasonable rates as the costs of rehabilitation are distributed over more units. If the owner chooses to sell the property in the future, a buyer may be able to cover the mortgage costs more easily with rent from three units or from two units if they choose to live on the property in the third unit themselves. This type of development form makes housing more attainable and may be ideal for young families not ready or unable to make the down payment for a larger single-family home or for an older couple or single person looking to downsize while remaining independent.*

Goal 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environment.

Policy 9.2.1 Compatibility: Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

Applicant Response: *The request furthers this goal and policy by encouraging the continued use of a currently non-conforming property that provides additional density while also maintaining compatibility with the surrounding residences and neighborhood character in part by keeping the zoning as a low-density residential district that is consistent with and remains subject to contextual development standards and the Sawmill/Wells Park Character Protection Overlay Zone.*

Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

Policy 9.3.2 Other Areas: Increase housing density and housing options in other areas by locating near appropriate uses and services and maintaining the scale of surrounding development.



- c) **Allow accessory dwelling units in areas with existing infrastructure capacity, where intergenerational living is encouraged, where walkability is encouraged, and where affordable housing is needed in single-family neighborhoods.**

Applicant Response: *The request furthers this goal and policy by providing additional housing density by allowing the continuation, maintenance, and improvement of the existing ADU alongside the existing duplex use in a low-density residential neighborhood where walkability is encouraged just three blocks from the 4th Street Main Street and Multi-modal Corridor and about three blocks north of Mountain Road.*

Sawmill/Wells Park Metropolitan Redevelopment Area Plan Goals:

- A. **Preserve a balance between housing which serves low income families and higher priced market rate units.**

Applicant Response: *This goal is furthered by providing for an additional permissive dwelling unit on the subject property, which affects rental costs and allows for a greater variety of housing types that are provided within the Wells Park neighborhood.*

- G. **Avoid negative impacts from new development on the existing residents.**
- K. **Protect and improve existing residential neighborhoods.**

Applicant Response: *These goals are furthered because the three dwelling units on the property are contained within an existing building that has been on the site since at least 1996. If the site were to be redeveloped, the height and setback requirements of the R-T zone in combination with the additional lot width, second story setback, and other design standards in the Sawmill/Wells Park CPO-12 mandate a building form not unlike what exists on the property currently and on other properties in the neighborhood.*

- M. **Increase and improve housing without displacing current residents.**

Applicant Response: *This goal is furthered by allowing a gentle increase in density on just the subject property rather than allowing a larger scale development or requesting a wholesale change in zoning for a large area of the neighborhood.*

6-7(G)(3)(b) If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. **There was typographical or clerical error when the existing zone district was applied to the property.**
2. **There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.**
3. **A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation**



of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant Response: *The existing R-1A zoning is inappropriate because a different zone district is more advantageous to the community as articulated by the ABC Comp Plan and the Sawmill/Wells Park Metropolitan Redevelopment Area Plan, as described in the lengthy policy analysis above. By changing the zoning of the subject site to make the existing uses conforming and allowing a slight increase in density through the combination of a duplex and ADU on the property, the request furthers numerous goals and policies of the Comprehensive Plan related to the expansion, maintenance, and improvement of affordable housing options in a way that is compatible with the surrounding neighborhood context. This new zone will also clearly reinforce the established character of the surrounding Area of Consistency, which includes several other duplexes, ADUs, and other flexible housing types. The request also will not permit development that is significantly different from the neighborhood character. This is because of the contextual development standards in the IDO that apply to low-density residential zoning districts, as well as the applicability of the Sawmill/Wells Park CPO-12, which prevents the addition of more dwelling units than what presently exists due to lot size and width constraints.*

6-7(G)(3)(c) If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

Applicant's Response: *The subject site is located wholly in an Area of Consistency, so this criterion does not apply.*

6-7(G)(3)(d) The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant's Response: *None of the permissive uses in the R-T zone will be harmful to the adjacent property, neighborhood, or community. The following table provides a comparison of the R-1 and R-T zone districts and the differences between their allowable uses. As is clearly shown, only townhouses, bed and breakfast (accessory), and art gallery become permissive with the requested zone change. A farmer's market becomes an allowable temporary use. An independent living facility is an allowed accessory use, but it must be accessory to an assisted living facility, which is a conditional use that would need to be approved through a separate process before being developed. All other new uses are conditional, including museum which is conditional if a structure has been vacant for 5 years or more.*

Duplexes are allowed in both zones, but the R-1A zone requires the property to be subdivided whereas the R-T zone within the CPO-12 area allows a duplex on a single lot, which in turn also allows for an accessory dwelling unit in addition to the duplex for a total of three units. This is what currently exists on the site.

Development of townhouses is limited due to the CPO-12 requirements for lot area and lot width per dwelling and no more than one dwelling could be built on the existing lot unless additional property is purchased and rezoned due to the 35-foot



lot width requirement in CPO-12, which is the most restrictive standard for townhouses as it relates to the subject property.

IDO Zoning Comparison: R-1 vs. R-T		
Use	R-1	R-T
Dwelling, two-family detached (duplex)	P ¹	P ²
Dwelling, townhouse	-	P
Dwelling, live-work	-	C
Assisted living facility or nursing home	-	C
Adult or child day care facility	-	C
Museum	-	CV
Bed and breakfast	CA	A
Art gallery	CV	P
Farmer's market	-	T
Dwelling unit, accessory with kitchen	A ³	A
Dwelling unit, accessory without kitchen	A	CA
Independent living facility	-	A
<small>1 Only on their own subdivided lots in R-1A minimum 3,500 square feet</small> <small>2 Only on lots at least 7,000 square feet in size within Sawmill/Wells Park CPO-12</small> <small>3 Permissive accessory on a 7,000 square foot lot in Sawmill/Wells Park CPO-12</small>		

In addition to the limited new permissive uses and the conditional use process for others, the limitations of the CPO-12 design standards, in conjunction with the normal development standards, contextual standards for low-density residential development in Areas of Consistency, and Use-specific standards all add additional layers of protection for neighbors if the site is ever redeveloped in the future.

The R-1A and R-T zones have the same front and side setbacks of 10 and 5 feet, respectively when not required to comply with any contextual setback standards based on the neighboring lots. Both zones are limited to a building height of 26 feet or two stories.

The Use-specific standard for Townhouses in IDO Section 14-16-4-3(B)(5)(c) specifies that any property where the side or rear lot line abuts or is across an alley from an R-1 zone, no townhouse dwelling may contain more than three units. This is the case for the subject site, which is surrounded by R-1A zoning.

An Art Gallery, if pursued, would be severely limited in size due to the parking requirements of 3 spaces per 1,000 square feet GFA.

6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:

- 1. Have adequate capacity to serve the development made possible by the change of zone.**
- 2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.**



3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City approved Development Agreement between the City and the applicant.

Applicant's Response: *The City's existing infrastructure and public improvements have adequate capacity for the development made possible by the change of zone. The site is already developed with three dwelling units that are proposed to remain. The anticipated trip generation from this small-scale infill development is just 2 trips during each peak hour. These units are served by the existing roadway network including Los Tomases and Kinley and Summer leading to 5th and 6th Streets, sidewalks along the Los Tomases street frontage, nearby transit, water/sewer services, and storm drainage systems.*

6-7(G)(3)(f) The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant's Response: *The property is located on Los Tomases Drive NW, which is a local road; therefore, it is not located on any major streets and this justification is not based upon such circumstances.*

6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant's Response: *The cost of land or other economic considerations are not the determining factor for this zone change request. While facilitation of a future transfer of the property is made possible by this request to make the existing uses conforming, such economic considerations are not the sole or predominant basis for this justification. Instead, the requested zone change furthers numerous policies of the ABC Comp Plan and the Sawmill/Wells Park Metropolitan Redevelopment Area Plan as demonstrated in this justification letter and will allow for the existing uses to become conforming in a manner that is consistent with the surrounding context and mixed density neighborhood.*

6-7(G)(3)(h) The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant's Response: *The request will create a spot zone of a single lot with R-T within an area of mostly R-1A; however, the nature of the structures already on the premises make it unsuitable for the uses of the existing and surrounding R-1A zone district. The existing building on the site includes three units that is in line with the*



requested zone district as regulated within the Sawmill/Wells Park CPO-12. In addition, the request clearly facilitates implementation of the ABC Comp Plan and Sawmill/Wells Park Metropolitan Redevelopment Area Plan through furtherance of the goals and policies listed in this justification letter. The request will allow for investment in this property, which provides “hidden” density and expanded affordable Missing Middle housing options as compared to alternative multi-family developments. It provides opportunities for individuals or families to live in a location that provides options for transportation, work areas, and lifestyles.

CONCLUSION

The request for a Zoning Map Amendment from R-1A to R-T furthers numerous goals and policies of the Comprehensive Plan and Sawmill/Wells Park Metropolitan Redevelopment Area Plan in a way that is compatible with the surrounding neighborhood while also eliminating a nonconformity that will relieve the Applicant from any potential title and financing issues if they decide to sell the property in the future. In the shorter term, it will support continued investment and upkeep in the property that will benefit the neighborhood and greater community.

