

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

December 15, 2017

Cornerstone Capital, LLC
6601 Coors Blvd NW, Suite C
Albuquerque, NM 87102

Project# 1008337
17EPC-40065 Zone Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Tracts 1A, 1B, 1C, and 2 through 5, Brunacini Industrial Park, zoned M-1 to C-2, located on the north side of Menaul Blvd. NE between Vassar Dr. NE and Richard Dr. NE, containing approximately 9.8 acres. (H-16)
Staff Planner: Cheryl Somerfeldt

PO Box 1293

On December 14, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1008337/17EPC-40065, a Zone Map Amendment, (Zone Change), based on the following Findings and Conditions:

Albuquerque

FINDINGS:

NM 87103

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1. This is a request for a Zone Map Amendment (Zone Change) for Tracts 1A, 1B, 1C, and 2 through 5, Brunacini Industrial Park located on the north side of Menaul Boulevard NE between Vassar Drive NE and the North Diversion Channel and containing approximately 9.8 acres.
2. The applicant is requesting a Zone Change from M-1 (Light Manufacturing) to the C-2 (Community Commercial) zone in order to re-develop the subject site with multi-family and commercial uses, which are permissive in the requested C-2 zone.
3. The subject site is in an area that the Comprehensive Plan has designated an Area of Change. No Sector Development Plan applies.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:
 - The request furthers Goal 5.2 and Policy 5.2.1 b, d, h, and n because the proposed zone change would permit multi-family development, offering choices in lifestyle and housing options to meet a range of incomes and lifestyles shown through market research to be a growing need in the area. Since the lots are currently used for parking and part of the subject site is completely vacant, the project would encourage a more productive use of vacant and under-utilized lots. Compatibility in form and scale cannot be evaluated with a

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Zone Change request because a Site Plan was not submitted, and evaluation is limited to permitted uses within the proposed zone. The subject site is located on a Multi-Modal Corridor as designated by the Comprehensive Plan, which affords residents transportation options in addition to automobiles.

- The request furthers Goal 5.3 and Policy 5.3.1 because the subject site is located on Menaul Boulevard NE north of the University of New Mexico, west of Uptown and east of I-40 in a central location with existing infrastructure. Development of this site to mixed-uses will be an efficient use of land in support of a public need. Policy 5.3.1 is furthered by allowing the development of future multi-family and neighborhood commercial C-2 development on an infill property served by existing water and sewer infrastructure, access to the major street network, transit routes (Bus Route 8), the North Diversion Channel Bike Lane, and pedestrian connections to adjacent uses.
- The request furthers Goal 5.6 and Policy 5.6.2 c, d, and f because the subject site is in an Area of Change which is intended to direct growth toward more intense development areas and corridors such as Menaul Boulevard NE. The proposed project will provide a multi-family housing option in an area where multi-family does not currently exist. The proposed development is in an area with transit options, existing commercial uses, as well as adequate infrastructure, and community services.
- The request generally furthers Goal 5.6 and Policy 5.6.4 a and b because the subject site is in an Area of Change and will not provide negative effects on any neighborhoods with respect to noise, lighting, or air pollution. The project will have no effect on the character or integrity of existing residential areas. In this case, the question of incompatibility is less about the impact of the new development on existing residential areas than on the existing light industrial uses on new residents; however since the proposal is for new residential development, potential residents will have full knowledge of existing conditions.
- The request generally furthers Goal 7.3 and Policy 7.3.4 because the proposed project will improve the streetscape and enhance the built environment over the existing parking lots and vacant land. The proposed project will introduce a less intense use among more intense uses. This policy is furthered by proposing zoning to accommodate an infill development that is along a transit corridor and close to existing light manufacturing, commercial retail, and service uses, and within a half mile of I-40 and I-25. The project will be an efficient use of land that will contribute to the diversity of housing and commercial retail options in the area.
- The request generally furthers Goal 8.1 and Policy 8.1.2 because the proposal will encourage placemaking and potentially a more diverse economy than currently exists in the immediate area.
- The request furthers Goal 9.1 and Policy 9.1.1 c and i because the proposed development will provide multi-family development in an area which does currently provide residential options but does not have existing commercial services. The proposal will potentially provide housing with a variety of price levels for a variety of income levels and types of residents. This proposed multi-family housing and mixed-use project is located close to existing

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transit and shopping services. This goal is furthered by allowing the future development of a multi-family housing project through the proposed C-2 zone, a use not currently allowed by the existing zoning. Multi-family options continue to be in high demand and this demand in the West Northeast area is anticipated to increase.

