

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

January 13, 2017

Mark Baker
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Project #1005580
16EPC-40070 Sector Development Plan Map Amendment (Zone Change)

LEGAL DESCRIPTION:

The above action for Lots 22 and 23, Block 32, Tract 32, Heights Reservoir Addition, zoned R-3 to C-2, located on Adams St. NE, between Lomas Blvd. NE and Roma Ave. NE, containing approximately 0.33 acre (K-17)

Staff Planner: Michael Vos

PO Box 1293

On January 12, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project Albuquerque 005580/16EPC-40070, a Sector Development Plan Map Amendment (Zone Change), based on the following findings:

NM 87103 FINDINGS:

1. This is a request for a Sector Development Plan Map Amendment to the Nob Hill Highland Sector Development Plan for Lots 22 and 23, Block 32, Tract 32, Heights Reservoir Addition, located on the west side of Adams Street NE between Lomas Boulevard NE and Roma Avenue NE, containing approximately 0.33 acre.
2. The subject site is currently zoned R-3 (Residential Zone). The request is for a change to C-2 (Community Commercial Zone).
3. The current zoning designation was established with the adoption of the original 1959 zoning code, though the subject site has been used for commercial uses since at least 1954.
4. In 2007, the City adopted the Nob Hill Highland Sector Development Plan that included the subject site within the Highland Commercial District and not the adjacent residential neighborhood.
5. On June 27, 2007, the subject site was approved as a Status Established Building by the Zoning Hearing Examiner to continue allowing limited commercial uses including office, retail, and warehousing. The nonconforming use was determined to not be contrary to the public health, safety, or welfare of the community.

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6. The Albuquerque/Bernalillo County Comprehensive Plan, Nob Hill Highland Sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The subject site is within the Established Urban Area of the Comprehensive Plan. The request is in general compliance and furthers the following applicable goals and policies of the Comprehensive Plan:

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request furthers Policy II.B.5.a because the sector development plan map amendment will expand the variety of commercial land uses allowable on the property, which already allows office, warehouse, and retail uses as a Status Established Building. This expansion of uses on a property with existing commercial activity will contribute to a full range of urban land uses in the Established Urban Area of the Comprehensive Plan without affecting the number or density of dwelling units available in the area.

Policy II.B.5.e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The sector development plan map amendment for the subject site will allow new types of commercial infill development to occur on the subject site. The subject property is located in a developed area of the City with existing infrastructure including major roadways and utility services. As the subject site is currently a Status Established Building allowing commercial activities, continuing its use as a commercial business will ensure the integrity of the existing neighborhood. The request furthers Policy II.B.5.e.

Policy II.B.5.l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

This request will allow for new uses to come to the property. Depending on the types of uses that move in and any related site improvements they make, there will be the need for the site to come into compliance with current zoning regulations, as well as comply with the standards set forth in the Nob Hill Highland Sector Development Plan. The addition of a patio with seating for a restaurant or brewery use as shown in the illustrative site plan would trigger such requirements, which would require the applicant to consider quality and innovation in design appropriate for the Highland Business District. However, a change of use without any addition would not trigger any requirements, so if the applicant were to change course, there is no enforcement mechanism on the design. The request partially furthers Policy II.B.5.l.

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

If the applicant chooses to move forward with their design as illustrated, the request will enhance unique vistas for patrons of the new business and improve the visual environment of the subject site by removing unsightly elements from the site, updating the building façade, and creating a more active, pedestrian-friendly use. However, as previously stated, there is no mechanism in this

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zone change to ensure compliance with the proposed design, so the request partially furthers Policy II.B.5.m.

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The request furthers Policy II.B.5.o because the applicant is proposing the zone change to facilitate the redevelopment of a property in an older neighborhood of the Established Urban Area. In addition, the applicant has met with and engaged the neighbors on this proposal to understand the neighborhood context to the revitalization of this commercial property.

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

Approval of the amendment to the C-2 zone will allow redevelopment of the property for a variety of uses that more easily allows private investment in the subject site. The request furthers Policy II.B.5.p.

Transportation and Transit: The Goal is to develop corridors, both streets and adjacent land uses that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Policy II.D.4.g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The request furthers Policy II.D.4.b because a change in zoning to C-2 and the site's proximity to an Enhanced Transit Corridor allows for a variety of both commercial and residential uses that are necessary to create a more walkable environment. Allowing these new uses will allow the applicant to move forward with a project that will have more pedestrian activity than the office and warehouse uses currently allowed by the Status Established Building designation.

Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy II.D.6.b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The request furthers Policy II.D.6.b because the applicant intends to open a new, local business on the subject site. In addition, the diversity of uses allowed by the proposed C-2 zoning will allow for both local and national firms of a variety of types to locate on the subject site now and into the future.

Policy II.D.6.d: Tourism shall be promoted.

The request furthers Policy II.D.6.d because new businesses, especially in brewing, are important draws for visitors that complement major events such as Balloon Fiesta. The subject site's location near a major roadway allow it great accessibility for visitors in close proximity to other major centers including Downtown, Uptown, and Nob Hill.

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8. The request is located in the Highland Commercial District, and is in general compliance with the following applicable goals of the Nob Hill Highland Sector Development Plan:

Pedestrian Circulation Goal: Create an environment that facilitates a high-quality, pedestrian-oriented experience.