On behalf of EA Properties, LLC, we respectfully request that the Environmental Planning Commission approve this request for a Zoning Map Amendment for the subject site based on the information provided.

Thank you for your consideration.

Sincerely,

Michael J. Vos, AICP
Senior Planner

PRE-APPLICATION REVIEW TEAM (PRT) MEETING REQUEST

Pre-application Review Team (PRT) Meetings are available to help applicants identify and understand the allowable uses, development standards, and processes that pertain to their request. ***PRT Meetings are for informational purposes only; they are non-binding and do not constitute any type of approval.*** Any statements regarding zoning at a PRT Meeting are not certificates of zoning. The interpretation of specific uses allowed in any zone district is the responsibility of the Zoning Enforcement Officer (ZEO).

When you submit PRT notes to meet a Pre-application Meeting requirement in Table 6-1-1, you will be charged a \$50 PRT fee.

<i>Official Use only</i>		
PA#: <u>20-183</u>	Received By: <u>Diego Ewell</u>	Date: <u>10/09/2020</u>
APPOINTMENT DATE & TIME: <u>N/A</u>		

Applicant Name: EA Properties LLC Phone#: (505) 764-9801 Email: vos@consensusplanning.com
Agent: Consensus Planning, Inc.

PROJECT INFORMATION:

For the most accurate and comprehensive responses, please complete this request as fully as possible and submit any relevant information, including site plans, sketches, and previous approvals.

Size of Site: 0.1607 acres Existing Zoning: R-1A Proposed Zoning: R-T

Previous case number(s) for this site: N/A

Applicable Overlays or Mapped Areas: Sawmill/Wells Park CPO-11

Residential – Type and No. of Units: 3 existing units (2 downstairs, 1 upstairs)

Non-residential – Estimated building square footage: N/A No. of Employees: N/A

Mixed-use – Project specifics: N/A

LOCATION OF REQUEST:

Physical Address: 1314 Los Tomases Drive NW Zone Atlas Page (Please identify subject site on the map and attach) J-14

BRIEFLY DESCRIBE YOUR REQUEST (What do you plan to develop on this site?)

Rezone the subject property to make the existing nonconforming use permissive.

QUESTIONS OR CONCERNS (Please be specific so that our staff can do the appropriate research)

The property has 3 existing dwelling units and appears to be a legally non-conforming use. There are two units connected on the lower level and a third dwelling upstairs. Under the existing R-1A zoning and Sawmill/Wells Park CPO-11, it appears that only 2 dwelling units are allowed. The owner's goal is to change the zoning to make the property conforming. The following questions will help guide a future zoning map amendment request:

1) Are only one single-family residence + an accessory dwelling unit (ADU) allowed on the existing 7,000 square foot lot in the R-1A zoning and CPO? 2) If subdivided, a duplex would be allowed on the lot(s) under the R-1A use standards.

However, is it true that once subdivided an ADU would no longer be allowed under the CPO?

3) Please confirm that a Zoning Map Amendment to R-T would permissively allow the existing uses (duplex + ADU) to remain on the property and eliminate the nonconforming use status as both are allowed on a 7,000 sf lot in CPO-11.

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-183 Date: 10/16/20 Time: N/A (sent via email to vos@consensusplanning.com)

Address: 1314 Los Tomases NW

AGENCY REPRESENTATIVES

Planning: Linda Rumpf (lrumpf@cabq.gov)

Zoning/Code Enforcement: Marcelo Ibarra (marceloibarra@cabq.gov)

Fire Marshal: Bob Nevárez (rnevarez@cabq.gov) or call 505-924-3611 (if needed)

Transportation: Nilo Salgado (nsalgado-fernandez@cabq.gov)

PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY!

THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL.

*Additional research may be necessary to determine the exact type of application and/or process needed.
Factors unknown at this time and/or thought of as minor could become significant as the case progresses.*

REQUEST: Rezone the subject property to make the existing nonconforming use permissive.

SITE INFORMATION:

Zone: R-1A to R-T

Size: 0.1607 acres

Use: Low-density Residential

Overlay zone: (CPO) - Character Protection Overlay
Zone (3-4)-Sawmill/Wells Park – CPO-11

Comp Plan Area of: Consistency

Comp Plan Corridor: x

Comp Plan Center: x

MPOS or Sensitive Lands: x

Parking: 5-5

MR Area: x

Landscaping: 5-6

Street Trees: 5-6(D)(1)

Use Specific Standards: Allowable Uses, Table 4-2-1

Dimensional Standards: Table 5-1-1: Residential Zone District Dimensional Standards

*Neighborhood Organization/s: Wells Park NA; ask ONC

**This is preliminary information only. Neighborhood Organization information is only accurate when obtained from the Office of Neighborhood Coordination (ONC) at www.cabq.gov/neighborhoods.resources.*

PROCESS:

Type of Action: Zoning Map Amendment – EPC 6-7(F)

Review and Approval Body: EPC Is this a PRT requirement? Yes

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-183 Date: 10/16/20 Time: N/A (sent via email)

Address: 1314 Los Tomases NW

NOTES:

See the **Integrated Development Ordinance**

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17.pdf>

Records requests

To request a site plan and/or Notice of Decision, please use ABQ Records web page:

<https://www.cabq.gov/clerk/public-records>

Please include the site's address and the Case Tracking #s (see Zoning Comments) in your request.

Requests to Inspect Public Records

Any person may submit their request to inspect public records to the Office of the City Clerk by clicking on the following link to request records using our ABQ Records portal. <https://cabq.nextrequest.com/>

This enables us to respond to requests in the order in which they are received. Plus, it's a better way to share large files.

- Linda Rumpf, lrumpf@cabq.gov

File Submittal

For Administrative Amendments, DRB, EPC, hydrology and traffic submittals, e-mail electronic files to PLNDRS@cabq.gov. For questions about an application submittal or the submittal process itself, please contact Jay Rodenbeck at jrodenbeck@cabq.gov and/or to Maggie Gould at mgould@cabq.gov.

For other questions, please contact the Planning representative at the top of the PRT Notes.

For Building Safety Plan Review, contact Building Safety at 924-3963. Website:

<https://www.cabq.gov/planning/building-safety-permits>

Zoning Comments

Location: 1314 Los Tomases Dr NW

Lot: 21 & 22, Block: 7, Subdivision: Albright & Moore Addn

Project – Zone Change to make the existing nonconforming use permissive to R-T

Current Zoning – R-1A

Area of Consistency

Previous Zoning – S-R

CPO 11 Sawmill/Wells Park

Dwelling Unit, Accessory - A dwelling unit that is subordinate to a primary single-family or two-family dwelling or nonresidential use. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached building. When accessory to a nonresidential use, an accessory

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-183 Date: 10/16/20 Time: N/A (sent via email)

Address: 1314 Los Tomases NW

dwelling unit serves as quarters for a caretaker. This IDO distinguishes between accessory dwelling units with and without a kitchen. See also Measurement, Accessory Dwelling Unit.

Dwelling, Two-family Detached (Duplex) - A residential building containing 2 dwelling units, each of which is designed for or occupied by 1 family only, with kitchens for each. Each unit in a two-family dwelling is completely separated from the other by an unpierced wall dividing the 2 units side-to-side or back-to front or by an unpierced ceiling and floor extending from exterior wall to exterior wall (over-under), except for a stairwell exterior to 1 of the dwelling units.

To establish if this property is a legally Non-conforming Structure; a Zone Certification is required. We're unable to make this determination with the 1959 Aerial photo at this time.

This process can get started by submitting the attached Application.

Questions

2.- Yes - In CPO 11, R-T allows 2 Family Detached Dwelling on a lot of a minimum of 7000 SF and in the MX-T and MX-L districts ONLY

Per 4-3(B)(4) Two Dwelling units are allowed on separate lots and interior side setbacks by the zone should not apply in an R-1A zone

Per 4-3(F)(5)(i)5 accessory Dwelling Units are a permissive accessory use on lots with a minimum of 7000 SF in the R-1 zone district in CPO 11

If the subdivided lots are smaller than 7000 SF accessory dwelling unit will not be permissive accessory but a Conditional use could be applied for as per Table 4-2-1 and the use specific Standard 4-3(F)(5)

3.- 4-1(D) Multiple Primary Uses including a combination of residential uses meeting all use specific Standards and Dimensional Standards as well as other applicable IDO standards will be allowed.

Including that Usable Open Space and Parking Requirements are be met

3-4(L)(2) Site Standards

4-3(B)(4) Dwelling, Two-family Detached (Duplex)

4-3(F)(5) Dwelling Unit, Accessory (With or Without Kitchen)

Process:

Zoning Map Amendment – EPC 6-7(F)

As always, if the applicant has specific questions pertaining to zoning and/or the development standards they are encouraged to reach out to the zoning counter at 505-924-3857 option 1.

