

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

December 9, 2016

Jesse Herron
1100 Bellamah Ave. NW
Albuquerque, NM 87104

Project# 1010152
16EPC-40068 Sector Development Plan
Map Amendment (Zone Change)
16EPC-40069 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above actions for Tract A, plat of lands of Charles B. Gonzales, zoned SU-2/S-R, to SU-2/SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for On-premise Consumption, located on Bellamah Ave. NW, between 12th St. NW and 8th St. NW, containing approximately 0.51 acre. (J-13)
Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque On December 8, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project 1010152/16EPC-40068, Sector Development Plan Map Amendment (Zone Change) and 16EPC-40069, an as-built Site Development Plan for Building Permit, based on the following findings:

NM 87103

FINDINGS: 16EPC-40068: Zone Change:

www.cabq.gov

1. The subject request is for a sector development plan map amendment (zone change) for Tract A, Plat of Lands of Charles B. Gonzales, an approximately 0.51 acre site located on Bellamah Ave. NW, between 12th St. NW and 8th St. NW (1100 Bellamah Ave. NW). The subject site is within the boundaries of the Central Urban Area of the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP).
2. The sector development plan map amendment request is for a change from SU-2 for S-R (Sawmill Residential) to "SU-2/SU-1 for Boarding or Lodging to include the Sale of Beer and Wine for On-premise Consumption". A zone change is needed to allow the existing use, and to create zoning that is compatible with the applicant's recently-obtained State liquor license, which allows up to two beers to be consumed on-premise by patrons.
3. The applicant is pursuing a zone change because, when going through the liquor license process, he was not able to obtain a City of Albuquerque liquor permit because the property was not zoned correctly for its use.
4. The subject request is accompanied by an as-built site development plan for building permit (16EPC-40069) as required pursuant to the SU-1 Zone, §14-16-2-22(A)(6).

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5. The Environmental Planning Commission (EPC) is the approval authority. The subject request is not required to be transmitted to the City Council because, although in a sector development plan area, it's not greater than 10 acres in size. This is a quasi-judicial matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Sector Development Plan (SWPSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following Comprehensive Plan Goals:
 - A. Central Urban Area Goal. The request would help promote the Central Urban Area as a focus for arts and cultural activities because it would provide a lodging option for tourists who are seeking a small-scale neighborhood experience and who want to spend time in a historic area. The request would enhance the neighborhood's historic importance.
 - B. Established Urban Area Goal. The request would help create a quality urban environment, as the property has been remodeled, while perpetuating the historic architectural tradition of the area, which makes Sawmill identifiable as an individual but integrated part of the metropolitan area. The small-scale lodging with a resident on-site, in a neighborhood, contributes to variety and maximum choice in work areas and lifestyles.
8. The request furthers the Economic Development Goal and the following economic development policies:
 - A. Goal. The request would help promote economic development in a designated Metropolitan Redevelopment Area (MRA), where such development is desired. The lodging use is small-scale (and the owner lives on-site) and is balanced with the cultural goal of promoting the nearby museums and Old Town, and the social goal of spending time in a historic, eclectic part of the City.
 - B. Policy 2.C.6b-local business and recruitment. The request would facilitate further development of a local business enterprise.
 - C. Policy 2.C.6d-promotion of tourism. The applicant is active in the boutique tourism industry and, through the request, would help promote tourism by offering a small-scale lodging option to visitors that is in a historic area near many activities.
9. The request furthers the following Comprehensive Plan Land Use Policies:
 - A. Policy II.B.5a- full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by manufacturing uses, single-family homes, and some commercial uses and cultural uses, because it would introduce a lodging use.
 - B. Policy II.B.5o- redevelopment of older neighborhoods. Improvements have been made to the building and site. Though a small portion of the neighborhood, such improvements generally contribute to strengthening it.