The applicant intends to update the building and site with a patio and improved circulation that would not otherwise occur under the existing use and the Status Established Building. However, changes in use without any changes in building square footage would not trigger any requirements to make these improvements, so the request partially furthers the Pedestrian Circulation Goal.

Vehicular Circulation Goal: Accommodate the flow of automobile traffic through the plan area while integrating it with a pedestrian-oriented, multimodal, mixed-use, urban environment.

The request furthers the Vehicular Circulation Goal by locating potentially higher traffic uses in close proximity to Lomas Boulevard, which is designated as a Regional Principal Arterial and Enhanced Transit Corridor, with access to multi-modal transportation options. The applicant also proposes improving the parking lot and potentially routing vehicles through the adjacent alley, which would create safer circulation and reduce conflicts of vehicles backing over the sidewalk and into the adjacent street.

Community Form Goal: Reinforce the Nob Hill Highland district as a vibrant, high quality, pedestrian-oriented urban community and a destination for greater Albuquerque.

The request furthers the Community Form Goal by allowing new potential businesses to locate in the Highland Business District potentially adding to the existing vibrancy of the Nob Hill Highland area. These businesses could become a destination for the local neighborhoods, as well as the rest of Albuquerque.

Economic Vitality Goal: Create an environment where businesses, and particularly, small, locally owned businesses, can thrive.

The request furthers the Economic Vitality Goal by allowing a variety of potential businesses to locate on the subject site that is otherwise limited in use as a Status Established Building. Approving more flexible zoning creates opportunities for different businesses to move in and thrive.

9. Approval of the request supports numerous Comprehensive Plan policies regarding land use, transit, and economic development, as well as goals of the Nob Hill Highland Sector Development Plan.
10. The proposed zone designation will match the adjacent commercial zoning and match the zoning with the existing and prior uses of the subject site.
11. The request has been justified pursuant to R-270-1980 as follows:
- A. The cited policies in the applicant's justification letter and summarized in the staff report support the statement that the request is consistent with the health, safety, morals, and general welfare of the city.

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- B. The proposed change from R-3 to C-2 zoning corrects the zone map to match the commercial land use that has operated on the site for many years, and will provide additional types of commercial uses for the community. The requested zone is also the same zone designation as the adjacent commercial uses to the north and west of the subject site; therefore, stability of land use will be maintained with approval of this request.**
 - C. The request is generally consistent with and furthers several goals and policies of the applicable plans as summarized in Findings 7 and 8.**
 - D. Without findings for the 1959 adoption of the zoning for the subject site it is not possible to determine if the zoning was actually made in error or if the nonconforming use simply remained and the intent for multi-family residential was never realized. However, the Zoning Hearing Examiner Decision did state that the nonconforming commercial uses were not contrary to the public interest or injurious to the community. In fact, the applicant has clearly demonstrated the existing zoning is inappropriate because a different use category would be more advantageous to the community. The request to change the zoning will allow for redevelopment of the subject site with a variety of potential uses that will be advantageous to the community as articulated by numerous policies of the Comprehensive Plan and fulfilling the goals of the Nob Hill Highland Sector Development Plan as outlined in the Analysis section of the staff report beginning on page 3; therefore, the proposed C-2 zone designation is more appropriate for the subject site.**
 - E. The requested C-2 zone is identical to the zoning of the properties to the north and west of the subject site where the C-2 zone is mapped adjacent to R-3, R-2, and R-1 zones. In addition, the subject site has operated with commercial uses since 1954 and has not been harmful to any adjacent property, the neighborhood, or the community as a whole which will not change with approval of this request.**
 - F. Approval of the requested amendment will not require any capital improvements because the site is located in an area that already has sufficient infrastructure.**
 - G. The cost of land or other economic considerations are not a determining factor in the request for a sector development plan map amendment.**
 - H. The subject site is not located on a major street and the location is not a justification for the requested zoning; rather, the request is based on there being an error in the zone map and the request being more advantageous to the community.**
 - I. The request clearly facilitates realization of the Comprehensive Plan, and does not constitute a spot zone as there are numerous other properties in the immediate area and adjacent to the subject site with the same zone designation as what is requested.**
 - J. The existing zoning along portions of Lomas Boulevard, including the area of the request, may be considered strip zoning; however, the request clearly facilitates the realization of the Comprehensive Plan and will reduce the strip-like nature of the commercial zoning in the immediate area.**
- 12. The Highland Business and Neighborhood Association and District 6 Coalition were notified of this request, as well as property owners within 100 feet of the subject site. A facilitated meeting was**

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recommended, but was declined by the neighborhood associations as described in the No Meeting Report issued by the facilitator and dated December 21, 2016. There is no known opposition to this request.

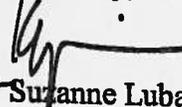
APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JANUARY 27, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered 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 decision.

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).

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,


for Suzanne Lubar
Planning Director

SL/MV

cc: Mark Baker, 521 Graceland Dr. SE, ABQ, NM 87108
Consensus Planning, 302 8th St., ABQ, NM 87102
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Highland Business & NA, Omar Durant, 305 Quincy St. NE, ABQ, NM 87108
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