PRE-APPLICATION REVIEW TEAM (PRT) MEETING NOTES

PA# 20-183 Date: 10/16/20 Time: N/A (sent via email)

Address: 1314 Los Tomases NW

Transportation Development comments

For additional information contact Nilo Salgado (924-3630) or Jeanne Wolfenbarger (924-3991)

***General comments below-If applicable the Site.**

Curb Cuts

- Follow DPM guidelines for residential and commercial curb cuts.
 - Residential curb cut requirements – (12 feet to 22 feet wide for residential, 30 feet only if there is a 3-car garage or parking for RV)
 - Shared access/parking agreement is required if access/parking is shared with parking lot adjacent to site. (This can be established on a plat if submittal of a plat is required or by an agreement.)
1. Curb and sidewalk is required along entire frontage of property. Follow IDO/DPM for specific width requirements.
 2. **Depending on site's use of an adjacent alleyway and on type of use for proposed site, alleyway improvements are required. This would include paving and/or proper right-of-way dedication to meet current width standards (IF ACCESS IS BEING USED OFF ALLEY WAY, THEN THIS IS A REQUIREMENT).**
 3. Any private structures that are located within public right-of-way such as fences and walls shall either be removed or else a revocable permit with the City is required in which an annual fee is paid per year, based on square footage of the encroachment.

If you would have additional questions or would like to schedule a follow-up conference call meeting please contact Linda Rumpf at lrumpf@cabq.gov

STAFF INFORMATION

December 18, 2020

TO: Michael J. Vos, AICP
Consensus Planning, Inc.

FROM: Silvia Bolivar
Current Planner
City of Albuquerque Planning Department

RE: PROJECT #2020-004780/RZ—2020-00050, 1314 Los Tomases Dr NW Zone Change

I have completed the initial review of your application, including the justification letter for the proposed Zone Map Amendment (zone change). There are corrections that need to be made to the justification with further explanation of some of the Policies and Goals. Please provide the following:

A revised zoning change justification letter pursuant to the zone change criteria (one copy) by 12 p.m. on Wednesday, December 30, 2020. Note: If you have difficulty with this deadline, please let me know.

1. Introduction

- A. Though I have done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. This is what I have for the legal description: Lots 21 and 22, Block 7, Albright & Moore Addition. Site address: 1314 Los Tomases Dr NW, Albuquerque, NM 87102.

2. Topics & Questions

- A. Please tell me about the existing property. When in 2018 did the owner purchase the property? If the property was purchased after the IDO was implemented then how did the current property owner not experience difficulty in obtaining title or financing?
- B. There are no guarantees that once the property is sold that the new owner will not redevelop the property. If this were to happen how would the neighborhood be protected?
- C. You mention “hidden density” throughout your letter but I need for you to explain what that is as it is not a defined term.

3. Process

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:

<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>

- B. Timelines and EPC calendar: the EPC public hearing for January is the 21st. Final staff reports will be available one week prior.
- C. Note that, if a zone change request is denied, you cannot reapply again for one year.
- D. Once Agency comments are distributed I will email you a copy and will forward any late comments to you.

4. Notification & Neighborhood Issues

Notification requirements for a zone change are explained in Section 14-16-6-4(K), Public Notice (IDO, p. 378). The required notification consists of: 1) an emailed letter to neighborhood representatives indicated by the ONC, and ii) a mailed letter (first-class) to property owners within 100 feet of the subject site.

- A. The neighborhood meeting required pursuant to 14-6-6-4(C) appears to be correct and complete.
- B. The meeting minutes were included as part of your packet. Have any neighborhood representatives or members of the public contacted you with further comments?

5. Zone Map Amendment (Zone Change) – Justification and Policy Analysis

Please see the notes listed below for your consideration in revising the justification letter. There are many typographical errors throughout the letter, which make your justifications difficult to follow. I recommend reviewing the letter for typos and consistency before resubmitting.

Most of the policies you list are generally appropriate, but as mentioned previously, the typos make the justification difficult to follow.

- Criterion A. In the Justification portion of your letter, please correct Page 4. You have listed The Integrated Development Ordinance (IDO) Review and Criteria Decision 6-7(F)(3)(a) which pertains to Annexation of Land – Design and Review Criteria but I believe you meant to list 6-7(G)(3)(a). Section 6-7(G) is for Zoning Map Amendment – EPC.

Policies in Chapter 4 – In general these policies are mostly appropriate. I would suggest you add more Goals and Policies from this section in order to strengthen your argument.

Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by multi-modal network of Corridors. This goal does not support the proposed Zone Map Amendment (zone change) as the property is not located in a Center and not adjacent to a Corridor.

Policy 5.1.1 – Desired Growth – Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development.

- c. Encourage employment density, compact development, redevelopment, and infill in Centers and Corridors as the most appropriate areas to accommodate growth over time and discourage the need for redevelopment at the urban edge.
- g. Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

This policy does not support your request. How does this support regional growth? Please try to justify this policy in your response as the current response is inadequate.

Policy 5.1.2 – Development Areas – Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain the appropriate density and scale of development with areas that should be more stable.

This policy does not support your request. The area is not in a Center and is not near a corridor.

Goal 5.2 – Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

Goal is appropriate.

Policy 5.2.1. – Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Policy is appropriate for this request.

Policy 5.6.2 - Areas of Change but I believe you meant to reference Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. Policy 5.6.3 is appropriate for the requested zone change once you make the correction to your justification letter.

Goal 9.1 – You have referenced providing an increase supply of housing and maintaining an affordable housing supply but this needs to be expanded further. In the Summary

of Request, you briefly mention that the owner intends to sell the property and that is the reason for which he is seeking the zone change. Please list the reason for the owner's desire for the zone change in your narrative.

- Criterion B. Redo. Is the subject area in an Area of Change or an Area of Consistency as designated by the Comprehensive Plan? It cannot be both. Page 8, seventh paragraph needs to be corrected as again it lists 6-7(F)(3)(b) but it should be 6-7(G)(3)(b). Conflicts with Criterion C.
- Criterion C. Redo. Page 9, second paragraph 6-7(F)(3)(c) should be listed as 6-7(G)(3)(c) – Area of Change. Please correct your response to reflect Area of Change, not Area of Consistency. Conflicts with Criterion B.
- Criterion D. Page 9, paragraph 4 lists 6-7(F)(3)(d) should be 6-7(G)(3)(d) and correct your Use-specific Standards as the wrong one is listed (16)?? In your response you list the IDO comparisons but townhouses and art galleries become permissive while the bed and breakfast is A (Permissive Accessory). Please correct your table.
- Criterion E. Page 10 – 6-7(F)(3)(e) should be 6-7(G)(3)(e) which pertains to the City's infrastructure. What streets are you referring to? Please list the streets to further expand the narrative and strengthen your argument.
- Criterion F. Page 10- 6-7(F)(3)(f) should be 6-7(G)(3)(f). Please list the streets to further expand the narrative and strengthen your argument.
- Criterion G. Page 10 - 6-7(F)(3)(g) should be 6-7(G)(3)(g). This policy does not apply to this zone change as you have previously mentioned that, “the intention for the zone change is to make these existing uses conforming due to a desire to sell the property and the fact that the current nonconforming status creates issues related to title and financing considerations for potential buyers”. Therefore, the requested zone change is based solely on economic considerations and does not apply to this request.
- Criterion H. Page 11 – 6-7(F)(3)(h) should be 6-7(G)(3)(h). The narrative strengthens your proposal for a zone once the correction is made.

Again, as previously mentioned please make sure to review the revised letter for typos and consistency prior to resubmitting.

Thank you.

NOTIFICATION

From: [Carmona, Dalaina L.](#)
To: [Michael Vos](#)
Subject: 1314 Los Tomases Drive NW Public Notice Inquiry
Date: Tuesday, November 24, 2020 3:19:13 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[IDOZoneAtlasPage_J-14-Z_Site.pdf](#)

Dear Applicant,

Please find the neighborhood contact information listed below.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Wells Park NA	Catherine	Mexal	cmexal@gmail.com	1404 Los Tomases NW	Albuquerque	NM	87102	5202052420	5202052420
Wells Park NA	Doreen	McKnight	doreenmcknightnm@gmail.com	1426 7th Street NW	Albuquerque	NM	87102		5056152937

You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail. <https://www.cabq.gov/planning/urban-design-development/public-notice>

If your permit application or project requires a neighborhood meeting, you can click on this link to find template language to use in your e-mail notification: <http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If you have questions about what type of notification is required for your particular project, please click on the link below to see a table of different types of projects and what notification is required for each: <http://documents.cabq.gov/planning/DO/IDO-Effective-2018-05-17-Part6.pdf>

Once you have e-mailed the contact individuals in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your permit application and submit it to the Planning Department for approval. PLEASE NOTE: The ONC does not have any jurisdiction over any other aspect of your permit application beyond the neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, or project plans, so we encourage you to contact the Planning Department at: 505-924-3860 or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

If your permit or project requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant
 Office of Neighborhood Coordination
 Council Services Department
 1 Civic Plaza NW, Suite 9087, 9th Floor
 Albuquerque, NM 87102
 505-768-3334
dcarmona@cabq.gov or ONC@cabq.gov
 Website: www.cabq.gov/neighborhoods



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov
Sent: Tuesday, November 24, 2020 2:57 PM
To: Office of Neighborhood Coordination <vos@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Public Notice Inquiry Sheet Submission

Public Notice Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Michael J Vos

Telephone Number

5057649801

Email Address

vos@consensusplanning.com

Company Name

Consensus Planning, Inc.