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- C. Policy II.B.5p- cost effective rehabilitation techniques. Improvements made to the site can be considered privately funded redevelopment, albeit on a small scale, which is termed a cost-effective redevelopment technique since it does not use public funds (technique #1).
10. Regarding the SWPSDP, the request furthers the Area Character and History Conservation Action Plan and the Economic Development Action Plan as follows:
- A. Area Character and History Conservation Action Plan. The applicant purchased and renovated the building on the subject site, which has a colorful history in the Sawmill area, and maintained the New Mexico Vernacular architectural style.
- B. Economic Development Action Plan. The economic development strategy intends to strengthen the area's mixture of uses and encourages strengthening tourist-related businesses, such as the applicant's lodging business, if care is taken to protect residential areas. The small scale of the business (two rooms for rent) and the applicant residing on the property would help ensure compatibility with the surrounding neighborhood.
11. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
- A. Section A: The proposed zoning is limited to uses that will not harm the adjacent property or community and has been demonstrated to be consistent with applicable policies and intentions in the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP). Therefore, the proposed sector development plan amendment is consistent with the health, safety, morals and general welfare of the City.
- B. Section B: The uses allowed by the proposed zoning would not adversely affect stability of land use and zoning and, as the applicant demonstrated, are justified pursuant to R270-1980. An important factor in this case is the limited scope of the requested zoning and the fact that the zoning, because an SU-1 is requested, is tied to the site development plan for the as-built building that is not changing. A broader request of zone, to commercial uses or increased residential density, could possibly affect land use stability in the area—though the building has operated previously as a grocery store and as apartments. The specified use, which would have to be small-scale to fit on the subject site, would be unlikely to adversely affect stability of land use in the area.
- C. Section C: Since the request is for an SU-1 zone, the "clearly facilitates" test (see Section I) applies and overrides the less rigorous "no significant conflict" test. The applicant has provided a thorough, policy-based discussion to demonstrate that the request clearly facilitates realization of the Comprehensive Plan and applicable sector development plan (the SWPSDP). The applicant has demonstrated that numerous policies in the Comprehensive Plan and the SWPSDP support the request because, in sum, the request will enhance the existing business and contribute to small-scale economic development of the area, allow it to support and serve the tourist market, and support the historic nature of the area by promoting re-use of a historic building renovated to be consistent with the area's character.

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- D. Section D: The applicant has adequately demonstrated that a different use category would be more advantageous to the community (D)(3), and that the existing zoning is inappropriate because the community is better-served overall by a different zone category. The proposed zone category is more advantageous to the community, as demonstrated in the policy-based discussion in Section C, because the request clearly facilitates a preponderance of applicable Goals and policies.
- E. Section E: The proposed SU-1 zoning is narrow in scope and would only allow the uses in the zoning descriptor and as shown on the associated, as-built site development plan. The uses would not harm the community, neighborhood or adjacent property. Other uses that could be considered harmful in the subject site's setting would not be allowed.
- F. Section F: The proposed zone change requires no capital expenditures by the City.
- G. Section G: Economic considerations pertaining to the applicant are a factor in the zone change request, but the applicant is not raising them as the determining factor.
- H. Section H: Location on a collector or major street is not used as justification for this request.
- I. Section I: The requested SU-1 zoning is a justifiable spot zone because the applicant has demonstrated, in the policy-based and thorough response to Section 1C, that the request will clearly facilitate realization of the Comprehensive Plan and the SWPSDP.
- J. Section J: The request is for a single lot and not a strip of land, and therefore would not result in a "strip zone".
12. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section C provides a policy-based explanation of how the request aligns with applicable Comprehensive Plan policies and intentions in the Sawmill/Wells Park Sector Development Plan (SWPSDP), and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E-I) are sufficiently addressed.
13. The affected neighborhood organization is the Wells Park Neighborhood Association (NA), which was notified. Property owners within 100 feet of the subject site were also notified, as required. A facilitated meeting was offered, but declined by the NA. On November 18, 2016, a neighbor called Staff to ask about the project and the process. The applicant submitted letters of support. A neighbor walked-in on December 6, 2016 to ask about notification and the hearing process.

CONDITION OF APPROVAL: 16EPC-40068: Zone Change:

1. Final approval of the accompanying site development plan for building permit (16EPC-40069) is required. The EPC delegates its approval authority to Staff through the administrative approval (AA) process, meaning that the applicant is required to apply for an AA instead of go to the Development Review Board (DRB).

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FINDINGS: 16EPC-40069: As-built Site Development Plan for Building Permit:

1. The subject request is for an as-built site development plan for building permit for Tract A, Plat of Lands of Charles B. Gonzales, an approximately 0.51 acre site located on Bellamah Ave. NW, between 12th St. NW and 8th St. NW (1100 Bellamah Ave. NW). The subject site is within the boundaries of the Central Urban Area of the Comprehensive Plan and the Sawmill/Wells Park Sector Development Plan (SWPSDP).
2. The subject request is accompanied by a sector development plan map amendment (zone change) request (16EPC-40068). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the Sawmill/Wells Park Sector Development Plan (SWPSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The request furthers the following Comprehensive Plan Goals:
 - A. Central Urban Area Goal. The request would help promote the Central Urban Area as a focus for arts and cultural activities because it would provide a lodging option for tourists who are seeking a small-scale neighborhood experience and who want to spend time in a historic area. The request would enhance the neighborhood's historic importance.
 - B. Established Urban Area Goal. The request would help create a quality urban environment, as the property has been remodeled, while perpetuating the historic architectural tradition of the area, which makes Sawmill identifiable as an individual but integrated part of the metropolitan area. The small-scale lodging with a resident on-site, in a neighborhood, contributes to variety and maximum choice in work areas and lifestyles.
5. The request furthers the Economic Development Goal and the following economic development policies:
 - A. Goal. The request would help promote economic development in a designated Metropolitan Redevelopment Area (MRA), where such development is desired. The lodging use is small-scale (and the owner lives on-site) and is balanced with the cultural goal of promoting the nearby museums and Old Town, and the social goal of spending time in a historic, eclectic part of the City.
 - B. Policy 2.C.6b-local business and recruitment. The request would facilitate further development of a local business enterprise.
 - C. Policy 2.C.6d-promotion of tourism. The applicant is active in the boutique tourism industry and, through the request, would help promote tourism by offering a small-scale lodging option to visitors that is in a historic area near many activities.
6. The request furthers the following Comprehensive Plan Land Use Policies:
 - A. Policy II.B.5a- full range of urban land uses. The request would contribute to a full range of urban land uses in the area, which is characterized mainly by manufacturing uses, single-