- The request generally furthers Goal 9.2 and Policy 9.2.1 because the request would construct housing that enhances the neighborhood character and blends with the urban environment with appropriate density. Although it cannot be determined if the resulting project would be compatible with the natural and built environments from with a Zone Change request, the project will be built to current codes. Since a surrounding residential neighborhood does not currently exist in this immediate area, it is not possible for the proposed development to respond to this character or context. It is expected that the proposed new construction of infill development on a vacant and parking lot with mixed-uses on a transit corridor will invigorate the streetscape and enhance the relationship to the street.
6. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. Consistency with the City's health, safety, morals, and general welfare is shown by demonstrating that a request furthers applicable goals and policies from the Comprehensive Plan (and other plans if applicable), which the applicant has done as demonstrated in the response to Section C and is re-stated in Section D.
 - B. The applicant has adequately demonstrated that the proposed zone change would not promote instability of land use or zoning in the area because the future multi-family residential and commercial or mixed-uses would not be destabilizing to the existing commercial uses in the area (services, retail, warehousing). Also, the request is justified based on responses to Sections C and D, because it furthers applicable goals and policies of the Comprehensive Plan.
 - C. The request is not in significant conflict with adopted elements of the Comprehensive Plan as shown by the Comprehensive Plan policy analysis shown in Finding 5. No Sector Development Plans apply to this area. Since this is a request for a straight zone and a Site Development Plan is not proposed at this time, issues such as site design, building design, materials, and compatibility with surroundings cannot be evaluated except for as they pertain to uses.
 - D. The applicant has adequately demonstrated that the request would be more advantageous to the community because it would facilitate a use that is needed by the community, compatible with nearby uses, and would further applicable goals and policies in the Comprehensive Plan, as shown in the policy-based discussion in Section C.
 - E. The request is to change the zone from M-1 to C-2, which is considered "down-zoning" of the intensity of permitted uses, in order to re-develop the subject site into multi-family and commercial or mixed-uses. The request would not be harmful to adjacent property, the existing neighborhood or the community because the area is already characterized by a mixture of M-1, C-3, and C-2 uses and has been for a long time.
 - F. The request would not require major or unprogrammed capital expenditures by the City and the subject site is already served by existing infrastructure.

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- G. Economic considerations are a factor, but they are not the determining factor for the request, which is that the requested zone is more advantageous to the community due to providing more multi-family housing options in an unfilled market and in an appropriate location near transit and commercial services.
 - H. Location on a collector or major street is not in itself justification for the proposed zone change because of other factors such as the general need for multi-family housing in the area and the redevelopment of a blighted vacant lot in order to enhance the environment and streetscape.
 - I. The request would result in a spot zone because it would give a zone different (C-2) from surrounding zoning (M-1 and C-3) to one area. However, the applicant has demonstrated that the request would clearly facilitate realization of the Comprehensive Plan (see the response to Section C).
 - J. The subject site does not constitute a "strip of land along a street" because it is an approximately 9.8 acre square shaped area, and therefore wouldn't be suitable for strip commercial development. The response to Section J is sufficient.
7. The applicant has adequately justified the Zone Map Amendment (Zone Change) pursuant to R270-1980. The policy-based response to Section C demonstrates that the request would further applicable goals and policies in the Comprehensive Plan. Though the request would create a spot zone, it is justifiable because it would clearly facilitate realization of the Comprehensive Plan. The proposed multi-family and community commercial uses would operate in an area that has been characterized by M-1, C-3, and C-2 zoning for many years, and it would not be harmful to adjacent property, the neighborhood, or the community.
8. The applicant notified the District 7 Coalition along with property owners within 100 feet of the subject site, as required. A facilitated meeting was not requested nor held. As of this writing, staff has not received any inquiries or correspondence in support or opposition to the request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 29, 2017**. 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 recommendation.

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).

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ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,


Suzanne Lubar
Acting Planning Director

SL/CS

cc: Cornerstone Capital, LLC, 6601 Coors Blvd NW, Suite C, ABQ, NM 87102
Consensus Planning Inc., 302 Eighth St. NW, ABQ, NM 87102
Dist. 7 Coaliton of Neigh. Assoc., Lynne Martin, 1531 Espejo NE, ABQ, NM 87112
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