Company Address

302 8th Street NW

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

Lots 21 & 22, Block 7, Albright Moore Addition

Physical address of subject site:

1314 Los Tomases Drive NW

Subject site cross streets:

6th and Kinley

Other subject site identifiers:

Southwest of the intersection past the alley

This site is located on the following zone atlas page:

J-14

=====
This message has been analyzed by Deep Discovery Email Inspector.

From: [Michael Vos](#)
To: [Doreen McKnight](#); [Catherine Mexal](#)
Cc: [Jim Strozier](#)
Subject: Public Notice for Zoning Map Amendment at 1314 Los Tomases Drive NW
Date: Thursday, December 3, 2020 11:36:00 AM
Attachments: [CABO Official Public Notice Form.pdf](#)
[1314 Los Tomases NW ZMA Notice Information.pdf](#)
[IDOZoneAtlasPage J-14-Z Site.pdf](#)
[Wells Park Neighborhood Meeting Minutes.pdf](#)

Good morning Doreen and Catherine,

The email is to notify you that Consensus Planning has submitted an application for a Zoning Map Amendment – EPC to the City of Albuquerque. We discussed this request with you at your November 10, 2020 Neighborhood Association Meeting. The Notes from that meeting are attached along with the required public notice forms that include additional information about the request and the Zoom information for the EPC Public Hearing (also below).

The EPC hearing for this application will be held on Thursday, January 21, 2020 beginning at 8:30 AM via Zoom.

Topic: EPC Hearing, January 21, 2021

Time: Jan 21, 2021 08:30 AM Mountain Time (US and Canada)

Join Zoom Meeting: <https://cabq.zoom.us/j/96997162697>

Meeting ID: 969 9716 2697

One tap mobile

+13462487799,,96997162697# US (Houston)

+16699006833,,96997162697# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 969 9716 2697

Find your local number: <https://cabq.zoom.us/u/awvpOxnQw>

As always, please do not hesitate to reach out with any questions, concerns, or requests for additional information.

Sincerely,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com

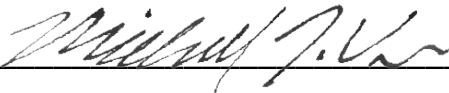


**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS		
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:		
Application Type: Zoning Map Amendment - EPC		
Decision-making Body: Environmental Planning Commission		
Pre-Application meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Neighborhood meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Mailed Notice required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Electronic Mail required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Note: if yes, see second page
PART II – DETAILS OF REQUEST		
Address of property listed in application: 1314 Los Tomases Drive NW		
Name of property owner: EA Properties, LLC		
Name of applicant: Consensus Planning, Inc.		
Date, time, and place of public meeting or hearing, if applicable: January 21, 2021 at 8:30 AM via Zoom:		
https://cabq.zoom.us/j/96997162697 Meeting ID: 969 9716 2697 See next page for more information.		
Address, phone number, or website for additional information: Contact Consensus Planning at (505) 764-9801 or email vos@consensusplanning.com		
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE		
<input checked="" type="checkbox"/> Zone Atlas page indicating subject property.		
<input checked="" type="checkbox"/> Drawings, elevations, or other illustrations of this request.		
<input checked="" type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable.		
<input checked="" type="checkbox"/> Summary of request, including explanations of deviations, variances, or waivers.		
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.		

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

 (Applicant signature) 12/3/20 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.



**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- a. Location of proposed buildings and landscape areas.
- b. Access and circulation for vehicles and pedestrians.
- c. Maximum height of any proposed structures, with building elevations.
- d. For residential development: Maximum number of proposed dwelling units.
- e. For non-residential development:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Full Zoom Meeting Information:

Topic: EPC Hearing, January 21, 2021

Time: Jan 21, 2021 08:30 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://cabq.zoom.us/j/96997162697>

Meeting ID: 969 9716 2697

One tap mobile

+13462487799,,96997162697# US (Houston)

+16699006833,,96997162697# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 969 9716 2697

Find your local number: <https://cabq.zoom.us/u/awvpOxnQw>

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice*: December 3, 2020

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Wells Park Neighborhood Association

Name of NA Representative*: Catherina Mexal and Doreen McKnight

Email Address* or Mailing Address* of NA Representative¹: cmexal@gmail.com
doreenmcknightnm@gmail.com

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 1314 Los Tomases Drive NW
Location Description East side of Los Tomases between Kinley Ave and Summer Ave
2. Property Owner* EA Properties, LLC
3. Agent/Applicant* *[if applicable]* Consensus Planning, Inc.
4. Application(s) Type* per IDO [Table 6-1-1](#) *[mark all that apply]*
 Zoning Map Amendment
 Other: _____

Summary of project/request²:

Zoning Map Amendment to change zoning from R-1A (Residential Single-family) to R-T (Residential Townhouse) to make the existing duplex and accessory dwelling unit uses conforming.

5. This application will be decided at a public hearing by*:
 Environmental Planning Commission (EPC) City Council
This application will be first reviewed and recommended by:
 Environmental Planning Commission (EPC) Landmarks Commission (LC)
 Not applicable (Zoning Map Amendment – EPC only)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: January 21, 2021 beginning at 8:30 AM

Location*³: Zoom remote meeting (full connection information on Page 3 of this notice)

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:
Please contact Consensus Planning at (505) 764-9801 or email vos@consensusplanning.com

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ J-14
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*:

N/A. Request is only for a zone change with the intent to make the existing uses conforming.

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

Representatives from Consensus Planning explained the intent of the change to make the existing nonconforming uses (3 dwellings consisting of a duplex and ADU) conforming. An overview was provided regarding the Sawmill/Wells Park Character Protection Overlay zone, which limits future development possibilities beyond what already exists. Questions from neighbors focused on whether there was any intent to redevelop/expand and if the existing ADU was legally permitted, as well as the parking requirements for the 3 units. See attached for meeting notes from the Neighborhood Meeting.

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information [Optional]:

From the IDO Zoning Map⁶:

1. Area of Property [typically in acres] 0.1607 acres (approximately 7,000 square feet)
2. IDO Zone District Current: R-1A Proposed: R-T
3. Overlay Zone(s) [if applicable] Sawmill/Wells Park CPO-12
4. Center or Corridor Area [if applicable] N/A

Current Land Use(s) [vacant, if none] Two-family Detached (Duplex) and Accessory Dwelling Unit with kitchen

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Zoom Meeting Information:

Date/Time: Jan 21, 2021 08:30 AM Mountain Time (US and Canada)

Join Zoom Meeting: <https://cabq.zoom.us/j/96997162697>

Meeting ID: 969 9716 2697

One tap mobile

+13462487799,,96997162697# US (Houston)

+16699006833,,96997162697# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington D.C)

Meeting ID: 969 9716 2697

Find your local number: <https://cabq.zoom.us/u/awvpOxnQw>

⁶ Available here: <https://tinurl.com/idozoningmap>



100-Foot Property Owner Buffer Map

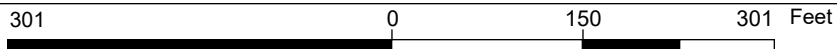


Legend

- Bernalillo County Parcels
- Primary Streets**
 - Freeway
 - Principal Arterial
 - Minor Arterial
 - Local Streets
- BN and SF Railroad
- Other Streets
- Municipal Limits**
 - Corrales
 - Edgewood
 - Los Ranchos
 - Rio Rancho
 - Tijeras
 - UNINCORPORATED
- World Street Map