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- family homes, and some commercial uses and cultural uses, because it would introduce a lodging use.
- B. Policy II.B.5o- redevelopment of older neighborhoods. Improvements have been made to the building and site. Though a small portion of the neighborhood, such improvements generally contribute to strengthening it.
 - C. Policy II.B.5p- cost effective rehabilitation techniques. Improvements made to the site can be considered privately funded redevelopment, albeit on a small scale, which is termed a cost-effective redevelopment technique since it does not use public funds (technique #1).
7. Regarding the SWPSDP, the request furthers the Area Character and History Conservation Action Plan and the Economic Development Action Plan as follows:
- A. Area Character and History Conservation Action Plan. The applicant purchased and renovated the building on the subject site, which has a colorful history in the Sawmill area, and maintained the New Mexico Vernacular architectural style.
 - B. Economic Development Action Plan. The economic development strategy intends to strengthen the area's mixture of uses and encourages strengthening tourist-related businesses, such as the applicant's lodging business, if care is taken to protect residential areas. The small scale of the business (two rooms for rent) and the applicant residing on the property would help ensure compatibility with the surrounding neighborhood.
8. The as-built site development plan complies with the applicable General SU-2 Regulations in the Sawmill/Wells Park Sector Development Plan (SWPSDP).
9. The affected neighborhood organization is the Wells Park Neighborhood Association (NA), which was notified. Property owners within 100 feet of the subject site were also notified, as required. A facilitated meeting was offered, but declined by the NA. On November 18, 2016, a neighbor called Staff to ask about the project and the process. The applicant submitted letters of support. A neighbor walked-in on December 6, 2016 to ask about notification and the hearing process.

CONDITIONS OF APPROVAL: 16EPC-40069: As-built Site Development Plan for Building Permit:

1. The EPC delegates final sign-off authority of this site development plan Staff through the administrative approval (AA) process, meaning that the applicant is required to apply for an AA instead of go to the Development Review Board (DRB). Staff is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after final sign-off, may result in forfeiture of approvals.
2. Prior to final approval, the applicant shall meet with the Staff planner to ensure that conditions of approval are met. Evidence of this meeting shall be provided at the time of application.

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3. Landscaping:

- A. Refer to the Planting Plan as a Landscaping Plan.
- B. Distinguish between what is existing and what is proposed, if anything.
- C. Indicate the approximate square footage of landscaping beds.
- D. Provide landscaping calculations.

4. Clarification:

- A. Add a note regarding refuse collection and screening.
- B. Dimension the building.
- C. Specify material and color of the CMU wall.

5. CONDITIONS FROM THE CITY ENGINEER (TRANSPORTATION):

- A. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as required by the Development Review Board (DRB).
- B. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the *Development Process Manual* and current ADA criteria.
- C. Please add the following note to Site Plan for BP and Landscaping Plan: "Landscaping, fencing and signing will not interfere with clear sight requirements. Therefore, signs, walls, trees, and shrubbery between 3 and 8 feet tall (as measured from the gutter pan) will not be acceptable in this area."

6. CONDITION FROM PNM:

It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 27, 2016**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

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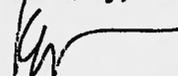
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You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,


~~for~~ Suzanne Lubar
Planning Director

SL/CLL

cc: Jesse Herron, 1100 Bellamah Ave. NW, Albuquerque, NM 87104
Wells Park NA, Mark Horst, 1114 7th St. NW, Albuquerque, NM 87102
Wells Park NA, Doreen McKnight, 1426 7th St. NW, Albuquerque, NM 87102
Sarah St. John, 1239 11th St NW, ABQ, NM 87104
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Lee Amador, 1224 11th NW, ABQ, NM 87104