

CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339**

OFFICIAL NOTIFICATION OF DECISION

February 14, 2019

Jeannett Martinez
1026 Dorothy St. NE
Albuquerque, NM 87112

Project #2018-001840
RZ-2018-00053 – Zone Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for all or a portion of Lot 13, Block 25, University Heights, zoned RM-L to MX-T, located at 123 Girard Blvd. SE on the northwest corner of Girard Blvd. and Silver Ave. SE, containing approximately 0.2 acre. (K-16)
Staff Planner: Cheryl Somerfeldt

On February 14, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project PO Box 1293 2018-001840/SI-2018-00053, a Zone Map Amendment (Zone Change), based on the following findings and conditions:

Albuquerque
NM 87103
www.cabq.gov

FINDINGS, Findings, Zoning Map Amendment (Zone Change)

1. This is a request for a Zone Map Amendment (Zone Change) for Lot 13, Block 25, University Heights, located at 123 Girard Blvd. SE, on the northwest corner of Girard Boulevard SE and Silver Avenue SE and containing approximately 0.2 acres.
2. The request is to re-zone the property from the existing R-ML, Residential-Multi-Family Low Density Zone District, to the MX-T, Mixed-Use-Transition Zone District in order to use the existing 4300 square foot building for a mix of office and residential uses.
3. The applicant intends to operate a medical office / wellness clinic on the ground floor of the main house, 3 apartments upstairs, and 2 apartments in the back of the house for a total of 5 dwelling units.
4. The subject site is not within the boundaries of a Character Protection Overlay (CPO), a Historic Protection Overlay (HPO), or a View Protection Overlay (VPO).
5. 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.

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6. The subject site is within an Area of Consistency as designated by the Comprehensive Plan and the following policies apply:
 - a. The request furthers Policy 4.1.1 because the subject site is part of the University Heights neighborhood, one of Albuquerque's older communities. The request would permit rehabilitation of the existing historic home, thereby consistent with the distinct character of University Heights.
 - b. The request furthers Policy 4.1.2 and Policy 4.1.2 a) because the requested MX-T zone would permit the rehabilitation of the existing historic home, thereby protecting the identity and cohesiveness of the University Heights neighborhood and ensuring the existing character of building design. The requested office use is an appropriate scale of development and mix of uses as shown by the existing MX-T properties across the street to the east and MX-L properties to the west.
 - c. The request furthers Policy 4.1.4 and 4.1.4 b) because the requested MX-T zone will enhance, protect, and preserve the University Heights and Nob Hill traditional communities by permitting the re-use of the existing tudor style home into a mix of office and residential uses that will contribute to long-term health and vitality of the neighborhood. The property is located near the University of New Mexico in a location where both higher density smaller unit residential and office uses are existing and needed. Silver Avenue SE is a designated Bicycle Boulevard that represents a local recreational resource that will support low-intensity mixed-uses.
 - d. The request furthers Policy 4.2.2 because the applicant conducted notification and outreach beyond what is required by the IDO in order to receive extensive feedback from the surrounding neighbors, and to make sure the existing neighborhood's values, social, cultural and recreational resources continue to be respected. Although, opposition exists from the established University Heights NA and partly from the Nob Hill NA, the applicant went door-to-door to gauge the opinions of the immediately surrounding neighbors and did not find concern.
 - e. The request furthers Policies 5.1.1 and 5.1.9 because the mix of uses proposed by the change to MX-T will enhance the existing walkability of the area, including Central Avenue, a designated Main Street Corridor.
 - f. The request furthers Policy 5.2.1 because the requested MX-T zone will permit a medical office, which will contribute to the health of the community through wellness services, and will be conveniently accessible from surrounding neighborhoods.
 - g. The request furthers Policy 5.2.1 a) because the requested MX-T zone will encourage the redevelopment of the existing property and bring services and amenities within biking and walking distance of the University Heights and Nob Hill neighborhoods. Because it is located on Silver Avenue SE, a Bicycle Boulevard, and one block from Central Avenue, the Albuquerque Rapid Transit, the proposed project provides good access for local residents and for the broader community.
 - h. The request furthers Policy 5.2.1 b) because the requested MX-T zone will maintain the characteristics of the communities through zoning and design standards that are consistent with the established University Heights and Nob Hill development pattern. Girard Boulevard SE is a Major Collector and a more heavily-used north-south corridor with a

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mix of uses compared to the other surrounding local roads. In addition, The IDO applies Use Specific Standards that would limit the scope of the more controversial uses in the requested MX-T zone compared to the higher intensity mixed-use zones.