Notes

Prepared by Consensus Planning
12/2/20



WGS_1984_Web_Mercator_Auxiliary_Sphere
12/2/2020 © City of Albuquerque

1: 1,803

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

UPC	Owner	Owner Address	Owner Address 2	SITUS Address	SITUSADD2	Legal Description	Property Class	Acres
101405814139921710	AARON MATTHEW H	1316 LOS TOMASES DR NW	ALBUQUERQUE NM 87102-1265	1316 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 023 007ALBRIGHT MOORE ADD W 72FT L 23 & 24	R	0.0826
101405814338821712	ARMSTRONG TERRY R & ANNE-MARIE	1312 LOS TOMASES DR NW	ALBUQUERQUE NM 87102-1265	1312 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 019 007ALBRIGHT MOORE ADD L 19 & 20	R	0.1664
101405812239221605	ATENCIO PHILLIP E SR & JUSTINE I	1317 LOS TOMASES DR NW	ALBUQUERQUE NM 87102-1264	1317 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 005 008ALBRIGHT MOORE ADD L 5 & 6	R	0.1871
101405814237821714	BANUELOS FRANCESCA TRUSTEE BANUELOS RVT	1808 NEWTON PL NE	ALBUQUERQUE NM 87106-2527	1306 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	007ALBRIGHT MOORE ADD LOTS 15X16	R	0.1607
101405812239621606	CORNEJO HUGO G & LISA L	909 KINLEY AVE NW	ALBUQUERQUE NM 87104	1319 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 003 008ALBRIGHT MOORE ADD L 3 & 4	R	0.1917
101405813141422604	DEMARCO MONICA CLAIRE & DE LA CRUZ ADRIANA IRENE	631 KINLEY AVE NW	ALBUQUERQUE NM 87102-1282	631 KINLEY AVE NW	ALBUQUERQUE NM 87102	* 020 009ALBRIGHT MOORE ADDE 50FT L 18 TO 21	R	0.109
101405814539321711	EA PROPERTIES LLC	PO BOX 1173	TJERAS NM 87059-1173	1314 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 021 007ALBRIGHT MOORE ADD L 21 & 22	R	0.1607
101405812240121607	GALVAN TOMMY C & KATHERINE L	1323 LOS TOMASES DR NW	ALBUQUERQUE NM 87102-1264	1323 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	008LOTS 1 AND 2 ALBRIGHT-MOORE ADDN	R	0.1986
101405814939821709	GARCIA FRANK J	2420 BROADWAY BLVD NE	ALBUQUERQUE NM 87102-1112	618 KINLEY AVE NW	ALBUQUERQUE NM 87102	* 024 007ALBRIGHT MOORE ADD E 68FT L 23 & 24	V	0.0781
101405815840622702	GOEN LORRAINE LEE	609 KINLEY AVE NW	ALBUQUERQUE NM 87102-1257	609 KINLEY AVE NW	ALBUQUERQUE NM 87102	* 016 012ALBRIGHT MOORE ADD W 72FT L 16 & 17	R	0.0744
101405814741222701	HO SZU-HAN	1402 LOS TOMASES DR NW	ALBUQUERQUE NM 87102-1267	1402 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	LTS 13, 14 & 15 BLK 12 OF ALBRIGHT-MOORE ADDITION	R	0.2407
101405814238221713	LOPEZ ESMERALDA	1310 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	1310 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 017 007ALBRIGHT MOORE ADD L 17 & 18	R	0.1664
101405816139621708	MITCHELL JERRY	1323 6TH ST NW	ALBUQUERQUE NM 87102-1339	610 KINLEY AVE NW	ALBUQUERQUE NM 87102 1258	007LOTS 1 & 2 ALBRIGHT MOORE ADDN	C	0.1664
101405815838021705	MONTOYA MICHAEL F & ELAINE	5906 EL PARDO RD NW	ALBUQUERQUE NM 87107	1313 6TH ST NW	ALBUQUERQUE NM 87102 1339	* 007 007ALBRIGHT MOORE ADD L 7 & 8	R	0.1664
101405812138621604	MURPHY SHEILA	1315 LOS TOMASES DR NW	ALBUQUERQUE NM 87102-1264	1315 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 007 008ALBRIGHT MOORE ADD L 7 & 8	R	0.1802
101405815938521706	ORTIZ ANDREW P	9524 VALLETTA AVE NW	ALBUQUERQUE NM 87120-2996	1317 6TH ST NW	ALBUQUERQUE NM 87102	* 005 007ALBRIGHT MOORE ADD L 5 & 6	R	0.1664
101405816039021707	RIVERA JOHN G JR	1321 6TH ST NW	ALBUQUERQUE NM 87102	1321 6TH ST NW	ALBUQUERQUE NM 87102 1347	* 003 007ALBRIGHT MOORE ADD L 3 & 4	R	0.1664
101405812138121603	STOCKDALE EDWARD S	1307 LOS TOMASES DR NW	ALBUQUERQUE NM 87102-1264	1307 LOS TOMASES DR NW	ALBUQUERQUE NM 87102	* 009 008ALBRIGHT MOORE ADD L 9 & 10	R	0.1756

AARON MATTHEW H
1316 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1265

ARMSTRONG TERRY R & ANNE-MARIE
1312 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1265

ATENCIO PHILLIP E SR & JUSTINE I
1317 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1264

BANUELOS FRANCESCA TRUSTEE
BANUELOS RVT
1808 NEWTON PL NE
ALBUQUERQUE NM 87106-2527

CORNEJO HUGO G & LISA L
909 KINLEY AVE NW
ALBUQUERQUE NM 87104

DEMARCO MONICA CLAIRE & DE LA
CRUZ ADRIANA IRENE
631 KINLEY AVE NW
ALBUQUERQUE NM 87102-1282

EA PROPERTIES LLC
PO BOX 1173
TIJERAS NM 87059-1173

GALVAN TOMMY C & KATHERINE L
1323 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1264

GARCIA FRANK J
2420 BROADWAY BLVD NE
ALBUQUERQUE NM 87102-1112

GOEN LORRAINE LEE
609 KINLEY AVE NW
ALBUQUERQUE NM 87102-1257

HO SZU-HAN
1402 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1267

LOPEZ ESMERALDA
1310 LOS TOMASES DR NW
ALBUQUERQUE NM 87102

MITCHELL JERRY
1323 6TH ST NW
ALBUQUERQUE NM 87102-1339

MONTOYA MICHAEL F & ELAINE
5906 EL PARDO RD NW
ALBUQUERQUE NM 87107

MURPHY SHEILA
1315 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1264

ORTIZ ANDREW P
9524 VALLETTA AVE NW
ALBUQUERQUE NM 87120-2996

RIVERA JOHN G JR
1321 6TH ST NW
ALBUQUERQUE NM 87102

STOCKDALE EDWARD S
1307 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1264

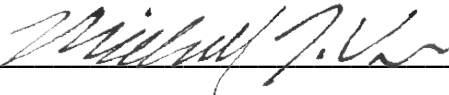


**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS		
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:		
Application Type: Zoning Map Amendment - EPC		
Decision-making Body: Environmental Planning Commission		
Pre-Application meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Neighborhood meeting required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Mailed Notice required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Electronic Mail required:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Is this a Site Plan Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Note: if yes, see second page
PART II – DETAILS OF REQUEST		
Address of property listed in application: 1314 Los Tomases Drive NW		
Name of property owner: EA Properties, LLC		
Name of applicant: Consensus Planning, Inc.		
Date, time, and place of public meeting or hearing, if applicable: January 21, 2021 at 8:30 AM via Zoom:		
https://cabq.zoom.us/j/96997162697 Meeting ID: 969 9716 2697 See next page for more information.		
Address, phone number, or website for additional information: Contact Consensus Planning at (505) 764-9801 or email vos@consensusplanning.com		
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE		
<input checked="" type="checkbox"/> Zone Atlas page indicating subject property.		
<input checked="" type="checkbox"/> Drawings, elevations, or other illustrations of this request.		
<input checked="" type="checkbox"/> Summary of pre-submittal neighborhood meeting, if applicable.		
<input checked="" type="checkbox"/> Summary of request, including explanations of deviations, variances, or waivers.		
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.		

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

 (Applicant signature) 12/3/20 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.



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CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- a. Location of proposed buildings and landscape areas.
- b. Access and circulation for vehicles and pedestrians.
- c. Maximum height of any proposed structures, with building elevations.
- d. For residential development: Maximum number of proposed dwelling units.
- e. For non-residential development:
 - Total gross floor area of proposed project.
 - Gross floor area for each proposed use.

Full Zoom Meeting Information:

Topic: EPC Hearing, January 21, 2021

Time: Jan 21, 2021 08:30 AM Mountain Time (US and Canada)

Join Zoom Meeting

<https://cabq.zoom.us/j/96997162697>

Meeting ID: 969 9716 2697

One tap mobile

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+1 301 715 8592 US (Washington D.C)

Meeting ID: 969 9716 2697

Find your local number: <https://cabq.zoom.us/u/awvpOxnQw>

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

Date of Notice*: December 3, 2020

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Property Owner within 100 feet*: _____

Mailing Address*: _____

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 1314 Los Tomases Drive NW
Location Description East side of Los Tomases between Kinley Ave and Summer Ave
2. Property Owner* EA Properties, LLC
3. Agent/Applicant* *[if applicable]* Consensus Planning, Inc.
4. Application(s) Type* per IDO [Table 6-1-1](#) *[mark all that apply]*

Zoning Map Amendment

Other: _____

Summary of project/request^{1*}:

Zoning Map Amendment to change zoning from R-1A (Residential Single-family) to R-T (Residential Townhouse) to make the existing duplex and accessory dwelling unit uses conforming.

5. This application will be decided at a public hearing by*:

Environmental Planning Commission (EPC)

City Council

This application will be first reviewed and recommended by:

Environmental Planning Commission (EPC)

Landmarks Commission (LC)

Not applicable (Zoning Map Amendment – EPC only)

Date/Time*: January 21, 2021 beginning at 8:30 AM

Location*²: Zoom remote meeting (full connection information on Page 3 of this notice)

¹ Attach additional information, as needed to explain the project/request.

² Physical address or Zoom link

[Note: Items with an asterisk (*) are required.]

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found³:
Please contact Consensus Planning at (505) 764-9801 or email vos@consensusplanning.com

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)⁴ J-14 _____
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

Deviation(s) Variance(s) Waiver(s)

Explanation*:

N/A. Request is only for a zone change with the intent to make the existing uses conforming.

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): X Yes No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

Representatives from Consensus Planning explained the intent of the change to make the existing nonconforming uses (3 dwellings consisting of a duplex and ADU) conforming. An overview was provided regarding the Sawmill/Wells Park Character Protection Overlay zone, which limits future development possibilities beyond what already exists. Questions from neighbors focused on whether there was any intent to redevelop/expand and if the existing ADU was legally permitted, as well as the parking requirements for the 3 units. See attached for meeting notes from the Neighborhood Meeting.

³ Address (mailing or email), phone number, or website to be provided by the applicant

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] 0.1607 acres (approximately 7,000 square feet)
2. IDO Zone District Current: R-1A Proposed: R-T
3. Overlay Zone(s) [if applicable] Sawmill/Wells Park CPO-12
4. Center or Corridor Area [if applicable] N/A

Current Land Use(s) [vacant, if none] Two-family Detached (Duplex) and Accessory Dwelling Unit with kitchen

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

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<https://ido.abc-zone.com/>

IDO Interactive Map

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Meeting ID: 969 9716 2697

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+1 646 558 8656 US (New York)

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Meeting ID: 969 9716 2697

Find your local number: <https://cabq.zoom.us/u/awvpOxnQw>

⁵ Available here: <https://tinurl.com/idozoningmap>

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage \$6.95

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 City, State, ZIP

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 BANUELOS RVT
 1808 NEWTON PL NE
 ALBUQUERQUE NM 87106-2527

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage \$6.95

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 Street and Apt.
 City, State, ZIP

AARON MATTHEW H
 1316 LOS TOMASES DR NW
 ALBUQUERQUE NM 87102-1265

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instruction

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
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 City, State, ZIP

GOEN LORRAINE LEE
 609 KINLEY AVE NW
 ALBUQUERQUE NM 87102-1257

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage \$6.95

Sent To
 Street and Apt.
 City, State, ZIP

EA PROPERTIES LLC
 PO BOX 1173
 TIJERAS NM 87059-1173

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instruction

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage \$6.95

Sent To
 Street and Apt.
 City, State, ZIP

ORTIZ ANDREW P
 9524 VALLETTA AVE NW
 ALBUQUERQUE NM 87120-2996

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Extra Services & Fees (check box, add fee as appropriate)	\$2.85
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage \$6.95

Sent To
 Street and Apt.
 City, State, ZIP

MITCHELL JERRY
 1323 6TH ST NW
 ALBUQUERQUE NM 87102-1339

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 0360 0000 1718 7739

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

ALBUQUERQUE NM 87104
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 Postmark Here

Postage \$0.55
 Total Postage \$6.95
 12/03/2020

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 City, State, ZIP

CORNEJO HUGO G & LISA L
 909 KINLEY AVE NW
 ALBUQUERQUE NM 87104

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Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
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 1312 LOS TOMASES DR NW
 ALBUQUERQUE NM 87102-1265

7018 0360 0000 1718 7791

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HO SZU-HAN
 1402 LOS TOMASES DR NW
 ALBUQUERQUE NM 87102-1267

7018 0360 0000 1718 7838

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GALVAN TOMMY C & KATHERINE L
 1323 LOS TOMASES DR NW
 ALBUQUERQUE NM 87102-1264

7018 0360 0000 1718 7753

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RIVERA JOHN G JR
 1321 6TH ST NW
 ALBUQUERQUE NM 87102

7018 0360 0000 1718 7814

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MONTROYA MICHAEL F & ELAINE
 5906 EL PARDO RD NW
 ALBUQUERQUE NM 87107

7018 0360 0000 1718 7746

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Sent To GARCIA FRANK J
2420 BROADWAY BLVD NE
Albuquerque NM 87102-1112

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Sent To ATENCIO PHILLIP E SR & JUSTINE I
1317 LOS TOMASES DR NW
Albuquerque NM 87102-1264

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Sent To MURPHY SHEILA
1315 LOS TOMASES DR NW
Albuquerque NM 87102-1264

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Sent To LOPEZ ESMERALDA
1310 LOS TOMASES DR NW
Albuquerque NM 87102

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 0360 0000 1718 7807

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Sent To DEMARCO MONICA CLAIRE & DE LA
CRUZ ADRIANA IRENE
631 KINLEY AVE NW
Albuquerque NM 87102-1282

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 0360 0000 1718 7777

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12/03/2020

Sent To STOCKDALE EDWARD S
1307 LOS TOMASES DR NW
Albuquerque NM 87102-1264

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

PRE-APPLICATION MEETING

From: [Carmona, Dalaina L.](#)
To: [Michael Vos](#)
Subject: 1314 Los Tomases Drive NW Neighborhood Meeting Inquiry
Date: Friday, September 11, 2020 5:43:06 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image007.png](#)
[IDOZoneAtlasPage J-14-Z Site.pdf](#)

Dear Applicant,

Please find the neighborhood contact information listed below.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Wells Park NA	Doreen	McKnight	doreenmcknightnm@gmail.com	1426 7th Street NW	Albuquerque	NM	87102		5056152937
Wells Park NA	Catherine	Mexal	cmexal@gmail.com	1404 Los Tomases NW	Albuquerque	NM	87102	5202052420	5202052420

You will need to e-mail each of the listed contacts and let them know that you are applying for a permit for your project. You can use this online link to find template language if you're not sure what information you need to include in your e-mail.

<https://www.cabq.gov/planning/urban-design-development/public-notice>

If your permit application or project requires a neighborhood meeting, you can click on this link to find template language to use in your e-mail notification: <https://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If you have questions about what type of notification is required for your particular project, please click on the link below to see a table of different types of projects and what notification is required for each:

<http://documents.cabq.gov/planning/IDO/IDO-Effective-2018-05-17-Part6.pdf>

Once you have e-mailed the contact individuals in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your permit application and submit it to the Planning Department for approval. **PLEASE NOTE:** The ONC does not have any jurisdiction over any other aspect of your permit application beyond the neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, or project plans, so we encourage you to contact the Planning Department at: 505-924-3860 or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

If your permit or project requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

Thanks,



Dalaina L. Carmona

Senior Administrative Assistant
 Office of Neighborhood Coordination
 Council Services Department
 1 Civic Plaza NW, Suite 9087, 9th Floor
 Albuquerque, NM 87102
 505-768-3334
dcarmona@cabq.gov or ONC@cabq.gov
 Website: www.cabq.gov/neighborhoods



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From: webmaster=cabq.gov@mailgun.org [mailto:webmaster=cabq.gov@mailgun.org] **On Behalf Of** webmaster@cabq.gov
Sent: Friday, September 11, 2020 2:27 PM
To: Office of Neighborhood Coordination <vos@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Neighborhood Meeting Inquiry Sheet Submission

Neighborhood Meeting Inquiry For:
Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

Contact Name

Michael Vos

Telephone Number
5057649801

Email Address

vos@consensusplanning.com

Company Name

Consensus Planning, Inc.

Company Address

302 8th Street NW

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

Lots 21 & 22, Block 7, Albright Moore Addition

Physical address of subject site:

1314 Los Tomases Drive NW

Subject site cross streets:

6th and Kinley

Other subject site identifiers:

Southwest of the intersection past the alley

This site is located on the following zone atlas page:

J-14

=====
This message has been analyzed by Deep Discovery Email Inspector.

From: [Doreen McKnight](#)
To: [Michael Vos](#)
Cc: cmexal@gmail.com; [Jim Strozier](#)
Subject: Re: Pre-Application Meeting Notice for Zoning Map Amendment
Date: Thursday, October 15, 2020 8:31:14 PM

Mr. Vos,

WPNA requests that you attend our association's regular monthly board meeting regarding your request for zone change. Our next association meeting is November 10, at 6:30pm via zoom. We are familiar with the property for which you are applying for a zone change. While we may have more questions prior to or at the meeting we hope you will provide answers to the following:

1. if the current use of the property is already legally allowable as a non-conforming use under R-1A why is it necessary to make the property conforming at this time?
2. are there future plans for changes to the existing structures on the property and if so what are those plans?

Regards,
Doreen McKnight
President, WPNA

On Tue, Oct 13, 2020 at 6:05 PM Michael Vos <Vos@consensusplanning.com> wrote:

Dear Neighbors,

In accordance with the procedures of the City of Albuquerque's Integrated Development Ordinance (IDO), we are providing you an opportunity to discuss a Zoning Map Amendment application that is being proposed within your neighborhood. Consensus Planning is preparing this application on behalf of the property owner, EA Properties LLC, to change the zoning from R-1A (Residential Single-family) to R-T (Residential Townhouse) for the property located at 1314 Los Tomases Drive NW. The site is legally described as Lots 21 and 22, Block 7, Albright Moore Addition. The property is subject to the Sawmill/Wells Park Character Protection Overlay Zone (CPO-11).