- i. The request furthers Policy 5.2.1 d) because the requested MX-T zone will continue to permit affordable housing options to meet a range of incomes and lifestyles with 5 of the 7 existing affordable rental units remaining.
- j. The request furthers Policy 5.2.1 d) e) because the requested MX-T zone will permit the proposed wellness center which will support community health through multi-disciplinary wellness services and a mix of office and residential uses conveniently accessible from the surrounding neighborhoods by walking, bicycling, transit, and single-occupancy vehicular travel.
- k. The request furthers Policy 5.6.3 because the subject site is in an Area of Consistency, and the adjacent properties to the north, west, and east are already zoned for multi-family and mixed-use development; therefore the requested MX-T zone would be consistent with the existing and future character of the surrounding area within a Main Street Corridor. Any new development is subject to the IDO's Neighborhood Edges standards (5-9) along the southern boundary, which would protect the adjacent R-T properties to the south.
- l. The request furthers Policy 6.4 because the requested MX-T zone will permit a medical office which will promote individual and community health, and the location on a Bicycle Boulevard encourages active transportation.
- m. The request furthers Policies 8.1.1 and 8.1.2 because the mix of uses allowed in the MX-T zone will contribute to a diverse place south of Central Avenue near UNM, and permit a more resilient and diverse economy than solely residential uses as permitted in the existing zone.
- n. The request furthers Policy 8.2.1 because the requested MX-T zone will permit the applicant to operate a local business, a wellness clinic/medical office, thereby supporting the local economy.
- o. The request furthers Policy 11.2.1 because the requested MX-T zone will permit the applicant to operate the desired medical office in the existing tudor styled house, therefore preserving the historic architecture at the same time conserving the affordable smaller apartments on the subject site.
- p. The request furthers Policy 11.2.1 a) because the requested MX-T zone permits multi-family use which maintains a range of housing options and affordability levels to ameliorate displacement of students to other areas.
- q. The request furthers Policy 11.2.1 b) because the requested MX-T zone will permit the medical office which will encourage the applicant to rehabilitate, preserve, and enhance the existing house.
- r. The request furthers Policy 11.2.3 and 11.2.3 a) because the requested MX-T zone will permit the applicant to operate the desired wellness center/medical business while considering the existing historic structure which is part of the identity, local history, and visual environment and has a unique historic significance to Albuquerque and the surrounding communities.

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7. Pursuant to section 14-16-6-7(F)(3) of the Integrated Development Ordinance, Review and Decision Criteria, "An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria".
 - a. 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. The applicant has adequately demonstrated, in his policy-based response, that the request would be consistent with the City's health, safety, morals and general welfare.
 - b. The zone change to MX-T would be more advantageous to the community than the current zoning (R-ML) because the request furthers a preponderance of applicable Goals and policies in the Comprehensive Plan regarding Community Identity, Land Use, Transportation, Economic Development, and Heritage Conservation and does not significantly conflict with the Comprehensive Plan.
 - c. This criterion is not applicable because the subject site is located entirely in an Area of Consistency.
 - d. The purpose of the MX-T zone is to serve as a transition between a more intense zone such as the MX-L to the west and residential zones such as the R-T to the south. That purpose would be achieved with the proposed zone change.
 - e. The applicant listed the uses that would become permitted if the zone change is approved. Staff finds that the permissive uses would not be harmful to adjacent property, the neighborhood, or the community because Use-specific Standards in Section 16-16-4-3 will adequately mitigate those harmful impacts.
 - f. The existing R-ML zone permits small and medium sized community residential facilities whereas the proposed MX-T zone will permit a large community residential facility, which is a facility in which a person resides for more than 24 hours and can include persons who are handicapped but cannot include persons currently using or addicted to controlled substances who are not in a separate recognized recovery program. All sizes of this facility are subject to the same regulations for distance from other facilities, and a large facility is unlikely due to the size of the site. A small Group Home for those protected against housing discrimination, would also be permitted if it meets all other regulations. An Adult or Child Day Care Facility would not include overnight care.
 - g. The subject parcel is approximately 7,100 square feet or 0.163 acres making it difficult to support a school, museum, health club, hotel or motel, bank of significant size, and small versions of these uses would not be harmful to the community. A bed & breakfast is currently permitted as accessory but would be permitted without an on-site resident in the proposed MX-T zone.
 - h. The subject site has adequate infrastructure capacity to serve development made possible by the request. This established urban area has sufficient infrastructure to support the uses of the requested MX-T zone on the approximately 0.163 acre subject site. Central Avenue is also a designated Premium Transit Corridor, which will provide a transportation option for residents and customers.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 1, 2019**. 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 14-16-6 of the IDO, Administration and Enforcement. 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).

Sincerely,


For David S. Campbell
Planning Director

DSC/CS

cc: Jeannett Martinez, 1026 Dorothy St. NE, ABQ, NM 87112
Nob Hill NA, Gary Eyster, 316 Amherst Dr. SE, ABQ, NM 87106
Nob Hill NA, Curtis Bayer, 201 Aliso Dr. SE, ABQ, NM 87108
University Heights NA, Julie Kidder, 120 Vassar SE, ABQ, NM 87106
University Heights NA, Don Hancock, 105 Stanford SE, ABQ, NM 87106
District 6 Coalition of NA's, Eileen Jessen, 420 General Hodges St. NE, ABQ, NM 87123
District 6 Coalition of NA's, Gina Dennis, 1816 Buena Vista Dr. SE, ABQ, NM 87106
Julie Kidder, 405 Vassar SE, ABQ, NM 87106
Eugene Trosterud, 123 Vassar Dr. SE, ABQ, NM 87106
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