The property has 3 existing dwelling units and appears to be a legally non-conforming use under the existing R-1A zoning. There are two units attached on the lower level and a third dwelling upstairs. The goal of the proposed application is to make the property conforming. We believe the R-T zone district permissively allows the 3 existing dwellings on the property, while continuing to appropriately limit any additional development due to the continued presence of the Sawmill/Wells Park CPO-11 regulations. The current lot is 7,000 square feet in size, which allows the existing ground-floor duplex along with one accessory dwelling unit upstairs for a total of three dwellings and no more.

Per the IDO, you have 15 days from the date of this email to respond, by either 1) requesting a meeting or 2) declining the meeting. If you do not respond within 15 days, you are waiving the opportunity for a Neighborhood Meeting, and we can submit our application anytime thereafter. We would like to submit our application on October 29, 2020. If you would like to meet, please let us know when your next regular neighborhood meeting is scheduled or provide a few alternative dates that fall within 30 days of your response to this email.

Before submitting our application, we will send Mailed and Emailed Public Notice as required by IDO Table 6-1-1 to make you aware of the public hearing at which the project will be reviewed and decided by the Environmental Planning Commission.

Useful Links:

Integrated Development Ordinance (IDO): <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Interactive Map <https://tinyurl.com/IDOzoningmap>

Sincerely,

Michael Vos, AICP

CONSENSUS PLANNING, INC.

302 Eighth Street NW

Albuquerque, NM 87102

phone (505) 764-9801

vos@consensusplanning.com



Meeting Minutes

Project: 1314 Los Tomases NW Zoning Map Amendment

Subject: Neighborhood Meeting

Meeting Location: Zoom Remote Meeting

Meeting Date/Time: November 10, 2020 at 6:30 PM

Summary

Consensus Planning (Michael Vos and Jim Strozier) attended the regular Wells Park Neighborhood Association meeting to discuss a proposed Zoning Map Amendment application to change the zoning of 1314 Los Tomases Drive NW from R-1A (Single-Family Residential) to R-T (Townhouse Residential).

Michael Vos provided an overview showing the property location and existing zoning. The property is currently non-conforming under the R-1A zone because it has three dwelling units (two on the ground floor as a duplex with the third as an accessory dwelling unit or ADU upstairs). The property is currently one lot.

It was also explained that the property is within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12), which allows one house and an ADU under the existing zoning, or it would allow a duplex on a subdivided lot (if those lots meet minimum requirements). Having the third unit is what makes this property non-conforming.

Photographs of the existing structure were shown where it is one-story near the street with the second story setback farther, which is generally consistent with the CPO-12 requirements. Other CPO-12 requirements were discussed for how the site will remain limited in terms of future development even if the zone change is approved. The zone change will not permit additional density on the property.

A list of what uses are allowed by the R-T that are not currently allowed under R-1A was shared. However, it was noted that the purpose of the request is to simply make the existing uses conforming due to a desire to sell the property and the fact that the current non-conforming status creates issues related to title and financing considerations.

Questions, Comments, and Concerns

- The existing second floor unit, balcony, and staircase are close to the lot lines with the adjacent property. It appeared there was an addition being made in the last year.
 - The upper unit has been there longer but may not have been finished or improved until recently.
 - A neighbor believes it may have been expanded and the stairway added.
 - Follow-up: We reached out to the current property owner who stated, "It was already 3 units when we bought the building and the staircase was already

there. We didn't add or expand anything. Any updates we made were aesthetic. (Light fixtures, paint, carpet, etc)"

- Q: Can a second ADU be added to the property?
 - A: No, ADUs are limited to a single unit per lot by definition and the Use-specific standards in the IDO. A fourth unit on this property would change the type of development from a duplex plus an ADU to multi-family residential (apartments) by definition, which is not allowed by either the existing or proposed zoning.
- Confirming no further development, apartments could be an issue.
- Q: What are the parking requirements?
 - A: Need to check IDO, but most likely +/-5 spaces. There is a driveway on Los Tomases that can park at least 2 cars in tandem, at least 2 spaces located off the alley, and additional on-street parking.
 - Follow-up: The duplex requires 2 parking spaces (1 for each 2-bedroom unit) and the ADU requires 1 space for a total of 3. There are approximately 6 spaces available (2 in driveway, 3 in rear off the alley including a garage space, and 1 on Los Tomases in front of the house).
- Comment: It has been amusing to watch residents shuffling the cars around due to the tandem parking in the front driveway.
- Q: Is the owner pursuing expansion?
 - A: No, the owner is not planning to expand and is only seeking the zone change to make the existing uses conforming.
- Q: Was the recent work that was done to the ADU and rear of the property legally permitted?
 - A: Consensus Planning needs to check with the property owner about this.
 - Follow-up: the owner purchased this property in 2018 and the work that was done following that purchase consisted of minor, mostly aesthetic improvements such as drywall that did not require a building permit. See also the previous follow-up comment regarding the updates to the third unit above.

Areas of Agreement

- None noted.

Areas of Disagreement

- None noted.

Process and Timing of Next Steps

- What happens next?
 - Consensus Planning will be preparing the Zoning Map Amendment application package, including a justification letter that addresses the criteria for Zoning Map Amendments in the IDO.
 - The next application submittal deadline is on December 3, 2020.
 - The neighborhood association representatives will receive an emailed notice of the application.
 - Surrounding property owners within 100 feet will also receive a letter.
 - If we meet this deadline, **the hearing will be held on January 21, 2021**
 - The notices for the hearing will include information on how to join the Zoom meeting and provide comments.

NEIGHBORHOOD CONCERNS

Bolivar, Silvia A.

From: Anne-Marie <annemar101@aol.com>
Sent: Monday, January 11, 2021 1:34 PM
To: Bolivar, Silvia A.; Lehner, Catalina L.
Subject: Rezoning hearing 1314 Los Tomases

Just received word of the rezoning hearing for 1314 Los Tomases is 1/21 (Thurs.) and I know this is late, but my husband I live at 1312 Los Tomases, (the house south of that property). We are recent New Mexicans and love the city and state but find it hard to believe that such discrepancies have been allowed and that persons then think they can just get around the laws by applying for an exemption. This is new to us even though we have owned numerous homes and properties in various cities and states. This is not just closing the barn door too late. It is opening doors and inviting others to continue the practice of flaunting laws and exposing neighbors and neighborhoods to unscrupulous real estate practices. The house in question barely fits on the lot. Allowing the exemption means that more changes will be possible and it is mindblowing to think about what people might do in the future. Please consider this objection. It appears to be a big trick by unknown big developers which we saw often in Florida. Thank you, Terry and Anne-Marie Armstrong, 1312 Los Tomases, 87102.ten in

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This message has been analyzed by Deep Discovery Email Inspector.

January 6, 2021

To: Environmental Planning Commission

Re: Project # 2020004780

Chairman Serrano and Commissioners, Planners Lehner and Bolivar:

As a nearby neighbor, I'm writing in opposition to the proposed zone change at 1314 Los Tomases NW, for reasons supported by the Comp Plan and the IDO. Wells Park is an Area of Consistency and has a character protection overlay (CPO-12) intended to preserve it as an historic neighborhood.

The approval criteria from the **IDO's Zoning Map Amendment - EPC** are copied below. This proposed rezoning satisfies **none** of the zoning-map amendment requirements. Each criteria from the IDO (a-h) is followed by my comments in italics. The critical portion of a criterion that this rezoning would violate is bolded. A couple of the criteria, for Area of Change and traffic, are noted as not applicable at 1314.

Zoning Map Amendment - EPC in IDO under section 14-16-6: Administration and Enforcement, (p. 479).

6-7(G)(3) Review and Decision Criteria

An application for a Zoning Map Amendment shall be approved if it meets **all** of the following criteria:

6-7(G)(3)(a) The proposed **zone change is consistent with the health, safety, and general welfare** of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City. *NO — violates character/historic preservation & protection in IDO and CPO. Also, see Comp Plan quote below.*

6-7(G)(3)(b) If the subject property is located partially or completely in an **Area of Consistency** ..., the applicant has demonstrated that the **new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency** and would not permit development that is significantly different from that character. The applicant must also demonstrate that the **existing zoning is inappropriate because it meets any** of the following criteria:

1. There was **typographical** or clerical error when the existing zone district was applied to the property. *NO*
2. There has been a **significant change in neighborhood** or community conditions affecting the site. *NO — stable for generations.*
3. A **different zone district is more advantageous** to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development

density and intensity, and connectivity), and other applicable adopted City plan(s). *NO — 1314 is surrounded by single-family/R-1A zoned homes.*

6-7(G)(3)(c) Applies to Area of Change *N/A*

6-7(G)(3)(d) The requested zoning does not include **permissive uses** that would be **harmful to adjacent property, the neighborhood,** or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts. *NO — permissive uses for R-T include adult and child day care facilities which would decrease property values and increase traffic in all forms.*

6-7(G)(3)(e, f) Apply to traffic *N/A*

6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations. *Unknown but owner's goal is to facilitate selling the property.*

6-7(G)(3)(h) The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "**spot zone**") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly **facilitate implementation of the ABC Comp Plan,** as amended, and **at least one of the following applies:**

1. The subject property is different from surrounding land because it **can function as a transition** between adjacent zone districts. *NO — 1314 is over 2 blocks into interior of the R-1A zone.*
2. The **subject property is not suitable for the uses allowed in any adjacent zone** district due to topography, traffic, or special adverse land uses nearby. *NO — Appropriate to remain Residential/R-1A as it has for decades.*
3. The nature of **structures** already on the subject property **makes it unsuitable for the uses allowed in any adjacent zone** district. *NO, actually appropriate for R-1A OR R-T.*

*Rezoning this property would definitely create a **spot zone** since 1314 is surrounded by R-1A zoning. Also, see Comp Plan quote below.*

Finally, the proposed rezoning would violate the **Comp Plan's** goal for neighborhoods:

Policy 4.1.4 Neighborhoods: **Enhance, protect, and preserve neighborhoods** and traditional communities as key to our long-term health and vitality.

Please deny the zoning-change request for 1314 Los Tomases NW.

Respectfully,
Catherine Mexal
1404 Los Tomases NW
87102

Bolivar, Silvia A.

From: Jane Hellesoe-Henon <cjhell@unm.edu>
Sent: Saturday, January 9, 2021 2:20 PM
To: Bolivar, Silvia A.
Subject: Rezoning request for 1314 Los Tomases Dr. NW.

Please pass along to the appropriate offices/individuals: I am very much against the request to rezone the property on 1314 Los Tomases Dr., NW, ABQ. I live in the neighborhood and believe it should be kept to a zone designation of single-family homes. No Townhouses. No apartment buildings. No multiple units per single lot. No businesses. No. No. Nol.

Sincerely,
Jane Hellesoe-Henon

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This message has been analyzed by Deep Discovery Email Inspector.

January 6, 2021

To: Environmental Planning Commission
From: Wells Park Neighborhood Association + Neighbors
Re: Project # 2020-004780

Chairman Serrano and Commissioners:

We are writing in opposition to the request by Consensus Planning and EA Properties for a zone change at 1314 Los Tomases NW, from R-1A to R-T. On November 10, 2020, the Wells Park Neighborhood Association board voted unanimously (via Zoom) to oppose this zone change request.

Michael Vos of Consensus Planning indicated to the Wells Park Neighborhood Association that the purpose of the rezoning is to make the property a conforming use since the three separate dwelling units on the property are not permissible under its current R-1A zoning. However, it is also our understanding from Mr. Vos that the property as currently developed and zoned is considered legally non-conforming (we assume because it pre-dates the current IDO), which we believe does not necessitate a formal zone change under current conditions. We further object to this request for the following reasons:

First, the historic neighborhood of Wells Park is an Area of Consistency and is protected by CPO-12. Approval of this zone change would amount to spot zoning inconsistent with our CPO and allow R-T zoning that is too close to other townhomes in Wells Park per our pre-IDO Sector Development Plan (SDP) which required a 600ft separation between townhouses. The IDO team did not carry this SDP zoning rule into our CPO because the protected area already contained the maximum allowable number of townhomes per that standard and all remaining properties were to be zoned R-1A.

Second, this zone change request does not meet the IDO's criteria for a zoning map amendment request to the EPC under Section 14-16-6-7(G)(3): Review and Decision Criteria as elaborated below by subsection:

- 6-7(G)(3)(a) requires that *“[i]f the proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.”*

This request violates character and historic preservation & protection goals as set out in the IDO and CPO-12.

- 6-7(G)(3)(b) requires that *“[i]f the subject property is located partially or completely in an Area of Consistency ..., the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character.”*

The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

- 1. There was typographical or clerical error when the existing zone district was applied to the property.*
- 2. There has been a significant change in neighborhood or community conditions affecting the site.*
- 3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s)."*

Permanent spot zone changes of this type, regardless of pre-existing use of property, neither reinforce nor strengthen the established character of its surroundings. Rather, allowing these types of spot zone changes serve to weaken the surrounding neighborhood character.

Approving this zone change request would provide another example of the City permitting an individual to develop a property not in conformance with zoning code and later allowing the owner to permanently change the zoning of such property to conform with the use that was illegal originally. This type of ex post facto zone changing signals to other property owners that they can do the same.

Additionally, none of the criteria listed under subsection (b) have been met for this request. The current R-1A zoning for the property is consistent with the zoning of the surrounding properties on this residential block of Los Tomases, there was no typographical error when originally zoned R-1A, there have not been significant changes in the neighborhood conditions (if anything allowing this zone change would serve to change the neighborhood conditions over time), and an R-T zoning designation is not advantageous to the community.

- 6-7(G)(3)(d) requires that *“[t]he requested zoning does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.”*

The requested zoning of R-T for the subject property would allow for various conditional higher density uses not allowed under R-1A, such as an adult or child daycare facility or assisted living or nursing home. The possibility of the subject property being used in one of these ways in the future would significantly impact surrounding properties as a result of increased vehicular traffic, and insufficient off-street parking.

- 6-7(G)(3)(g) requires that *“[t]he applicant’s justification is not based completely or predominantly on the cost of land or economic considerations.”*

It is unknown to us at this time the exact justification for the zone change, but the ease of securing bank loans for sale of the property has been suggested by the applicants.

- 6-7(G)(3)(h) requires that *“[t]he Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a “spot zone”) or to a strip of land along a street (i.e. create a “strip zone”) unless the*

requested zoning will clearly facilitate implementation of the ABC Comp Plan, as amended, and at least one of the following applies:

- 1. The subject property is different from surrounding land because it can function as a transition between adjacent zone districts.*
- 2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.*
- 3. The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone district.*

This property is surrounded by R-1A zoning and this is not a transition area between adjacent zones. No further encroachment of non-R-1A zoning into the core residential area of Wells Park was contemplated by the IDO and it is most appropriate for the subject property to remain R-1A. The nature of the existing structure may not be ideally suited for R-1A, but the repercussions of a previous owner illegally constructing multiple dwellings on the property should not be subsequently shouldered by existing neighbors and the neighborhood as a whole.

Lastly, the proposed rezoning would violate the Comprehensive Plan's goal for neighborhoods: Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality. Wells Park is a historic neighborhood that is continuously forced to push back on non-conforming and illegal development and subsequent government approval of such development in order to preserve its historic character.

Lastly, we believe there may be other options that the owner of the subject property can pursue that would mitigate possible long-term negative ramifications of a permanent zone change such as a "zoning certificate." Use of that option would be supported by the IDO's rule for allowing nonconforming uses under section 14-16-6-8(C)(1) *Authority to Continue*:

Unless specified otherwise in this Section 14-16-6-8 or elsewhere in this IDO, the nonconforming use of land or a structure shall be allowed to continue regardless of any change in ownership or occupancy of the use, until that use is discontinued or another provision of this Section 14-16-6-8 requires the termination of the use.

Respectfully submitted,

Doreen McKnight, President of and on behalf of the Wells Park Neighborhood Association
1426-7th St NW, 87102

Mike & Rhonda Prando, 611 Bellamah NW, 87102

Catherine Mexal, 1404 Los Tomases NW, 87102

Edwina Kiro, 1013 Lynch Court NW, 87104

Joe Calkins, 1313-1st NW, 87102

Terry & AnneMarie Armstrong, 1312 Los Tomases NW, 87102

Sheila Murphy, 1315 Los Tomases NW, 87102

Mark & Debbie Dunn, 1255-8th NW, 87102

Tom & Kathy Galvan, 1325 Los Tomases NW, 87102

Jerry Mitchell, 1327-6th NW, 87102

Martha Heard, 1107-11th NW, 87104

Ari Posner, 1254-7th NW, 87102

REQUEST

ZONING MAP AMENDMENT - EPC FROM
R-1A (Single-Family Small Lot) TO R-T (Townhouse) TO MAKE
EXISTING 3 DWELLINGS CONFORMING

The agenda, staff report, and other information can be found on the City's website: <https://www.ci.albuquerque.nm.us/government/development/development-services/development-services>

Agendas and staff reports are typically posted by the Friday before the hearing.

January 15, 2021

Join Zoom Meeting: <https://us02zoom.us/j/9243860>

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The City of Albuquerque Environmental Planning Commission will hold a public hearing via Zoom. See above for more information on how to join and participate.

The hearing will be on January 21, 2021 at 8:30 AM. All persons

have a right to appear at such a hearing. For information on this case or

other instructions on filing written comments, call the Planning

Department at (505) 924-3860 or contact the applicant.

Required to be posted from January 6, 2021 to January 21, 2021

by Consensus Planning, Inc. for EA Properties LLC (505) 764-9801

applicant/agent phone

REFER TO FILE# PR-2020-004780 / RZ-2020-00050

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